

Monday, December 19, 2016, Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston and Deputy Clerk Nancy Ryals.

County resident Marty Martinez joined the meeting.

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 and Bridge has been working on the Naples Bridge problems. Mr. Kimball stated that he met with Matt Farrar, State Bridge Engineer with the Idaho Transportation Department. Mr. Kimball said he spent most of a day with Mr. Farrar and they also discussed the McArthur corridor and School House Road. Mr. Kimball stated that he and Mr. Farrar also looked at the golf course area, Moravia and Deep Creek Loop where it comes out on Highway 95. Mr. Kimball stated that he and Mr. Farrar discussed keeping the speed limit at 45 mph until traffic is past the golf course. Discussion with Mr. Farrar was also held regarding the intersection of Roosevelt and Highway 2 in Moyie Springs, according to Mr. Kimball.

9:02 a.m., Mike Brown, Blue Sky Broadcasting reporter, joined the meeting.

The Naples Bridge has been hit and the damage has to be repaired, according to Mr. Kimball. HMM Engineering has been contacted to help with the repairs. The county will be looking at restitution for the bridge repairs, according to Mr. Kimball. Part of the design look is to raise both ends to help eliminate the problem with the bridge being hit, according to Chairman Dinning. Mr. Kimball said the key pieces are the sway pieces that run perpendicular to the structure in the middle. The bridge is going to be reevaluated for load limits this week. Mr. Kimball said that he needs to spend money right away to make repairs. Mr. Kimball said an engineer has to approve the changes. Mr. Kimball will get back to Commissioners when he knows more. The truck that hit the bridge must have been going very fast as it was a severe hit. The key people at the mill were out at the company Christmas party so the logs were decked and the situation was not handled the way they should have been so Idaho State Police (ISP) could do their investigation.

Chairman Dinning inquired if the flagger was still there. Mr. Kimball said the flaggers aren't there today. Chairman Dinning stated if the bridge gets struck again, there will be big problems. Commissioner Pinkerton agreed and stated that the flaggers need to stay there. Commissioner Pinkerton asked if Mr. Kimball was talking about temporarily closing the bridge. Mr. Kimball said that the mill couldn't handle that. Clerk Poston suggested closing the bridge but opening it certain hours of the day. Commissioner Kirby agreed that there needs to be flaggers at the bridge. It costs two-thirds less to put a flagger there than to have a county employee on site. Commissioners requested Mr. Kimball keep a flagger at the Naples Bridge.

Mr. Kimball asked Commissioners to have the county civil attorney contact him.

Port of Entry personnel also visited with Road & Bridge. They talked about the potential of putting something in Athol to check on over height vehicles. The Port of Entry people do not have the authority to pull over trucks, according to Mr. Kimball. There is no place other than Worley where the Port of Entry personnel can set up, according to Mr. Kimball. Mr.

Kimball stated that there is a rod with a right angle on it to check the height of the loads on the trucks at the Naples Bridge. There was one person who was a little upset about being checked for load height.

Mr. Kimball reported that there is supposed to be six inches of snow accumulating between yesterday and tonight and then it is supposed to rain.

Mr. Kimball reported that the Road & Bridge Department sanded on Thursday (December 15th) and applied salt to roads. Mr. Kimball stated that he went up Highland Flats Hill to check on the road conditions and the sand, salt procedure is working well.

Mr. Kimball said Road & Bridge issues that need discussed with the civil attorney are the county will want to pass an over-height ordinance for anything over 14' for Deep Creek Loop, Pack River Road and Ruby Creek/Ascent right of way acquisitions, and plowing at Curley Creek Fire Station.

Mr. Kimball left the meeting at 9:17 a.m.

Commissioner Pinkerton moved to sign Certificates of Residency for Chandra Bennett, Tiffany Bennett, Kyler Robles, and Kurtis Nix. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to cancel taxes on the advice of the Treasurer on parcel number OC62N01363613A due the owner failing to timely notify the Assessor that the home was unoccupied. The tax and fees amount to be cancelled is \$795.20. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved that Commissioners approve and sign the application for Selkirk Weed Management Area 2017 participation for priorities 1, 2, and 5. All match will be non-cash. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning commented that at one point the Commissioners discussed the possibility of getting defibrillators for the courthouse. Defibrillators have improved to the extent that the defibrillator speaks to you to tell you exactly what to do. Chairman Dinning inquired if Commissioners want to look into it again. Chairman Dinning asked if the Commissioners care if he checks into it to see what the cost is. Commissioners think it is a good idea. Chairman Dinning stated that the machine will even tell you if the person is actually even having a heart attack.

Chairman Dinning stated that the actual quote from the City of Bonners Ferry is \$2,770.00, to include two guy assemblies, for lights for the courthouse parking lot. Commissioners gave the go ahead for the lights to be installed.

Blue Sky Broadcasting Reporter Mike Brown left the meeting.

Commissioners briefly discussed the proposed Boulder Creek Restoration Project. Chairman Dining wanted Commissioners' okay to say the county wanted both options five and six. Commissioners agreed.

9:53 a.m., Boundary Ambulance Service (BAS) Chief Jeff Lindsey joined the meeting.

10:00 a.m., Commissioner Kirby moved to recess as the Boundary County Board of 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 from the November 21, 2016 meeting. Commissioner Pinkerton second. Motion passed unanimously.

