

*****Monday, April 24, 2017, 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.

Blue Sky Broadcasting Reporter Mike Brown and county resident Marty Martinez were in attendance of the meetings off and on throughout the day.

9:00 a.m., Road and Bridge Department Superintendent Clint Kimball joined the meeting to give a departmental report. Mr. Kimball presented a written report. Mr. Kimball said he met with a slide specialist to look at Deep Creek Loop and Atkins Canyon. The specialist's opinion is that Deep Creek Loop is not going to have a big failure. Plans for encouraging drainage will be drafted. Mr. Kimball said Atkins Canyon is still moving, but when he walked this area last Thursday the snow had melted enough to see the culvert and that it is working. Trees and mud are blocking the creek so that needs to be taken care of. It seems to be Ervin Madson's property where the work is needed. The road signs and barricades have been moved at Gary Atkins' request, but you still cannot drive this area.

Mr. Kimball said he has submitted all applications for funding, but he hasn't heard back yet. Road and Bridge may get a response from the Local Highway Technical Assistance Council (LHTAC) to get started on Deep Creek Loop and it's possible Mr. Kimball may be able to incorporate this work into the last phase of the pavement rehabilitation at the north end of the road, although it is just talk at this point. Those present discussed matters involving the Burlington Northern Santa Fe Railroad in this area of Deep Creek Loop. Mr. Kimball said if he cannot get Deep Creek Loop open, Road and Bridge won't be able to work on the Lions Den project, which is a three week project. Mr. Kimball spoke of roads that may open soon.

The meeting with Mr. Kimball ended at 9:20 a.m.

Commissioner Kirby moved to approve the minutes of April 10 & 11, 2017. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners reviewed piggyback bid information Mr. Kimball had provided them for liquid asphalt road oil. The two bids provided were from Western States Asphalt and Idaho Asphalt and these were the bids that had been provided to Bonner County Road and Bridge for year 2017. The bid from Western States Asphalt for CMS-2P was \$337.00 per ton and \$429.00 per ton from Idaho Asphalt.

Commissioner Pinkerton moved to accept the bid from Western States Asphalt for 400 tons of CMS-2P liquid asphalt product at a cost of \$377.00 per ton and \$34.65 freight on board to Boundary County for the Road and Bridge Department for year 2017. Commissioner Kirby second. Motion passed unanimously.

9:22 a.m., Chief Deputy Clerk Tracie Isaac joined the meeting.

9:22 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 9:40 a.m. No action was taken.

Chief Deputy Clerk Isaac left the meeting.

Commissioners tended to administrative duties.

9:40 a.m., Boundary Economic Development Director Dennis Weed joined the meeting.

Commissioners contacted County Civil Attorney Tevis Hull via telephone to receive updates on various matters.

Commissioners asked Attorney Hull about documents received from Robert Peccia and Associates that are required by the Federal Aviation Administration (FAA) for the Airport Improvement Program for the acquisition of the Moore property. Attorney Hull said the FAA requires an environmental statement for the purchase of this property and Commissioners will need to sign the Appendix to the application. Attorney Hull said he has reviewed the document and generally it says what is already included in the application, but it was required by the FAA. Attorney Hull said he has also sent Commissioners the risk assessment document that has to be signed. This is an assessment that has to be done every two years and the last one was done in year 2014. Commissioners put the risk assessment document on the agenda for the next week to sign.

Mr. Weed informed Commissioners that he has sent Attorney Hull the grant application for the regional sewer feasibility study grant. The county will fill out this application, but before they do, Mr. Weed said he will print it out and send it to Attorney Hull for review. If Attorney Hull approves the application, the county will submit it. Mr. Weed said there is no cost for grant administrator Panhandle Area Council's portion in this process, but if we go forward with the sewer district, PAC will receive funding at that point.

Attorney Hull said he will work on the letter that states the county has an easement for the Forest Service in relation to Pack River Road. There is an old court case, but it does not affect the easement. Attorney Hull said he doesn't see any issue with the county having an easement across this road.

