

*****Monday, February 27, 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.

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 a departmental report. Mr. Kimball presented a written report.

Mr. Kimball and Commissioners discussed a matter pertaining to load limits in relation to a local business requesting an exemption to the road closure policy. Mr. Kimball said Road and Bridge doesn't really want to drive its own sand trucks on the roads due to the load limits so in doing so is a bit of a test. Road and Bridge does haul with reduced loads during this time of year and it depends on the length of the weather's cold stretch.

Mr. Kimball informed Commissioners that he has to reapply for the Riverside Road Improvement project.

Commissioner Pinkerton moved to authorize the Chairman to sign the Riverside Road Improvement project documents. Commissioner Kirby second. Motion passed unanimously.

Mr. Kimball discussed road limits again and he mentioned so far Road and Bridge has received good cooperation with road closures due to load limits. A test has been done and it was determined the ground is warmer one foot below the surface and that is not good for roads. Chairman Dinning said a certain business owner indicated to him that the prior Road and Bridge Department Superintendent allowed them to do a lot. This company deals with perishable merchandise as it pertains to digging and hauling. Mr. Kimball said you can brush the snow off fields and the ground is not frozen, but it is the roads we are trying to protect. Mr. Kimball said things will not be done as they had been done in the past. Mr. Kimball said he gave this hauler options, but they didn't want to use them. Commissioner Pinkerton said Mr. Kimball is doing the right thing. Mr. Kimball listed a number of larger companies that work well with Road and Bridge during this time of year. Commissioner Pinkerton suggested Mr. Kimball keep doing what he has been doing. Mr. Kimball said after more than 40 years of successful business, this company should know how to operate during this time of year. Chairman Dinning said a solution has been afforded to this company as an option. Mr. Kimball said he is not saying companies cannot haul a load, it's just that it won't be as heavy a load. Mr. Kimball said law enforcement has also helped with checking permits on closed roads.

Blue Sky Broadcasting Reporter Mike Brown joined the meeting and was present off and on throughout the day.

The meeting with Mr. Kimball ended at 9:14 a.m.

Commissioner Pinkerton moved to sign a letter of support for the Boundary County Victims Services in their effort to obtain continued grant funding for the program. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign a Certificate of Residency for Mason Kelson. Commissioner Kirby second.

Commissioner Pinkerton moved to cancel year 2016 taxes and specials in the amount of \$192.44 and \$1.92 in late fees plus interest for parcel #MH62N03E226314A as the mobile home has burned down. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning mentioned Commissioners' Office receiving a call from someone voicing a complaint for having to pay to dispose of debris at the landfill when the debris was a result of the heavy snowfall.

Commissioners tended to administrative duties.

9:58 a.m., Boundary Ambulance Service (BAS) Chief Jeff Lindsey joined the meeting.

10:00 a.m., Commissioner Kirby moved to recess as the Board of Boundary County Commissioners and to convene as the Boundary County Ambulance Service District. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to approve the minutes of January 23, 2017, for the Boundary County Ambulance Service. Commissioner Pinkerton second. Motion passed unanimously.

Chief Lindsey said the call volume for BAS is up 18% in February from last year and is up over 100 calls since December. Chief Lindsey relayed information as to the number of calls for the months of December, January, and February.

Chief Lindsey said he has been working with Sheriff Kramer and Kootenai Tribal Police Chief Joel Minor on training for law enforcement street survival medicine for officers. This involves instruction on tourniquets, etc. So it consists of care while under fire. Chief Lindsey said he discussed with Sheriff Kramer equipping deputy's vehicles with first aid kits for bleeding control, etc. Chief Lindsey said this was a good class and there was a good response from local law enforcement agencies. The goal is to hold these classes once per year.