Chairman Dinning stated that a long time ago there was grant money to purchase defibrillators and the machines were a little complicated, but now he understands the machine itself will say whether or not a person is actually having a heart attack and how to use the machine. Chairman Dinning asked if it is helpful to have the defibrillators in public buildings. Mr. Lindsey responded yes, it is a huge deal. Chairman Dinning said the courthouse does not have one and he does not know if there is one at the Sheriff's Office, Extension Office, Restorium, or Road & Bridge. Mr. Lindsey said the machines are very important to have even though the ambulance personnel can get to a scene fairly quickly. Clerk Poston inquired about the cost. Mr. Lindsey said Commissioners should let the BAS know if the county is serious about obtaining defibrillators. You can get them for \$700 to \$800.

Mr. Lindsey said BAS is just under what was budgeted for the ambulance's 2016 budget. BAS will start 2017 with some money but not enough. Mr. Lindsey said Steve Russell, who is the new interim BAS Treasurer, helped him with the budget. Mr. Lindsey commented on Mr. Russell's extensive budgeting knowledge. Mr. Lindsey stated that the ambulance is on a calendar year budget and they need cash to begin 2017. Mr. Lindsey stated that BAS paid 10% of what was collected to a local company to do the ambulance billing which is over the standard charge of six or seven percent. BAS is going to change billing companies and beginning January 1, 2017, BAS will work with a Washington billing company, System Design West, who charges a lower rate. With the local billing company, BAS was only getting a 70 percent collection rate and the new billing company has a collection rate in the 80 to 90 percentile. Chairman Dinning commented that the county needs to have enough funds left at the end of the county fiscal year to fund three months. Mr. Lindsey said BAS bills run about \$40,000.00 per month. Clerk Poston said the county can give BAS \$33,000.00 today which is part of the 2016 tax collection the ambulance would have received in January 2017 anyway. Mr. Lindsey said that amount would work. This was 2016 tax collection money that was collected for the ambulance.

Commissioner Pinkerton moved to authorize the Clerk to send \$33,000.00 of the 2016-2017 taxes that have been collected to BAS. Commissioner Pinkerton clarified that it is an advance on the amount that would normally be paid out the end of January. Commissioner Kirby second. Motion passed unanimously.

Everything is going well with the hospital and fire departments, according to Mr. Lindsey. Commissioners stated that they have not heard any complaints regarding the ambulance. Chairman Dinning stated that Commissioners still do not have the completed lease for the Armory property. Chairman Dinning asked Mr. Lindsey if there is any other area Commissioners can help with. Mr. Lindsey stated no and informed Commissioners that he is thrilled there is an awesome working relationship with the county.

Mr. Lindsey reported that the fire chiefs have all come together and there is an agreement for extrication. Last week there was a call and everything worked out good between the ambulance, fire chiefs and dispatch. The City of Bonners Ferry does not wish to be part of that agreement. Commissioner Pinkerton stated that the fire departments need to keep up with the continuing education due to personnel changes within the fire departments.

Mr. Martinez left the meeting for the upcoming executive session.

10:21 a.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. 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 10:30 a.m. No action was taken.

Mr. Lindsey left the meeting and Marty Martinez returned to the meeting at 10:30 a.m.

10:30 a.m., Commissioner Kirby moved to adjourn as the Boundary County Ambulance Service District Governing Board and reconvene as the Boundary County Board of Commissioners. Commissioner Pinkerton second. Motion passed unanimously.

The meeting scheduled for 10:30 a.m. with Forest Service District Ranger Kevin Knauth and Kootenai Tribe of Idaho Facilitator Patty Perry did not take place.

Commissioners tended to administrative duties and then took a short break.

The discussion regarding the Memorandum of Understanding with the Idaho Department of Lands for the South Boundary Project and associated direct payments will be postponed until tomorrow.

Commissioners attended to administrative duties.

11:25 a.m., Deputy Clerk Michelle Rohrwasser joined the meeting and Deputy Clerk Ryals left the meeting.

11:30 a.m., Commissioners met with Assessor Dave Ryals and GIS Mapper Olivia Drake.

Chairman Dinning said he was approached by a City of Bonners Ferry employee who asked of the possibility of employing the county's GIS mapper on a part-time basis. Assessor Ryals said if Ms. Drake wants to do this work outside of her normal work hours, that is an option, but he does not want to split up her time during work hours. It was asked if Ms. Drake would be able to use county equipment, hardware, and software for the city's work. Assessor Ryals said city's work should not take a lot of Ms. Drake's time, but it is up to Commissioners as to allowing the use of county equipment. Ms. Drake explained how the process would work and mentioned doing a computer information backup in such a way the city would never see county files. Chairman Dinning said in essence Ms. Drake would be contracting with the city privately so it is not on a county employee basis. It was said backing up the county's parcel data is just for the city's use. The issue with working on some of the city's other files is that Ms. Drake works for the county from 8:00 a.m. to 5:00 p.m., and those are the city's hours as well so she would not be able to go to the city and use their computers during that time. Commissioner Pinkerton said we don't want to create a conflict of interest for Ms. Drake. It is the county equipment making Ms. Drake extra money and that may be creating a conflict. Chairman Dinning questioned Ms. Drake being paid overtime as a county employee and having the city compensate the Assessor's budget for that. Assessor Ryals said that convolutes his budget and would end up costing the city more as Ms. Drake would need to be compensated at time and one-half. Clerk Poston said the county can always draft a resolution to deposit funds back into the budget. Those present

discussed computer usage. Assessor Ryals said this project might become something attractive to the city and Ms. Drake may not want to put in the extra time. Clerk Poston gave the example if one of her employees had an extra job selling Avon and if they had to go online, she would not want that employee using the county's computers for that. Commissioner Pinkerton explained how it is the county providing its employee and equipment to supplement another agency. There is no issue with doing this unless the county is taken out of the equation. Chairman Dinning said the county can contract with the city at a rate to compensate the employee.

