

*****Monday, November 20, 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 and Blue Sky Broadcasting News Reporter Mike Brown were in attendance of the meetings off and on throughout the day.

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 the departmental report. Mr. Kimball presented a written report. Mr. Kimball said last week was very productive and he explained addressing issues on Pywell Road, such as installing a culvert, riprap and rock, and clearing brush. Reflectors will also be put up so it should be a safety improvement. Mr. Kimball said he was pleased to be able to take riprap out of the rocking tree quarry. Mr. Kimball stated that Road and Bridge brushed the roads listed in his report, repaired a culvert on Funkhouser Road and put up an ecology block at Red Cloud Road. This week delineators are being put up on Kootenai Trail Road and Lookout View Road at some narrow spots.

Commissioner Pinkerton moved to authorize the Chairman to sign the Local Highway Technical Assistance Council (LHTAC) FY19 Local Rural Highway Improvement Program (LRHIP) for the following project: Meadow Creek Road – Moyie River Road chip seal of the remaining five miles, as it is a time sensitive matter. Commissioner Kirby second. Motion passed unanimously.

Commissioners and Mr. Kimball spoke of estimates received to repair Atkins Canyon. Chairman Dinning suggested Mr. Kimball choose the quote he feels is best.

The meeting with Mr. Kimball ended at 9:11 a.m.

Commissioner Pinkerton moved to sign Certificates of Residency for Alissa Colegrove, Leilani Ram, Jericho Hermsen, Sydney Chouinard, Kaitlyn Collette, and Amanda Fairchild. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning said there have been some older items found at the Restorium and it might be good to loan these items to the museum. The items are wood carvings and an old book that has a familial connection to Commissioner Pinkerton.

Commissioner Pinkerton moved to loan the wood carvings and book to the Boundary County Museum. Commissioner Kirby second. Motion passed unanimously.

Commissioners discussed matters pertaining to county advisory boards, board members and their terms of expiration. Commissioners reviewed the terms that will expire the beginning of this next year and Chairman Dinning asked Commissioners if they want to go out to the community for interest in board positions or just continue the process the way it has been done by having the board members make a recommendation to Commissioners for members. Commissioners will reach out to the various boards to ask if their board members who have terms that have expired or are about to expire, wish to be reappointed and then Commissioners will decide what to do.

Commissioner Kirby moved to ratify the Chairman signing the Release of Liability for a county resident to take some of the tires from the landfill's tire pile. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners reviewed the form for nominations to the Government Employee Medical (GEM) Plan Board and stated they don't need to make a motion or take any action for A. Ladd Carter to be reappointed as a member-at-large or for Glenda Poston to be reappointed as a board member for District 1. If Commissioners do not respond with a nomination, these two board members will automatically be recommended for reappointment.

Commissioner Pinkerton moved to reappoint Ervin Madson to the Boundary County Weed Board with a term to expire January 2020. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to reappoint Ty Iverson to the Boundary County Weed Board with a term to expire January 2020. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to reappoint Richelle Rode to the Boundary County Handicap Access Board with a term to expire January 2019. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to reappoint Karlene Magee to the Boundary County Handicap Access Board with a term to expire January 2020. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning briefly updated Commissioners on the topics of discussion from last Friday's District 1 meeting.

Commissioners discussed matters pertaining to Medicaid as it pertains to the Restorium. Medicaid benefits do not cover the entire Restorium room rate and the question to consider is asking if a resident has family members who can make up the difference. Commissioner Pinkerton said the county still has to levy approximately \$140,000 per year and the taxpayers have to cover that, but this situation is getting better and it may break even sometime in the future. Chairman Dinning said it won't get better if we keep going down this road with Medicaid. Commissioner Pinkerton said the county doesn't charge the taxpayer for Road and Bridge's services, but it does charge for a small number of beds at the Restorium. Commissioner Pinkerton said the cost to run a care facility never decreases. Commissioners said they need the Restorium Administrator to insert a statement into the Admissions Agreement that the potential resident needs to find a way to make up the difference of the cost of a room if they are on Medicaid, such as a family member who can be a resource.

Boundary Ambulance Service Chief Jeff Lindsey joined the meeting at 10:00 a.m.

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

Commissioner Pinkerton moved to authorize the Chairman to sign the Local Taxing District Election Information Form as there are no elections anticipated for the Boundary County Ambulance Service District. Commissioner Kirby second. Motion passed unanimously.

Chief Lindsey said he was notified about ambulance members parking in between the county's buildings behind the Courthouse so he would work on that.