Chairman Dinning informed Attorney Hull that Commissioners' had received a letter from the applicant of a recent public hearing and he had read a part of the letter before realizing what it was so he did not pass it on to Commissioner Pinkerton or Commissioner Kirby. Attorney Hull instructed Chairman Dinning not to give the letter to the other Commissioners and to make a note that the letter was received and was read by mistake by Chairman Dinning, but it will not be forwarded to the other Commissioners or included in the record for the hearing.

The call to Attorney Hull ended at 9:48 a.m.

Mr. Weed presented Commissioners with the Economic Development Program memorandum of understanding (MOU) for fiscal year 2018. Mr. Weed said this MOU is for the same amount as the last year. The contributions from the City of Bonners Ferry, City of Moyie Springs, and Kootenai Tribe will be the same. Mr. Weed said going forward, as he looks at his expenses, this contribution may be reduced for the fiscal year 2018- 2019 as he doesn't need the city's benefit package so that will reduce each entity's contribution.

Commissioner Pinkerton moved to authorize the Chairman to sign the Rural Economic Development Professional Grant Match letter for FY 2018. Commissioner Kirby second. Motion passed unanimously,

Mr. Weed left the meeting at 9:53 a.m.

Commissioner Pinkerton moved to sign the Certificates of Residency for Ashley Guttin and Melissa Krejci. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize the Chairman to sign the Independent Contractor Agreement with Western States Asphalt for CMS-2P road oils for year 2017. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize the Chairman to sign Appendix A (Documented Categorical Exclusion) for the Boundary County Airport Land Acquisition Project, #A.I.P. 3-16-0004-015-2017 (Moore property). Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning informed Commissioners that Steve Klatt with Bonner County will not be able to use the old docks from the Rock Point boat launch in Priest Lake due to the condition they are in in relation to how rough Priest Lake can get so Commissioners decided they want to offer the docks for sale at a sealed bid auction.

Commissioner Kirby moved to offer the old docks from the Rock Point boat launch for sale at a sealed bid public auction and the successful bidder will have to have the docks moved within 30 days of the award. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners and Clerk Poston briefly discussed the Public Defense Grant. Clerk Poston said she will look into video conferencing with the funds from this program.

Commissioner Pinkerton moved to sign the Fiscal Year 2018 Indigent Public Defense Grant Application. Commissioner Kirby second. Motion passed unanimously.

Deputy Clerk Nancy Ryals joined the meeting at 10:00 a.m.

10:03 a.m., Commissioner Kirby moved to go into closed session pursuant to Idaho Code 31-874. Commissioner Pinkerton second. The motion passed unanimously. The closed session ended.

Commissioner Pinkerton moved to approve indigent case 2017-11. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to continue the indigent appeal hearing for indigent case 2017-4 to May 30, 2017, at 9:00 a.m. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to set reimbursement for indigent account 2015-3 at a minimum of \$50.00 per month beginning May 2017. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to write off indigent account 2014-38 in the amount of \$1,827 and indigent account 2014-33 in the amount of \$2,052 as no reimbursements have been made and no estates have been filed. Commissioner Kirby second. Motion passed unanimously.

Deputy Clerk Ryals left the meeting.

Commissioners tended to administrative duties.

10:28 a.m., Commissioners discussed matters pertaining to setting a limit as to the number of residents at the Restorium who are on Medicaid. Commissioner Pinkerton said the private pay residents are subsidizing Medicaid residents at the Restorium. The county needs to get a policy in place to have something to go by such as establishing a limit of Medicaid residents, but also understanding that it's a number that can be exceeded. Limiting the number to five residents on Medicaid has been mentioned, but that doesn't mean it's a number that is set in stone. Commissioner Kirby said there can be a provision in the agreement that there needs to be Commissioner approval once more than five Medicaid residents wish to be admitted to the Restorium. Commissioners can always raise or lower that number. Clerk Poston suggested having a line added to the Restorium reports to keep track of Medicaid occupancy. Commissioners will pass this request on to Restorium Administrator Ms. Magee.

Commissioner Kirby moved to establish the policy to limit the number of Medicaid residents at the Restorium to five, but that number can be exceeded with permission from Commissioners. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners said the Restorium will need to amend or update their policy to reflect this change.