Clerk Poston questioned if the city has the same ability to work with this information. Assessor Ryals and Chairman Dinning said the city does have to contract with someone for GIS work, but the county's information is sent to the city anyhow. It could be that the private contractor's information is shared and Ms. Drake works for the city outside of her normal hours at the county. Clerk Poston said there is also Public Employees Retirement System of Idaho (PERSI) contribution and more that goes into just the pay. Clerk Poston asked if there will be a charge for use of county equipment and she explained that this will involve more work in addition to the work for Ms. Drake and Assessor Ryals, such as keeping track of hours and billing. Chairman Dinning likened it to receiving a bill for electrical service work the city will be doing for the county in installing light poles and lights.

Ms. Drake left the meeting.

Commissioners discussed a request from The Pearl Theater asking Commissioners to consider their position on a Property Tax Exemption form. The Pearl Theater representatives submitted their completed application, but it was past the April 15th deadline so the exemption would not apply to year 2016, but will take effect for year 2017. Commissioners said they will send a letter to The Pearl Theater stating the county does not have the ability to approve the exemption benefit for year 2016 as it was not the county that made the error and this is not a hardship situation. The deadline in which to have received an appeal would have been the fourth Monday in June, according to Assessor Ryals. The Pearl Theater qualifies for the exemption for year 2017, but not for year 2016 as they missed the deadline.

Commissioners spoke to Assessor Ryals about the Property Tax Exemption Application for the New York United Sabbath Day Adventist Church. Chairman Dinning said County Civil Attorney Tevis Hull was unable to find any corporate filings for this church. Assessor Ryals said this church possibly may not qualify as the New York Secretary of State's Office did not find a corporate filing as well.

The meeting with Assessor Ryals ended at 11:51 a.m.

Commissioner Kirby moved to approve the increase of \$.13 for hangar lease fees at the airport. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby left the meeting.

Bonnors Ferry Herald Managing Editor Star Silva met with Commissioners to get clarification on earlier meetings for her articles in the newspaper to include the McArthur Lake corridor and Bog Creek Road. Commissioner Pinkerton spoke of matters pertaining to the Forest Service in relation to keeping people from accessing Bog Creek Road. Chairman Dinning said the Forest Service is in the first stages of the public comment process on what they are looking at doing. The Forest Service should be coming back to meet with Commissioners to review project alternatives the Forest Service has come

up with, and maps. Commissioner Pinkerton said that meeting will probably never happen until the county puts the Forest Service's feet to the fire. The Forest Service has said the Border Patrol is bound by the Grizzly Bear Access Amendment. Commissioner Pinkerton said the Border Patrol is not bound in any fashion; it is the Forest Service in their consultation with the Fish and Wildlife Service.

Ms. Silva left the meeting.

12:20 p.m., there being no further business, the meeting recessed until tomorrow at 9:00 a.m.

***Tuesday, December 20, 2016, at 9:00 a.m., Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser. Commissioner Walt Kirby was out of the office for the day.

Commissioner held an elected officials/department heads meeting. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Clerk Glenda Poston, Road and Bridge Department Superintendent Clint Kimball, Noxious Weeds Department Superintendent Dave Wenk, Courthouse Maintenance John Buckley, Restorium Administrator Karlene Magee, Extension Educator Amy Robertson, Chief Deputy Clerk Tracie Isaac, Assessor Dave Ryals, and Prosecutor's Office Manager Tami Goggia.

Chief Deputy Clerk Isaac informed everyone the county's medical insurance plan does cover employees outside of the United States and she explained how to determine which out of country doctor is in network. If there is no network provider, the coverage is at 70%. If the employee is on county business, they would be covered by worker's compensation, according to Chief Deputy Clerk Isaac.

Chairman Dinning asked that department heads and elected officials advise their employees not to play computer games on county computers as that is something he has witnessed. Clerk Poston added that is something that is probably referenced in the county's computer use policy.

Chairman Dinning said for any county department that collects money in any fashion, there needs to be an accurate accounting of that as Commissioners have experienced people running up significant bills and were not made aware of that. Clerk Poston said she was totally unaware of the arrears that had been approaching \$20,000. Even if it is a low amount in arrears, make Commissioners aware of it so the matter can be pursued.

It was said January 9th is the date that elected officials will be sworn into office.

Chairman Dinning said the county is only three months into the new budget, but to please still be conservative. The county doesn't know what it will receive in payment in lieu of taxes (PILT) and Secure Rural Schools (SRS) may not be reauthorized. Of the amount of SRS funds that is allotted, \$350,000 has gone to the school district. Mr. Wenk asked if the county has ever levied for Road and Bridge. Chairman Dinning said no. There is still the 3% cap and if the county was to levy for Road and Bridge, because the county cannot levy beyond that 3% cap, it takes funding away from other county department budgets. It is also reduced by a percentage of funds that goes to the city, according to Clerk Poston.