Commissioner Kirby asked Chief Lindsey about the use of the simulcast system. Chief Lindsey said BAS absolutely uses the simulcast system. The previous BAS administration had a frequency they had put into that system, but it was the hospital's frequency. The thought was brought up recently during the Boundary County Chief's meeting to have a frequency that law enforcement, fire, and EMS can all use in the event of a big emergency. Chief Lindsey suggested use of the frequency the hospital has, but doesn't pay anything for. If funding was put into that frequency, it could be made into something worthwhile that everyone can use. Chief Lindsey said in general this is a great system. Commissioner Kirby spoke of matters pertaining to frequencies and Chief Lindsey spoke of using of certain frequency for a tactical channel.

Commissioners and Clerk Poston asked Chief Lindsey about the cost of defibrillators for the Courthouse. Chief Lindsey said the price is approximately \$900 per unit. Clerk Poston said she would purchase a number of defibrillators for various county office locations.

10:12 a.m., Commissioner Kirby moved to adjourn as the Boundary County Ambulance District Governing Board and to reconvene as the Boundary County Board of Commissioners. Commissioner Pinkerton second. Motion passed unanimously.

Chief Lindsey left the meeting at 10:13 a.m.

Clerk Poston informed Commissioners that she received an electric bill totaling \$763 for one month's service at the Waterways Building as someone had turned the heat up and left it on. Clerk Poston said for the prior three years, a total of 36 months, the cost for electricity for this building was \$1,010, but so far from October to February the bill is \$847. Someone had gone in to the building, turned the heat on, and later turned it off. Those present questioned the need to get the key to this building and questioned who has access. Clerk Poston questioned if the lock should be changed and then to assign keys to certain individuals.

10:30 a.m., Commissioners held a public hearing in the Extension Office to consider the adoption of the Airport Overlay Ordinance. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, Deputy Clerk Michelle Rohrwasser, County Civil Attorney Tevis Hull, Craig Wheatley, and Blue Sky Broadcasting Reporter Mike Brown. The hearing was recorded.

Chairman Dinning read aloud the public hearing procedures and no one present raised any questions of the procedure. Commissioners stated they did not have a conflict of interest.

Chairman Dinning said during this process Commissioners will review the changes to the proposed airport overlay ordinance from the prior ordinance. One change is adding a paragraph to the ordinance that states, "WHEREAS, Idaho Code Section 21-513 provides that the public policy of this state is declared to be that any hazard to the safety of air flight may cause disastrous and needless loss of life and property, that safety in air flight is of paramount importance for the protection and well-being of the people, that the use of air space is constantly increasing and is vital to the continued growth, development and enjoyment of the great natural resources and economy of this state and that the general welfare of the citizens of this state requires, under the police powers of the state, that maximum safety precautions to air commerce be enacted and maintained; and".

Chairman Dinning another change that will be made is that the prior ordinance refers to being an emergency ordinance and that statement will be deleted.

The last amendment to the existing ordinance is in Section 6, Establishment of Airport Zones:" the letters A, B, and C have been added whereas they had been omitted in the original ordinance.

County Civil Attorney Tevis Hull provided a staff report. Attorney Hull introduced himself and reported that in year 2006, the county did not have an airport overlay and an emergency ordinance was put into place. Attorney Hull said that emergency ordinance language, in the latter portion of the ordinance, states it's an emergency ordinance under Idaho Code, and an emergency operates for a 180 day period of time. After that period of time had expired, the county adopted the current airport overlay ordinance and when that was done it was basically verbatim from the emergency ordinance and unfortunately the county included in that ordinance the emergency language. Attorney Hull said while this was inadvertent the ordinance still contained that language and after review of the overlay, it was decided to go ahead and present a new ordinance without that emergency language in it. That is what brings us to this point here, according to Attorney Hull. Attorney Hull said there are no substantial changes to the airport overlay for Boundary County and it's basically to correct that terminology with regard omitting the emergency language.