Commissioners tended to administrative duties.

10:53 a.m., Sheriff Dave Kramer and Detention Sergeant David Colby joined the meeting to discuss future improvements to the Sheriff's Office and jail.

Sheriff Kramer informed Commissioners that improvements are being made at the jail; some of those improvements being for the safety of volunteer labor. Sheriff Kramer said he has had a conversation with Cindy Malm of the Idaho Sheriff's Association about getting the jail to be in compliance again. The jail needs an indoor exercise area and there are no requirements so Sheriff Kramer said he has been looking at available options. Sheriff Kramer proposed a carport-type structure that would be enclosed with a roll-up door at one end and a regular door at the other side. This structure would be 24 feet wide, 24 feet long and 10 feet high and it would be located within the existing outdoor yard, which is fenced. The cost for this carport is \$10,965.00. Chairman Dinning asked if there is a concern of having a camera. Chairman Dinning said someone from detention would need to be out there to supervise. Sheriff Kramer said he would also look at adding one additional camera to have inside this building. Sheriff Kramer said he has also updated visibility for the area where inmates prepare food. Sheriff Kramer said he relayed the idea of the carport structure to Ms. Malm and she said that should qualify. Chairman Dinning suggested Sheriff Kramer get that approval comment in writing.

Sheriff Kramer said his office is in the process of advertising to fill a position for detention deputy so he is getting very close to having two personnel on shift. The person to fill this position would be a floater in that it's a dual position for patrol and detention and this would also prevent a drop in coverage. Sheriff Kramer said he wanted some direction as to where Commissioners would like him to go as he would like to meet the certification standards this year.

Sheriff Kramer said he is applying for a grant for fencing that would extend beyond the current fenced exercise yard so the area in between would prevent people from leaving contraband. The quote for the fencing is just under \$10,000 as well. Funding for the fence is through the Bureau of Homeland Security for critical infrastructure and is for the full cost of the fence.

Sheriff Kramer informed Commissioners the jail has been over capacity and the section of the jail for female inmates had not been considered when the jail was built. Sheriff Kramer said he possibly would like to have representation from the Commissioners and the public when looking at options for jail expansion or construction a new facility in the future. It was said that Bonner County and Kootenai County's jails are also both at capacity so the places Boundary County uses to send additional inmates to can no longer accommodate Boundary County. Detention Sergeant Colby said research he has done shows the number of Boundary County inmates has increased by 43%. Currently the jail's capacity is 23, but the number of inmates is consistently running at 30 or more. Sheriff Kramer spoke of having to have inmates separated into their own cell at times.

Chairman Dinning explained that the Public Defense Grant will take into account video conferencing so maybe this funding avenue will alleviate travel for transporting an inmate for court. Sheriff Kramer said it just depends on what the judge wants.

Commissioners said they had no concerns over the carport exercise yard and fencing projects if Sheriff Kramer has the budget for these projects. Sheriff Kramer explained the wall that was built at the jail was done with mostly volunteer labor. Commissioners asked if moving the Drivers' License Office would alleviate problems concerning the number of inmates and holding cells. Sheriff Kramer said maybe more-so over the weekend. Sheriff Kramer said very few of the high number of inmates are just from the weekend arrests.

Sheriff Kramer mentioned wanting to get the cleanup crew program started again.

Chairman Dinning asked Sheriff Kramer if he had plans to add to the existing jail facility. Sheriff Kramer suggested possibly adding on to the back of the armory, but that is where it would be good to have a group look at that feasibility. Sheriff Kramer said he doesn't have all of the answers right now. The concerns with setting up office space in the gymnasium portion of the armory is using a classroom that would be secured. Currently with people coming in and out of this area, there would be a security issue. Clerk Poston asked how many actual desks or areas is Sheriff Kramer thinking he needs. Sheriff Kramer listed various positions totaling nine people having four separate areas plus an area for patrol deputies.