Commissioners asked for department updates.

Ms. Goggia said it is work as usual in the Prosecutor's Office. Chairman Dinning said he was informed that a constituent had asked the progress of the investigation of the Catholic Church fire and he was aware that matter had been turned over to the federal government. Ms. Goggia said this case is still in the hands of the federal government. Mr. Wenk said he had contacted the Federal Bureau of Investigations (FBI) and was told the FBI has their information ready and it is up to the US Attorney as it is a hate crime. There has to be a competency hearing for suspect. Mr. Wenk further explained the status of the case and he said he was told it has not been forgotten. Ms. Goggia said Boundary County is not the holder of the records so they have to get records from the other agencies.

Ms. Magee said the Restorium is full with no vacancies.

Mr. Wenk said the first of year the grant for the Neighborhood Weed Cooperative will be online, but he will also post information on this program in the Bonners Ferry Herald and Newsbf.com.

Mr. Kimball said Road and Bridge has few things going on. Mr. Kimball said he has until January 5, 2016, to get out applications for Surface Transportation Program-Rural (STPR) projects and he is going to ask for assistance on the Naples Bridge from federal agencies. Road and Bridge will also look at Safety improvements for School House Road. Road and Bridge is also working on the Cow Creek Guardrail project and applying for projects through State Parks and Recreation grants. Mr. Kimball said he was awarded funds for the Snow Creek Bridge through a State Parks and Recreation grant. Mr. Kimball said Road and Bridge has been plowing snow, which was difficult yesterday due to the snow drifts.

Ms. Robertson said the Extension program is good and she listed the various classes scheduled for January. The enrollment for 4H was completed in December, but new enrollees can still apply. The Extension Office will be closed as per the University of Idaho's holiday, which is this Friday and next Friday.

Mr. Buckley said he is waiting to hear from the City of Bonners Ferry about a 20 percent handling fee the city is assessing the county for installing light poles in the parking lot behind the Extension Office. The county has older 8 foot by 20 foot long docks that had been used at the Waterways/Rock Point boat launch. The county wants to surplus these docks and sell them at public auction. Mr. Buckley asked about county liability as the docks are still at the Waterways location. Chairman Dinning said for there to be a liability, the county has to be proven to be negligent, but it was determined the old docks are safe in their current state. Mr. Buckley informed Commissioners that someone fell and slipped on the siding at Memorial Hall so he placed cones out and strung up caution tape, but the tape fell down and someone walked through that area and fell.

9:21 a.m., Planning and Zoning Administrator John Moss joined the meeting.

Chief Deputy Clerk Isaac said Boundary County has met all goals for the Idaho Counties Risk Management Program (ICRMP) training with the exception of the Sheriff's Office as they also have a driving portion of the test. Chief Deputy Clerk Isaac said sick leave bank notices went out to employees recently so she will need to know if employees want to donate a portion of their sick leave hours. There is now 5,000 hours in the sick leave bank. Chairman Dinning questioned if the sick leave bank committee met to discuss capping the total hours. It was said an employee has to donate to the bank in order to be able to utilize it.

Clerk Poston said she is still waiting to receive a sunshine report to be turned in from one candidate.

Mr. Moss said he has the final update on Zoning Ordinance amendments.

The elected officials/department heads meeting ended at 9:26 a.m.

County Noxious Weed Department Superintendent Dave Wenk met with Commissioners to give his department report. 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. Chairman Dinning yielded the chair to second. Commissioners voted as follows: Chairman Dinning "aye" and Commissioner Pinkerton "aye". Motion passed unanimously. The executive session ended at 9:47 a.m. No action was taken.

The meeting with Mr. Wenk ended at 9:47 a.m.

Commissioners tended to administrative duties.

10:00 a.m., Extension Office Educators Amy Robertson and Kate Painter joined the meeting to update Commissioners on Extension programs. Ms. Robertson spoke of various programs to include the village projects, field trips, Friday Friends, money management classes, classes on germs, kindergarten classes, and the Bonner County Citizens Preparedness seminar to discuss food storage and safety. Ms. Robertson said this last course is mainly for food storage and safety in the event of a power outage.

Ms. Painter said she will start the grain variety trials at the Dillin residence in June. This program provides great data as to how the different varieties do in Boundary County. Ms. Painter explained the struggles she has experienced in getting people to attend this course and how she would like advice on how to get the word out to more people. The Extension Program was involved in the farm to table fundraiser, which was a lot of work, but worth it, according to Ms. Painter. This event consisted of dinner and some silent auction prizes. The event more than met the goals and there was great participation throughout the county. Donations came in from many people.

Ms. Painter expressed how she would like to get more people involved in various programs and since she is struggling to get publicity out, she created a blog and is having a local media outlet help as well. Ms. Painter said she will work with the High 5 grant representatives very closely. Ms. Robertson said the Extension Program and 4H are both community partners in this grant and she will see how to meet community needs.

Chairman Dinning asked how the fair did for the Extension Office. Ms. Robertson said 4H and Future Farmers of America (FFA) numbers are doing well for members signing up. Ms. Robertson informed Commissioners the Extension Office will start writing monthly columns in the Bonners Ferry Herald in order to gain awareness. Commissioners and Ms. Robertson discussed the number of junior participants in various Extension programs.

The meeting with Ms. Robertson and Ms. Painter ended at 10:17 a.m.

Commissioners tended to administrative duties.