Attorney Hull said in addition, the A, B, and C in Section 6, the language was already there; but it didn't have the A, B, and C, but did have the D, E, and F so we changed that from a grammatical standpoint. Attorney Hull said the only other addition was the "whereas" statement Chairman Dinning referenced in the beginning and that is because it is the state policy directly taken from the statute and it was included in the preamble of the ordinance.

Chairman Dinning asked Commissioner Kirby and Commissioner Pinkerton if they had any questions for staff. Commissioners had no questions. Chairman Dinning opened the hearing to public testimony and asked for comments from those in favor of the proposal. No one spoke.

Speaking uncommitted was Craig Wheatley, Bonners Ferry, Idaho, representing E.C. Enterprises. Mr. Wheatley presented Commissioners with a letter from his counsel, stating it was basically a summary and requested it be added to the record.

Mr. Wheatley said basically his corporation and the county came to what was considered an agreement. Although the airport ordinance is very difficult for the average layman to understand and he would venture that even the existing three commissioners back when the original ordinance was passed, as well as everything associated with the airport, such as runway protection zones and departure zones, there are so many different calculations that unless you are an aviation engineer it is almost impossible to tell what impact that has, as a property owner, to his property or to any other associated property.

Mr. Wheatley said he contacted Rick Donaldson who the county retains to work on the master plan for the airport now and who was instrumental in the county and him reaching a mediated settlement in lieu of civil litigation last time. Mr. Donaldson had indicated that due to a conflict of interest he was unable to provide Mr. Wheatley with an official opinion in order to determine that the existing ordinance, because it lists every approach, every departure, every runway protection zone; it lists distances, heights, and Mr. Donaldson is probably the only person that he knows of who understands the airport ordinance and airport geography well enough. Mr. Donaldson has the background and the training to be able to tell what those existing approaches and height restrictions entail exactly. Mr. Wheatley said Mr. Donaldson provided him with an email unofficially, off the record, that confirmed what was spoken here a few minutes ago that this is basically a clean-up process rather than a change to the existing ordinance, however, he has no way, as a potentially affected property owner, to make sure to determine that he and the county's previous agreement is still in good faith, on both party's parts, and that his height restrictions haven't changed at the property line or the secondary line the two parties agreed on. Mr. Wheatley said he asked Mr. Donaldson for a statement that indicated this ordinance, based on height restrictions, runway protection restrictions, departure zone restrictions as well as the approach restrictions, he asked Mr. Donaldson to please confirm, as the county's representative and agent, since he works for the county, and as a person who is most familiar with the airport, whether he would and could provide Mr. Wheatley with a statement indicating that the previous agreement for his height for his existing remaining property, based on his property sale, has not been changed at all. Mr. Wheatley said he thinks it would go a long way to mend fences for him and the county to have Mr. Donaldson give him a statement that everything is still the same as it was, and if that is not the case, then we need to address what is different. Mr. Wheatley said he would respectfully request that Commissioners have Mr. Donaldson, as he has already done the work as far as he can tell because of the answer in an email, but it is not an official answer, to give him that answer so he doesn't have to try to guess what the information in this ordinance does to his height restrictions on his remaining property.

Mr. Wheatley said he would also respectfully request that, as he has been speaking with Mr. Donaldson, as we move forward with the master plan, it has been the same thing in that there has been so much confusion with all these height restrictions and he is reasonably confident when he speaks for all of us that none us, the commissioners at the time, nor him or anybody, even the airport's engineering firm that has since been replaced, nobody knows how heights affects people's property, how, when, or where. It was a very difficult process until Mr. Donaldson came in and starting putting maps together to show how that all kicked in. Mr. Wheatley said he would propose, in order to keep all of us in good standing again, continuously from this point forward, it would behoove all of us to always know what every action does and how it impacts private property, and he asked Mr. Donaldson the same thing, without any conflict of interest on his part, if he could keep Mr. Wheatley apprised as he would like to participate, at least as a spectator, as the airport master plan moves forward, for how that would impact his remaining parcel of land that he and the county already have an agreement on. Rather than have a surprise like last time for what land is actually encompassed where, based on ordinances, it would be nice to have every property owner know what those impacts are ahead of time. Mr. Wheatley said that is all he has unless Commissioners have questions for him.