Detention Sergeant Colby spoke of hiring an additional part-time detention deputy and he added that another full-time detention deputy would help as staff are getting pulled in more directions. Clerk Poston provided budget information and mentioned the money that will be saved by not having the lease for the Old Creamery Building. Detention Sergeant Colby informed Commissioners the Sheriff's Office is billing the state for state inmates dating back to July 2016. Commissioner Pinkerton said if construction at the jail is going forward, will that put more limitations on Sheriff Kramer. Sheriff Kramer said it would not take a lot of work for the carport construction.

The meeting with Sheriff Kramer and Detention Sergeant Colby ended at 11:15 a.m.

11:16 a.m., Chief Deputy Clerk Tracie Isaac and Assessor Dave Ryals joined the meeting.

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 a.m. No action was taken.

Assessor Ryals and Chief Deputy Clerk Isaac left the meeting.

11:53 a.m., There being no further business, the meeting recessed until the special meeting held at 6:00 p.m., with the City of Bonners Ferry and the City of Moyie Springs.

*****Monday, April 24, 2017, at 6:00 p.m.,** Commissioners held a special meeting at Memorial Hall with the Mayors and City Council members from the City of Moyie Springs and the City of Bonners Ferry. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Sheriff Dave Kramer, Boundary Economic Development Director Dennis Weed, Boundary County Emergency Services Director Mike Meier, City of Moyie Council members Heather Andrews, Tim Narvaez, Terry Johnson, Steve Economu, and City of Moyie Clerk Donna Wilson-Funkhouser; City of Bonners Ferry Mayor David Sims and Council members Rick Alonzo, Adam Arthur, Ron Smith, and Ken Toline; and City of Bonners Ferry Clerk Kris Larson. Also present were: Commissioners’ Deputy Clerk Michelle Rohrwasser, City of Bonners Ferry Planner Lisa Ailport, City of Bonners Ferry Engineer/Administrator Mike Klaus, City of Moyie Springs Fire Chief Ken English, Tad Brown and Stacy Brown of the County Probation Department, Boundary County Veterans’ Service Officer John Tucker, Ginger Perrenoud, Robert Spalding, and Meredith Keller.

Introductions around the room were made and those present gave an opening invocation and said the Pledge of Allegiance.

Chairman Dinning asked Mr. Meier to update the group on Emergency Services. Mr. Meier spoke of recent winter and spring conditions to include heavy snow fall and multiple landslides. Mr. Meier said various fire departments and law enforcement were called to assist. Mr. Meier recently attended a meeting with representatives from the Federal Emergency Management Agency (FEMA) where costs associated with assistance and damages were discussed. Mayor Sims thanked Mr. Meier for his help.

Chairman Dinning mentioned the Legion of Merit that was recently presented to former Boundary County Emergency Services Incident Commander Bob Graham who had retired just a short time ago after many years of service.

Chairman Dinning said the county has leased the remaining half interest of the armory for a two year term. The National Guard has turned over other armories to counties across the state so that is the hope for Boundary County otherwise Commissioners would like a long term lease. The county expects to save \$25,000 as a result of terminating leases for office space in the Post Office building for the Probation Department as well as office space in the Old Creamery Building for the Sheriff’s Office.

Chairman Dinning said he listed the area of impact on the agenda as it has been some time since it was last addressed. The area of impact was last discussed in year 2006, according to Ms. Ailport. Chairman Dinning said Commissioners will leave this matter to the cities.

Commissioner Kirby discussed matters pertaining to the Selkirks Pend Oreille Transit Authority (SPOT) bus. Commissioner Kirby said there are serious changes going on with SPOT at the moment and he has only attended a few meetings under this new change. Commissioner Kirby informed those present that he and Council member Ron Smith are both on SPOT’s new board. An explanation was given as to how the