10:30 a.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. Chairman Dinning yielded the chair to second. Commissioners voted as follows: Chairman Dinning "aye" and Commissioner Pinkerton "aye". Motion passed unanimously. The executive ended at 10:46 a.m. No action was taken.

Commissioner Pinkerton moved to sign the letter to The Pearl Theater regarding the theater's appeal for Commissioners to reconsider their Property Tax Exemption form. Chairman Dinning yielded the chair to second. Motion passed unanimously.

10:54 a.m., Paradise Valley Fire District Commissioner Orrin Everhart, Paradise Valley Fire District Firefighter Josh Wortley, South Boundary Fire District Commissioner Bruce Whittaker, Boundary County Emergency Services Incident Commander Bob Graham, Sheriff Greg Sprungl, and Bonners Ferry Herald Managing Editor Star Silva joined the meeting.

Mr. Everhart said on December 5th there was a small chemical spill within the Paradise Valley Fire District, but that he would defer the rest of the communication to Mr. Wortley. Mr. Wortley referred to his log book he keeps of the calls for his district. Mr. Wortley said the alarm came in at 8:10 p.m., for a formaldehyde spill. Crews were in route and Mr. Wortley completed a size up of the scene. Mr. Wortley informed Commissioners that he referred to his reference book on various chemicals to become familiar with the basics he needed to know. At that time the content percentage of the chemical was not known. Tom Bennett, Paradise Valley Fire Chief, let Mr. Wortley handle the scene and Mr. Wortley contacted the Sheriff's Office so they would notify Mr. Graham. Once on scene, people were moved out and away from the house. Mr. Wortley explained how a young man from this home had walked through the chemical and it had been tracked though the house. Command was established through Paradise Valley Fire District's protocols.

Chief Deputy Sheriff Rich Stephens joined the meeting at 11:00 a.m.

The chemical was 37% by volume from what was listed on the container. The property owner had brought up the chemical's container and put it on the porch and Mr. Wortley notified the Sheriff of what the chemical was. Fire Chief Bennett arrived on scene, according to Mr. Wortley. Mr. Wortley said he researched his emergency response guidebook (ERG) and found that formaldehyde is extremely flammable so as he is trained in hazmat situations and this chemical is flammable, he shut off the heat. Mr. Wortley explained how they learned this chemical can be used in dialysis machines. The 30% by volume form is used in these machines.

Once Mr. Graham arrived on scene, discussion took place with Mr. Graham as to what has happening. Mr. Wortley said he did not want anyone going inside the house based on what he has learned in training in these situations. The decision was made to send two responders in, against his recommendation, to open windows and to evaluate the spill. There was a lot of talk going on as to how much chemical there was and it was over one-half gallon. This chemical had spilled up and down the hallway as the kid who stepped in it tracked it around from his footy pajamas. This young man walked across the kitchen floor, etc., so many areas of the house were covered in formaldehyde. Emergency responders went into the house for five minute increments to see what was going on and to take care of the windows. Statecom was notified and they classified this incident as a Class 2 hazardous spill so that a cleaning crew would come to clean this up. Mr. Wortley

said a fire department crew should never clean this chemical up and he added that there was some argument as to whether or not the fire department should clean this spill up.

Property owner Howard Seaman joined the meeting.

A cleaning company felt the spill was too small for them to deal with so the property owner was told he would have to have a personal cleanup crew come to clean up the spill and he was given phone numbers for private contractors to call. The property owner promised Mr. Graham he would not go back into the house and Chief Bennett cleared the scene at 10:21 p.m., with the understanding the property owner would be in touch with a private cleaning company.

Mr. Wortley said the Paradise Valley Fire District was called out to this property again the next day by Mr. Graham, and he was no longer the incident commander. Mr. Wortley said he was notified by his crew that they did not want to go inside the house so he contacted South Boundary Fire District and their chief also agreed in not going in as they were not qualified to clean up the spill, they did not have the proper equipment, and they are only trained in hazmat operations. Cleaning this chemical spill is the job of a cleaning company. Mr. Wortley said he knows there were individuals who were upset because of that decision, but that is how the fire departments work in this situation. The fire department removes the immediate threat and goes to their level of training. Mr. Wortley said Paradise Valley Fire District does not have any hazmat technician-level staff on the department.

Mr. Everhart said that is the firefighters' point of view so it is appropriate for Mr. Graham to fill in the blanks. The intent is if there is a misunderstanding, we all need to know that in order to prevent this situation from happening again in the future in the event of a chemical spill. Chairman Dinning said at this point no one has identified the concern. Is the concern that there were people that went into the home that were not trained? Mr. Wortley and Mr. Everhart said yes. Initially, it is the fire department who enters the home to do a quick assessment, then goes back outside so that is part is fine. The concern is beyond that, if there is going to be any cleanup of the spill, that is not the responsibility of any fire department in the county. Chairman Dinning said that is what he needed to understand; that there may have been that expectation. Chairman Dinning asked if there has been a debriefing to iron this out. Mr. Everhart said Mr. Graham will have a role in that, but he has not spoken to Mr. Graham. Mr. Everhart said he would like to know what Mr. Graham has to say and what his phone communication was with the hazmat team in Coeur d' Alene as the fire department needs that piece of information, too. Chairman Dinning said Mr. Graham contacted Statecom and decisions were made and after that, firefighters were told to go into the home and clean the spill up. It is a matter of who is authorized.