Chairman Dinning asked Commissioner Kirby and Commissioner Pinkerton if they had any questions for Mr. Wheatley and they did not. Chairman Dinning asked for additional comments from those who are uncommitted to the proposal followed by comments from those who are opposed to the proposal. There were no additional comments from the public who were uncommitted and no comments in opposition.

Chairman Dinning said it is time for the applicant to make a closing statement, which is the county and he believes there is really no change and it has all been said as to what is going on. Chairman Dinning closed the public testimony portion of the hearing and asked for discussion amongst commissioners.

Chairman Dinning said in the settlement agreement should we, as Mr. Wheatley has brought up some valid concerns regarding this agreement, look at analyzing this as he suggested, or can Commissioners make a motion that this is subject to that settlement agreement? Attorney Hull said first off, Mr. Donaldson forwarded to him the emails with Mr. Wheatley so he is aware of those emails going back and forth and he knew what Mr. Donaldson's response was. Attorney Hull said he was aware that Mr. Donaldson had indicated to Mr. Wheatley that this airport overlay wasn't going to have an affect going forward, based upon this ordinance. If this ordinance had different heights and data included in the ordinance, it may in fact, but it doesn't. Attorney Hull said he doesn't have a problem, if directed by the Commissioners, to go ahead and send a letter to Mr. Wheatley's attorney to let them know the information and that we are bound by that agreement that the county had during the mediation process with Mr. Wheatley. Attorney Hull said he doesn't have a problem confirming that and he will communicate with Mr. Donaldson first and then confirm this information for Mr. Wheatley through his attorney.

Chairman Dinning said his concern is that commission members and staff change at some point and as Attorney Hull is comfortable that this won't affect the settlement agreement, should Commissioners put something in this motion so that it's of record? Attorney Hull asked if Chairman Dinning means sending a letter to Mr. Wheatley's attorney. Chairman Dinning said he means as far as that this ordinance is subject to that settlement agreement. Attorney Hull said he wouldn't do that and the reason is because you don't want to mesh or mash up a litigated case which ended up with a mediated settlement agreement with the role of Commissioners in adopting an ordinance. Attorney Hull said he would keep things completely separate from that standpoint. To address Mr. Wheatley's concerns, we need to send to him a letter that we're not backing out of our mediated agreement and that those rules apply.

Chairman Dinning said he believes Mr. Wheatley's other concern was the impact to other surrounding properties and where we can get a clear understanding of that, and I think that will be coming forward to us through the process of the master plan. Attorney Hull said what Mr. Wheatley spoke of is what exactly happens in the master plan proposal that will ultimately be brought before Commissioners, because there will be public hearings on that and opportunities for Mr. Wheatley, as well as other members of the public, to address concerns about the master plan and how it affects surrounding properties. That is the appropriate venue for that, according to Attorney Hull.

Commissioners had no other questions.

Commissioner Kirby moved to authorize the county's civil counsel to be in communication by letter with Mr. Wheatley's attorney letting them and Mr. Wheatley know that it has been represented to Commissioners that there is no affect of this ordinance to the settlement agreement with Mr. Wheatley. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners made a motion to adopt the following ordinance by a roll call vote.