ridership schedule works within the City of Bonners Ferry, Sandpoint, and the hope to expand to Moyie Springs. Commissioner Kirby said SPOT is limited in what it can do due to the grant. History was provided as to how the SPOT bus service began in Boundary County. Council member Heather Andrews said she has seen signs for SPOT, but people may not know what these signs mean. Commissioner Kirby said a better explanation does need to be provided. Council member Steve Economu said ridership from Moyie Springs did increase after a mailer had been sent out. It was suggested posting the notices at the stop signs. Council member Smith said SPOT is concerned about ridership in Moyie Springs and he mentioned the system works differently in Bonners Ferry than it does in Moyie Springs. Council member Smith read aloud the ridership numbers for year 2016, and he said Bonner County had 71,000 riders, but that they have a different system. SPOT needs to have a system for Moyie Springs and maybe a mailer could go out with utility bills. Mr. Meier said he is also the county's public information officer, but he has heard nothing about this service so he can be a resource to use. Council member Tim Narvaez suggested submitting an 8 inch x 10 inch flyer on the service to eliminate any confusion. Council member Smith said it will all have to go through the SPOT Board. Chairman Dinning said notice needs to go out informing people that SPOT stops at four locations on Wednesdays and Fridays. Council member Economu said it is his intent to ride the SPOT bus. Mayor Sims explained how routes and calls work in Bonners Ferry versus Moyie Springs. Commissioner Pinkerton provided the reason that the SPOT service was started in Boundary County. The bus is owned by the State of Idaho and was to be used for the Senior Hospitality Center, but the bus wasn't getting enough ridership according to the state's opinion. The ability to use the bus was almost lost so we need ridership for this program or we could ultimately lose the bus.

The last item on the agenda to discuss was the regional sewer feasibility study grant. Mr. Weed said when the matter of a new sewer system was discussed by the City of Moyie Springs last fall, it was found out just how very expensive it would be per household so the subject of a regional system was considered. A letter of intent was written for the grant for half of the cost to have a feasibility study done and now it's a matter of looking for other grants to cover the remaining half of the cost. What needs to be determined is the cost to each business and residence as that is the issue. A new sewer system will also help the City of Bonners Ferry as the city continues to grow. Then the question is how to combine systems with Three Mile and the City of Moyie Springs. Mr. Weed mentioned he is working with Nancy Mabile with Panhandle Area Council on the grant and the Idaho Department of Commerce is looking into the GEM grant. Mayor Sims explained that funding through the GEM grant has a maximum award amount of \$50,000 and he listed various local projects that were funded through GEM grants.

Council member Andrews spoke of how expensive a sewer system would be for a household. Commissioner Pinkerton mentioned hearing of a quote of \$178 per month per household. It was said we need to bring in development, but there is no system to hook up to. Commissioner Pinkerton said the City of Bonners Ferry is not going to get any smaller so we need to look at what we can do to work this out and keep costs as low as possible. That is where the feasibility study comes in. One result of the study is that a system may not work out. Commissioner Pinkerton said there will be growth between Three Mile to Moyie Springs.

Mayor Sims mentioned applying for a grant for the purpose of seeking request for quotes for an engineer.

Those present discussed monthly costs to residents for a sewer system. It was said the City of Bonners Ferry residents pay \$30 per month. Council member Andrews said people cannot afford \$80 to \$90 per month. Commissioner Pinkerton said the feasibility study will determine if this project is doable and what is best. Council member Economu said right now the cost for sewer hook-up is \$45 per month and the City of Moyie was not able to be considered for a grant unless the rate was higher. Senior citizens are

having problems with this. Mr. Weed said all grant approvals will be due in July 2017, and from there the study will take one year to complete.

The meeting ended at 7:00 p.m.

7:00 p.m., there being no further business, the meeting recessed until tomorrow at 9:00 a.m.

*****Tuesday, April 25, 2017, at 10:00 a.m.,** Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, and Deputy Clerk Michelle Rohrwasser. Commissioner Walt Kirby was out of the office tending to personal matters.

10:00 a.m., Commissioners held the continuation of the public hearing to consider Planning and Zoning Application #17-051, a short plat subdivision filed by Joy Liljestam and Ted Ludlum. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Deputy Clerk Michelle Rohrwasser, County Civil Attorney Tevis Hull, Planning and Zoning Administrator John Moss, Steve Moyer with North Star Surveying, August Diel, and applicants Joy Liljestam and Ted Ludlum. The hearing was recorded.