Mr. Graham said he is sure as to what the difficulty was and he doesn't see anything wrong with what transpired that Monday night. Mr. Graham said as near as he can recollect, he did not order any firefighters into the structure. The Paradise Valley Fire District was on scene when he got there. Nothing was done on Monday night. After leaving the scene that night, Mr. Graham said he got home and read up on formaldehyde. Mr. Graham said shortly after he arrived on scene he asked Mr. Wortley to give him a rundown of the situation. Mr. Graham said he had worked with formaldehyde in grade school and in high school and all he did then was wash it down the drain. Mr. Graham said he went inside the house to see how bad the fumes were and Mr. Wortley went in with him, but he did not recall telling Mr. Wortley that he had to go in. Mr. Graham said he could not smell any chemical, but Mr. Wortley said he could so they both went outside and looked through window to see the spill.

Mr. Graham said Emergency Services are required to report to Statecom for all hazardous material spills and he was asked all kinds of questions as Statecom has a very typical protocol they follow. After that, a conference call is set up with state and federal agencies that would be interested in the incident. The call moderator asked Mr. Graham to describe the incident and the amount of material spilled and its severity. Those call participants are expected to comment and usually do. Mr. Graham said the first thing is for him to review the incident, the second thing is for him to provide Statecom his plan for the spill. Mr. Graham said his plan was to pour kitty litter over the spill and put it in a bag since the spill was so small and did not smell. Mr. Graham said there was no significant hazard so he would have had the firefighters pour kitty litter over the spill and bag it. At the end of the conference call one person advised not going in the house without some kind of breathing protection and Mr. Graham said he suspected it might have been a member from the Department of Environmental Quality (DEQ), but it might not have been. Mr. Graham said he was locked out once that statement was made as he has to abide by that suggestion. Mr. Graham said he then talked to the homeowner.

It was said the incident was at a level 2 and there are three levels for hazmat situations that are assigned by Statecom, but that they have nothing to do with the severity of the predicament. Level 1 is handled strictly by local agencies, level 2 means the state is involved, and if the federal agencies are involved, it is a level 3. Mr. Graham said the call moderator classified this incident a level 1, but Idaho State Patrol (ISP) was on scene, which raised the level to a level 2 incident. Mr. Graham said the ISP officer was on scene and it was nice to have him there, but he didn't realize it raised the level of the incident. Mr. Graham said he spent the rest of the evening talking to others about the chemical. Mr. Graham said he took a look at the child's burned foot and there was one grayish spot that was approximately an inch in diameter. The medic on scene was asked about the severity of that spot and said it was not bad at all. The medic had called the emergency room doctor who told the medic the boy did not need to come to the hospital as it was not a big enough problem.

Mr. Graham said as he best remembers it, he never did order any firefighters or anyone else into the basement until the next mid-morning when DEQ contacted him. Mr. Graham said he talked to Mr. Seaman to inquire about the status of the private cleaning company, Able Hazmat, coming to clean the spill. Mr. Graham said Able Hazmat had wanted to know more about the spill. Mr. Graham said the property owner who has to order the cleaning contractor otherwise the county has to pay for service. Able Hazmat told the homeowner there was nothing more he could do. Mr. Seaman had more to do, which is to notify his insurance company and hire a cleaning company to come. Able Hazmat contacted Mr. Graham that night to get more details. Mr. Graham said he knows that formaldehyde dissipates. Mr. Graham said he finished his conversation with Able Hazmat and was told by the company, who is based out of Spokane, that it would take a while to round up their employees to have them come clean up the spill. Tuesday morning Mr. Seaman informed Mr. Graham that Able Hazmat was not going to respond to clean as the spill was too small, too expensive, and time consuming to round employees up and send them to Bonners Ferry. Mr. Graham said Able Hazmat had suggested the homeowner put kitty litter on the spill and put it in a bag. Mr. Graham said he was dependent on a contractor, but then the contractor was not going to be available so he contacted DEQ who said they would put a group together to advise him on what to do. DEQ said their group said to have a couple firemen go into the home with breathing protection on and put kitty litter on the spill and bag it. Mr. Graham said that was his next approach so he contacted dispatch to call out Paradise Valley Fire personnel to come with their self-contained breathing apparatus (SCBA). The chief with Paradise Valley Fire District arrived on scene and Mr. Graham said he laid out the scene. Chief Bennett said he would send firefighters in with SCBA, but he only had one firefighter available with an SCBA and that they would look for other firefighters. Minutes later Mr. Graham said he was told the firefighters were not going into the home as it was not safe and he was also told the city firefighters also felt the same way. Mr. Graham said he was surprised that fire personnel had changed their mind after 15

minutes. Mr. Graham mentioned that Chief Bennett said another individual had frightened them off going into the home. Mr. Graham said he informed Chief Bennett that it was his call to make. Mr. Graham said he never told anyone to go into the house and that at point, he knew Able Hazmat and the firefighters weren't going to respond so he called DEQ who said they don't clean up spills. Mr. Graham said he contacted Commissioner Dan Dinning and Chief Deputy Sheriff Rich Stephens on Tuesday morning and laid the scene out to them and discussed what to do. The conclusion was that this is going to put the responsibility back on the property owner to hire a contractor to take care of spill. Chairman Dinning and Chief Deputy Sheriff Stephens then left the scene. Mr. Graham said he did not want to put the burden back on to the taxpayers so he started thinking that the only person who has good gas monitoring equipment would be Brian Schrimsher with Avista Utilities. Mr. Schrimsher arrived on scene and Mr. Graham said he asked Mr. Schrimsher if he would loan him the gas meter or if not, would Mr. Schrimsher go in with him to read the gas levels. Mr. Schrimsher metered the floor and the level came up zero as did other location readings, and you could not find where the spill was as it had completely evaporated. Mr. Graham said he contacted Mr. Seaman as he had been concerned about the house not being heated in the cold weather. Since the spill was gone, the heat was turned back on and that was the end of it. Mr. Graham said at no time did he order anyone into the house.