Commissioner Pinkerton moved to adopt and sign Ordinance 2017-2 regarding the airport overlay. Commissioner Kirby second. Motion passed unanimously. Ordinance 2017-2 reads as follows:

Summarization of Ordinance 2017-2
BOUNDARY COUNTY AIRPORT OVERLAY DISTRICT

AN ORDINANCE OF BOUNDARY COUNTY, IDAHO, SETTING FORTH ITS AUTHORITY TO ESTABLISH AN "AIRPORT OVERLAY DISTRICT" TO INCLUDE: PURPOSES OF THE DISTRICT, DEFINITIONS, AIRPORT ZONES, AIRPORT ZONE HEIGHT LIMITATIONS; PERMITS REQUIRED; USE RESTRICTIONS; NONCONFORMING USES; VARIANCES; CONFLICTING REGULATIONS; AMENDING THE OFFICIAL ZONING MAP BY THE ADOPTION OF AN OFFICIAL SUPPLEMENTARY AIRPORT OVERLAY ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Boundary County, Idaho, that the following be and is hereby adopted as an ordinance of Boundary County:

Zoning Ordinance For:

Airport Name: Boundary County Airport

Airport Location: Bonners Ferry, Idaho

Airport Sponsor: Boundary County Commissioners

Section 1: Purpose

Section 2: Short Title

Section 3: Sponsor, Governing Authority and Administrator

Section 4: Relation to Other Zone Districts

Section 5: Definitions

Section 6: Establishment of Airport Zones

Section 7: Airport Zone Height Limitations

Section 8: Land Use Compatibility Requirements

Section 9: Pre-existing Non-conforming Uses

Section 10: Land Use Applications

Section 11: Permits

Section 12: Notice of Land Use and Permit Applications

Section 13: Variance

Section 14: Obstruction Marking and Lighting

Section 15: Violations and Penalties
Section 16: Appeals
Section 17: Conflicting Regulations
Section 18: Severability
Section 19: Effective Date

ADOPTED THIS 27th DAY OF FEBRUARY, 2017:

Chairman Dinning "aye"
Commissioner Pinkerton "aye"
Commissioner Kirby "aye"

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

ATTEST:

s/ _____
Glenda Poston
Clerk of the Board of County Commissioners
Recorded as instrument #269990

The full text of Ordinance 2017-2 is available and may be obtained from the Boundary County Clerk's Office at the Boundary County Courthouse, Bonners Ferry, Idaho during regular office hours, 9:00 a.m. to 5:00 p.m., Monday through Friday excluding holidays.

This summary is true and complete and provides adequate notice to the public per I.C. 31-715A.
s/ _____
Glenda Poston, Boundary County Clerk

The public hearing to consider and adopt the Airport Overlay Ordinance ended at 10:19 a.m.

Commissioners and Clerk Poston reviewed again for clarification how many defibrillators to purchase for the courthouse, armory, and outlying county offices.

11:29 a.m., Treasurer Sue Larson joined the meeting.

11:30 a.m., Courthouse Security Ben Reinhardt joined the meeting to review information on a proposed new telephone system for the Courthouse. Mr. Reinhardt informed Commissioners which companies he received quotes from and he reviewed information on IP or voice over internet (VOIP) phones in which the system basically uses the computer network in a building to transmit telephone calls. If the internet goes down, so will the telephones. Currently the Courthouse phone system does not have caller ID, individual voice mails systems, or the capabilities for additional features. The other issue with IP phones is whether or not our current internet system can handle that load. The system would have to handle voice data of people on the phone as well as computer data and the Courthouse would need re-cabling. The current telephone system is piecemealed together. If the county doesn't choose VOIP, that leaves a digital phone system and Valence, who was a company that submitted a quote, doesn't offer a digital system. Mr. Reinhardt said his recommendation was to use Frontier. Frontier had the most options and

has more reliability. Frontier also has local service technicians, local infrastructure, and a wide warranty range. Chairman Dinning informed Mr. Reinhart that Commissioners just learned that Road and Bridge is unable to get caller ID. Chairman Dinning suggested having a representative from Frontier visit with them as Commissioners will have questions. Mr. Reinhardt added that Frontier provides a one year warranty for parts and labor.

Mr. Reinhardt left the meeting at 11:55 a.m.

There being no further business, the meeting adjourned at 12:00 p.m.

ATTEST:

DAN R. DINNING, Chairman

GLENDA POSTON, Clerk
By: Michelle Rohrwasser, Deputy Clerk