Chairman Dinning opened the public hearing and listed attendees present. The hearing had been continued to allow for Attorney Hull to provide direction on rural subdivisions as far as lot sizes not being less than two and one-half acres versus the subdivision being located in a rural residential zone having a minimum lot size of not less than five acres. Chairman Dinning explained that the public testimony portion of the hearing had been closed, but that Commissioners had received a letter after that point. Chairman Dinning said he had read the letter, but he was advised by the attorney not to forward it to the other Commissioners as it was past the time to allow public comment. Commissioner Pinkerton and Commissioner Kirby have not seen the letter and it won't be included into the record.

Attorney Hull referred to Section 11.3.6., of Land Use Ordinance 2017-1 pertaining to Rural Subdivisions and he reviewed the language for this section. "Subdivision by short plat to create lots primarily intended for residential development where each lot meets or exceeds the standard net development density of the zone district in which it lies and where no lot created is less than two and one-half acres in size." The language that comes into question pertains to a residential subdivision where it meets or exceeds two and one-half acres. It is confusing at best. At one point Boundary County allowed for developmental rights that could be purchased and sold. The minimum lot sizes were two and one-half acres. Attorney Hull said development right provisions were done away with when the county updated the zoning, but this may be some carry over to recognize that these rights may have been bought or sold and this language may have been left to take care of those grandfathered developmental rights.

Attorney Hull said he spoke to Mr. Moss about this and looked at the original subdivision, which was large at 80 acres originally. When that initial subdivision was created there were three different lots consisting of two acres each and they were allowed, which could be due to a grandfather clause for some other reason, but he doesn't have that information. There is some work that needs to be done to clean up the language of the ordinance itself and the county may have an ordinance that is unenforceable with regard to the two and one-half acre minimum size. That is as clear as it can get right now without going through extensive research and developing an understanding of how these other two acre lots were created in the original subdivision and it is his understanding, in talking to Mr. Moss, that there have been no other development right driven subdivisions within the county. Mr. Moss said none that he is aware of. Attorney Hull said it is his understanding that the portion to be subdivided off consists of two and one-half acres in the front of the property. The objection was that individuals who own property behind the subdivision

were concerned the division was going to be the back portion of that property, but it is going to be the front of the property that borders the county road. Chairman Dinning said a concern was that it was going to set a precedent. As the language in the ordinance is today, is there a hard and fast line that says Commissioners cannot allow it? Attorney Hull said the language is ambiguous and there is no hard and fast line. If the language did not include the two and one-half acres, it would just stop at five acres, but there is the language of the smaller acreage and it doesn't jive with the rest of the statute and he doesn't know why that was left in the ordinance. From a legal standpoint, it goes against the drafter, which is Boundary County, and it could potentially cause problems. Attorney Hull said if Commissioners were to say no, the county is holding the acreage to five acres, there is the potential for the applicants to petition the Planning and Zoning Commission for a variance to allow the two and one-half acres so there may be other avenues, but Commissioners will ultimately get to the same point. Commissioner Pinkerton said if the applicants applied for a variance through the Planning and Zoning Commission, would it be accommodating for them or would the application ultimately come before Commissioners anyhow and we would be right back at "can we or can't we?", which is right where we are at. Attorney Hull said that is what he is talking about; Commissioners will end up at the exact same spot. Mr. Moss said the only difference is that the Planning and Zoning Commission can approve the variance. Chairman Dinning said if the approval of the variance is appealed, the appeal would come before Commissioners. Attorney Hull explained how the process can come back around to Commissioners for a decision. Chairman Dinning said this is a hold over for development rights from the old ordinance and we have failed to pull this verbiage out if he understands correctly. Mr. Moss said the statements were extracted from cluster division, which comes from development rights. Mr. Moss said whoever copied that code failed to recognize that.

Chairman Dinning said this is so ambiguous. The ordinance is supposed to specifically lay out what is supposed to be done, but this is so unclear that it creates that conflict and it appears like the division can be done. The county needs to fix it. Attorney Hull said Commissioners have to work with the language that is in place right now.