Chairman Dinning said everyone involved needs to sit down and figure this out as we don't want communication breakdown. Mr. Wortley said Paradise Valley Department personnel did have a meeting that following Thursday and the incident was discussed. Chairman Dinning said a discussion about this should also involve Mr. Graham. Chairman Dinning said there is an understanding that there are no firefighters certified for spill cleanup. Mr. Everhart said not only that, the firefighters do not have the right kind of mask and Mr. Wortley added that they also need to be wearing fully encapsulated suits. Chairman Dinning said everyone involved needs to meet to get this figured out.

Mr. Everhart said the related issue is that his firefighters are concerned as to whether or not their turnouts are contaminated. Mr. Wortley said one set of turnouts do need to be replaced. Mr. Everhart informed Commissioners that one set of turnouts costs \$2,500. Sheriff Sprungl asked if replacement of turnouts was recommended by the manufacturer. Mr. Wortley said it was suggested by the chemical companies, the turnout gear company, and Chief Bennett had gotten in touch with a hazmat group as well.

It was determined those involved in the incident would meet to talk about the process. Mr. Everhart said we don't want this same kind of thing to occur in the future. Chairman Dinning said in the few emergencies he has been involved in it is always seems like chaos at first.

Mr. Graham said he still does not understand what Emergency Services did wrong. Mr. Wortley said there is miscommunication between Paradise Valley Fire Department staff, but that should not be a discussion for this meeting as far as what is to be talked about. Mr. Wortley mentioned there being a power struggle as far as who is incident command. Mr. Everhart said he was told by Chief Bennett that Mr. Graham either implied or very strongly suggested that firefighters go into the home. Mr. Everhart said his concern is that he wants to make sure firefighters are not being told to do something as A, the firefighters are not trained to that level, and B, his firefighters do not have the proper equipment for this spill. Mr. Graham said he doesn't order firefighters, but he will put kitty litter on the spill, unless it is a big spill and in that case, he would contact a clean-up company.

Mr. Everhart said he is glad to hear the boy's feet will not be a problem.

Sheriff Sprungl said he has the same situation with divers in that he never orders them to do something if the local divers are not comfortable with it so Mr. Graham would never order firefighters to do something. In this case, Statecom agreed the spill could be handled this way.

Commissioner Pinkerton said there times, as a leader, to make a decision to err on the extreme side of caution and to not allow others to make the decision. People will inherently go into harm's way to help, but the leader needs to say no. Commissioner Pinkerton said if he was in the command position, he would have stopped things earlier on as there was not the ability to make a more sound decision. There are times to just back off as you cannot do any more. Commissioner Pinkerton said there have been times where he has had to say that no one goes into that perimeter as we were not experts in this. When you have people from far away making the decisions and not providing definitive instructions, such as levels of the spill, he would have backed off sooner. There are times that a homeowner needs to be held responsible and take the steps they need to take. Commissioner Pinkerton questioned why Mr. Graham would walk into this house with an electronic device not knowing, beyond any reasonable expectation, that no one is going to get hurt. Just waiting two or three days is not going to hurt anything. Commissioner Pinkerton said Mr. Graham should have given in earlier. Mr. Graham replied that DEQ gave instructions. Commissioner Pinkerton said DEQ is not knowledgeable of the exact scene information. Mr. Graham said no one should have been in direct conflict with the spill and nothing was done until Tuesday when the spill had dissipated. Commissioner Pinkerton said at this point, he would have put up a "do not pass beyond this point" sign and would have advised the landowner to not go into the home until a clean-up company said it was okay. Commissioner Pinkerton suggesting to err on the side of caution and put up caution tape. Mr. Wortley informed Commissioners that he did put up the caution tape. Mr. Seaman said he was made to promise that he would not go in the home. When Mr. Graham and Mr. Schrimsher went in, Mr. Graham advised Mr. Seaman not to go in. Commissioner Pinkerton said he is not an expert, but he would have said right off the bat to not go in the house until an expert comes and determines it is okay.

Mr. Everhart said he is glad the situation basically turned out well and he informed Mr. Graham of when the Paradise Valley Fire District Board has their monthly meetings.

The meeting ended at 11:50 a.m.

Mr. Graham stayed after the meeting to ask about the job description for the emergency manager position. Mr. Graham said he is aware of at least one person who has a problem with how this job description is written. The concern of the person who commented about how the description is written is a PERSI retiree and if they were to get this job, the description states the job includes 10 hours per week plus responding to emergencies. PERSI's policy states that if a PERSI retiree puts in more than 19 hours per week, they would lose a portion of their PERSI benefits. Chairman Dinning said as he understands, that provision is if that hourly overage happens consistently, but not if it happens occasionally. Chairman Dinning explained that Dave Kramer started working on all related paperwork and Bob Graham handled emergencies unless Mr. Kramer is called. Chairman Dinning spoke of the person who fills this position responding to emergencies as the job description says he or she will.

Mr. Graham left the meeting at 11:53 a.m.

Commissioner Pinkerton moved to adopt Ordinance 2017-1. An ordinance amending the following sections of Boundary County Zoning and Subdivision Ordinance 2015-2: Section 2 definitions; Section 7 conditional use permits; Section 8

special event permits; Section 10 standards for specific uses; Section 11 subdivisions; Section 12 variances; Section 13 mediation and appeals, Section 18 amendments; and Section 20 parcel divisions. Chairman Dinning yielded the chair to second. Motion passed unanimously. Resolution 2017-1 reads as follows:

ORDINANCE NO. 2017-1

AN ORDINANCE OF BOUNDARY COUNTY, IDAHO, AMENDING ORDINANCE 2015-2, BOUNDARY COUNTY ZONING AND SUBDIVISION ORDINANCE, TO: MODIFY SECTION 2 DEFINITIONS; ORGANIZE BY CATEGORY, ALPHABETICALLY; DEFINE ADDRESSABLE, GROUND DISTURBANCE, SETBACK, STRUCTURE, ACCESSORY STRUCTURE, SUBDIVISION. MODIFY SECTION 7 CONDITIONAL USE PERMITS; 7.8.8. MODIFY SECTION 8 SPECIAL EVENT PERMITS; CATEGORIZE EXEMPTIONS AND ADD PUBLIC FACILITIES. MODIFY SECTION 10 STANDARDS FOR SPECIFIC USES; CORRECT TYPOGRAPHIC NUMBERING ERROR. MODIFY SECTION 11 SUBDIVISIONS; REMOVE LANGUAGE CONCERNING TRANSFER OF DEVELOPMENT RIGHTS; REMOVE PROFILE REQUIREMENTS FOR PRELIMINARY PLAT REQUIREMENTS; CORRECT SOME TYPOGRAPHICAL AND NUMBERING ERRORS; INCLUDE PROFILE REQUIREMENTS IN FINAL PLAT REQUIREMENTS; ADD A PLACE FOR ADMINISTRATOR SIGNATURE ON FINAL RECORD OF SURVEY REQUIREMENTS. MODIFY SECTION 12 VARIANCES: INCORPORATE/REPLACE CONSIDERATIONS; ADD TERMS AND CONDITIONS. MODIFY SECTION 13 MEDIATION AND APPEALS: CORRECT TYPOGRAPHIC ERRORS. MODIFY SECTION 18 AMENDMENTS: CORRECT NUMBERING ERRORS. MODIFY SECTION 20 PARCEL DIVISIONS: IDENTIFY DECIDING BODY; CORRECT TYPOGRAPHIC ERRORS; CLARIFY APPLICANT SUBMISSION PROCEDURES FOR BOTH PRIMITIVE AND SIMPLE PARCEL DIVISIONS; CLARIFY FINAL RECORD OF SURVEY CONTENT; CORRECT ADMINISTRATION REQUIREMENTS FOR TRANSFER OF REAL PROPERTY TO FAMILY MEMBERS.

WHEREAS, Section 67-6511, Idaho Code, does require that governing boards adopt zoning ordinances and to establish standards in each of the various zoning districts; and

WHEREAS, the Boundary County Planning and Zoning Commission determined the aforementioned objectives were prudent and necessary to the effectiveness of administering the Boundary County Zoning and Subdivision; and

WHEREAS, the Planning and Zoning Commission did hold public hearing on the proposed amendments October 27, 2016; and

WHEREAS, the Board of County Commissioners did hold public hearing on application 16-111 on December 5, 2016;

NOW, THEREFOR BE IT ORDAINED by the Board of County Commissioners of Boundary County, Idaho, that Ordinance 2015-2 Zoning and Subdivision Ordinance, is hereby amended by Ordinance 2017-1 Zoning and Land Use Ordinance and is hereby adopted as an ordinance of Boundary County. Ordinance is attached and incorporated by reference as Exhibit A

The Motion and Adoption of this Ordinance was passed and adopted by the Boundary County Commissioners on this 20th day of December, 2016, with the vote by the Commissioners recorded as follows:

Chairman Dinning, 'aye'
Commissioner Pinkerton, 'aye'
Commissioner Kirby, absent

BOUNDARY COUNTY
BOARD OF COMMISSIONERS

s/_____

Dan Dinning, CHAIRMAN

s/_____

LeAlan Pinkerton, COMMISSIONER

absent_____

Walt Kirby, COMMISSIONER

ATTEST

s/_____

Glenda Poston

Clerk of the Board of County Commissioners

Recorded as instrument #269415

(Clerk's note: the entire text of Ordinance 2017-1 can be located in the Clerk's Office vault.

Commissioner Pinkerton moved to cancel taxes for year 2016 in the amount of \$918.18, the solid waste fee in the amount of \$40.60, and the translator fee in the amount of \$20.00 for a total of \$978.78 for parcel #OC61N01E150030A as the owner failed to notify the Assessor of months of occupancy. Commissioner Kirby second. Motion passed unanimously.

The meeting ended at 11:58 p.m.

There being no further business, the meeting adjourned at 12:03 p.m.

/s/

DAN R. DINNING, Chairman

ATTEST:

/s/

GLENDA POSTON, Clerk

By: Michelle Rohrwasser, Deputy Clerk