Commissioner Pinkerton said he looks to the ordinance and it says not less than two and one-half acres in size and this highlights something that needs to be fixed in the ordinance, but as it stands today it is there in the ordinance, although it is ambiguous. Commissioner Pinkerton said to him there is only one decision Commissioners can make. Chairman Dinning asked what Commissioners can do to fix this verbiage and how fast can it be done because they don't want a slew of applications. Attorney Hull said Mr. Moss already understands this issue needs to be changed. Workshops held by the Planning and Zoning Commission are already taking place and this matter can be included. Mr. Moss explained how long the process will take for the Planning and Zoning Commission to hold a public hearing before coming before Commissioners stating it is at least a month away. Chairman Dinning asked if there is the ability to put a stay on this and Attorney Hull said there are emergency ordinances that can be put into place, but he will have to check if this reason is included in the reasons to be able to adopt an emergency ordinance. Commissioner Pinkerton said it needs to be fixed as it's a conflict of the two different lot sizes. Attorney Hull said he will check on that.

Commissioner Pinkerton moved to approve Planning and Zoning Application 17-051. Chairman Dinning yielded the chair to second. Motion passed unanimously.

It was said there is no ability to deny this application. Chairman Dinning explained that anyone who wishes to appeal the decision is to appeal to the District Court.

The hearing to consider Planning and Zoning Application 17-051 ended at 10:18 a.m.

Those present discussed rectifying the verbiage in the ordinance and what issues it can cause due to the mention of two and one-half acre lots in a five acre minimum zone.

Mr. Moyer, Mr. Moss and applicants left the meeting at 10:24 a.m.

Commissioner Pinkerton moved to amend the agenda for today at 10:55 a.m., to consider the catering permit filed by Spirit Lake Resort, LLC., for a Mountain Mafia Entertainment event. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Commissioners tended to administrative duties.

Commissioner Pinkerton moved to approve and sign the catering permit filed by Spirit Lake Resort, LLC., for a Mountain Mafia Entertainment event. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Commissioners tended to administrative duties.

11:00 a.m., Solid Waste Department Superintendent Claine Skeen and Ellery Howard with JUB Engineering met with Commissioners to discuss landfill operation plans and the future plans for the landfill.

Commissioners and Mr. Skeen discussed wanting to fill the existing landfill as much as possible.

Mr. Howard said a letter was received from Panhandle Health District listing some fairly minor comments. Panhandle Health District wants the landfill to develop procedures for accepting household hazardous waste and to include those procedures in its operation plan. Mr. Skeen said the county does accept household waste, but Panhandle Health District must be referring to chemical waste. Mr. Skeen said he has that type of material hauled to Bonner County. Mr. Skeen listed what is considered to be household waste. Chairman Dinning said the Sheriff's Office now has a drop box for pharmaceuticals. Mr. Skeen said he was going to talk to the Sheriff about that. Mr. Howard said the letter from Panhandle Health District needs a response by May 15, 2017. Mr. Howard listed responses the county could provide as a reply to the letter's concerns and he added that as the county gets a plan in place, the current plan can be modified.

Mr. Howard said Panhandle Health District wants more information on the scale operation for all waste streams. There is an easy way to account for what comes in to the landfill. Anything that leaves the landfill, including recycling, can be run across the scales to determine the weight. Panhandle Health District wants to know how much is going in the hole and they want record keeping when someone is weighed and where this information is saved. With the new software Mr. Skeen has, the different types of waste streams can easily be identified. Mr. Skeen said he does have the documentation of what different waste streams are and how much is hauled out of the landfill. Mr. Howard said he and Mr. Skeen will complete the report and send it to Panhandle Health District.

Mr. Howard said the posi-shell landfill cover can be a real potential savings for the county. The county would need six inches of cover if using soil, but only need one-quarter to one inch of cover using the posi-shell. Mr. Howard said the posi-shell material can be spread out in minutes and the county could save in manpower, landfill space, etc. Mr. Howard said the quotes he has from March of 2015 for the spreader is \$30,000 and the product is \$23,000 for one year so that is approximately \$52,000. By using the posi-shell cover, it should save approximately 150 feet of cover, according to Chairman Dinning. It is 46.30 yards in

30 days versus four inches using the posi-shell, if that. Mr. Howard explained that the posi-shell cannot be used every day and he suggested possibly using wood savings as additional cover. Mr. Skeen said Erik Ketner with Panhandle Health District was concerned with using wood chips as they are porous. Mr. Skeen feels Boundary County should start a pilot program for this system. Mr. Howard said there has been a lot of research and other states do allow this. Mr. Howard said he has enough information that would lead him to believe that the Panhandle Health District would be in favor of a pilot program. Commissioner Pinkerton said he personally thinks Commissioners should look into using wood chips. Chairman Dinning said the only other way is to accept wood waste such as green, non-treated yard waste, but if the wood has nails, etc., it can be put in another spot. Mr. Skeen said the landfill can burn green wood waste. Mr. Howard said he doesn't think Panhandle Health District wants burning at all. Chairman Dinning said if we do grind the wood, do we have to sort it anyway? Mr. Howard said he thinks Commissioners could make the argument that green yard waste or trade waste could be the equivalent of dirt as it is inert material. Commissioners asked Mr. Howard to go forward with trying to get wood waste approved.

Mr. Howard discussed working on the operations plan, determining the life the of the landfill at the point the plan is complete followed by having another snapshot in time in about 10 years to see how the landfill is doing.

Those present discussed determining the boundary lines of the landfill. Mr. Howard said he feels there are other ways to add years to the landfill.

Those present discussed the landfill closure plan and Mr. Howard said he will use a tech memo and topographical survey for this plan. The tech memo provides the age of the landfill and the rough cost to close it. These costs are what can be taken out of the closure fund at this point. Mr. Skeen brought up how he feels funds will be saved by switching to a new process for recycling and baling cardboard.

Commissioners discussed a prior meeting in which it was learned that all 40 acres of the landfill property is permitted as opposed to approximately 18 acres. Mr. Howard said if the county can use a certain evaporative liner that is not fully permeable, grasses can be planted. This is in an area that historically has not experienced a lot of precipitation. Mr. Howard said he will use the high density polyethylene (HDP) liner in the report and he informed those present that the ballfields located on Ramsey Road in Coeur d' Alene were built on top of an old landfill.

The meeting with Mr. Skeen and Mr. Howard ended at 12:12 p.m.

Commissioners recessed for lunch at 12:20 p.m.

1:30 p.m., Commissioners reconvened for the afternoon session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, and Deputy Clerk Michelle Rohrwasser.

Commissioner Pinkerton moved to authorize the Chairman to sign the State of Idaho Department of Agriculture Selkirk CWMA Award of 2017 State General Fund Cost Share Funds. Commissioner Kirby second. Motion passed unanimously.

Commissioners tended to administrative duties.

2:30 p.m., Property owner Teresa Chapman joined the meeting to discuss a property dispute matter. Ms. Chapman said she owns property located behind homes in the Fall Creek Subdivision and this stretch of

property has been called a recreational easement in some of the paperwork she has. Ms. Chapman explained a situation to Commissioners in which she would like to post the property as being private, but there is one neighbor who disputes her ability to do that. Ms. Chapman said she was informed that Commissioners would be able to lift the easement. Commissioners said they don't have any legal authority to do anything like that and that it would be more of a collective action of the subdivision to do anything to change the easement. Ms. Chapman said she would like to make this property private and remove the recreational easement. Chairman Dinning informed Ms. Chapman that she will need to talk to an attorney for a quiet title action where anyone that would have potential interest in the easement would be notified that she is trying to do away with easement so they would have the ability to protest it if they want. Chairman Dinning said it is a court action. Commissioner Pinkerton explained that this situation is not a county matter as it is not county property so maybe the quiet title process may be the way to go. Commissioners suggested Ms. Chapman talk to an attorney as this situation is not something they are involved in.

The meeting with Ms. Chapman ended at 2:38 p.m.

There being no further business, the meeting adjourned at 2:38 p.m.

DAN R. DINNING, Chairman

ATTEST:

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