Commissioner Pinkerton moved to approve the minutes of the Boundary County Ambulance Service District for September 18, 2017. Commissioner Kirby second. Motion passed unanimously.

Chief Lindsey said the ambulance's call volume is on record pace as they are capturing every transfer out of the local hospital. Commissioners and Chief Lindsey discussed matters pertaining to transfers. Chief Lindsey said two of his paramedics are critical care providers, which is the same type of service that Life Flight provides, so rather than having paramedics wait for Life Flight to arrive, it's best to have them take care of the patient and transport them.

Chief Lindsey said the lease Boundary Ambulance has for its current office space is about to expire and so he wondered as to the status of the armory as it pertains to a future ambulance office location. Chairman Dinning explained that the State of Idaho has to do an appraisal of the property and formally declare it surplus. Next the State Land Board has to offer the building for sale so it will be a long process if and when the county can take complete ownership of the armory. Chief Lindsey said that is fine; it's just that taking \$25,000 out of the ambulance budget for the future facility in addition to paying utilities and rent at the current office location is a large portion of their budget going out to housing. Chairman Dinning said if the county can get the armory, as soon as we can, Commissioners will do that.

Chief Lindsey said he cannot give out private health information, but he would like to provide Commissioners with information that he can discuss on positive outcomes Boundary Ambulance is involved in.

The meeting with Chief Lindsey ended at 10:14 a.m.

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

Commissioner Pinkerton moved to authorize the Chairman to sign the Outlay Report and Request for Reimbursement #2 totaling \$7,616.34 and the Invoice Summary for Airport Improvement Project #3-16-0004-015-2017. Commissioner Kirby second. Motion passed unanimously.

10:15 a.m., Kootenai Tribe Administrative Director/Kootenai Valley Resource Initiative (KVRI) Facilitator Patty Perry joined the meeting to update Commissioners on KVRI agenda topics. Ms. Perry said the Tribe sent a letter of support for the county's project to pave the remaining portion of Meadow Creek Road. Ms. Perry said at tonight's KVRI meeting Brandon Glaza with the Forest Service has been asked to give an overview of all aquatic organism passage or culvert projects. Ms. Perry informed Commissioners that Mr. Glaza was going to send out a request of support for a project on Canuck Creek, but he decided to wait. A few KVRI board members also felt it would be a good idea to wait, according to Ms. Perry.

Commissioner Pinkerton moved to authorize the Chairman to sign KVRI's letter of support to the United States Forest Service in support of the Fish Passage Project-Canuck Creek. Commissioner Kirby second. Motion passed unanimously.

Ms. Perry said also at the KVRI meeting, an update will be given by the Forestry Subcommittee that covers the Washington DC Forest Service Office representatives' visit. Projects viewed by members of the Washington Office included Twenty Mile, Kriest and Brushy Mission. Ms. Perry said the Washington Office also got a tour of the Idaho Forest Group's mill. During their visit discussion took place on monitoring and there was a concern, but the Forest Service didn't have a chance to go over all of their presentation at that time. Ms. Perry said she thinks monitoring meant making sure that there are results on the ground that are expected. Ms. Perry said the visit included three representatives from the Forest Service Office out of Washington D.C. as well as four representatives from the regional office.

Ms. Perry said at tonight's meeting, discussion will also take place on the Camp Dawson and Robinhood projects coming up. These two projects will be combined and done under one environmental assessment. A Wildlife Auto Collision (WAC) Committee update will be given and comments have been that the committee wants to do some updates to the animal detection system and to make sure it continues during the winter. Ms. Perry explained the drawback of having a stationary monitoring system as opposed to a mobile system due to wildlife migration patterns.

One more item that will be discussed at the KVRI meeting is water quality with pre and post treatment monitoring.

The meeting with Ms. Perry ended at 10:32 a.m.

Chairman Dinning said there has been talk about forming a regional office for public defense such as having Kootenai County head the office for District 1, Nez Perce County for District 2, etc.

Commissioners tended to administrative duties.

11:00 a.m., Solid Waste Department Superintendent Claine Skeen and Assistant Superintendent Eric Owen joined the meeting to continue the discussion on budget and how to reduce various line items in order to meet the Solid Waste Department's budget shortfall of approximately \$40,000.

Commissioners said the Release of Liability form for tire removal has been signed. Mr. Skeen questioned if the county resident who wants the tires needs liability insurance before removing them from the pile. Chairman Dinning said no since she signed the release.

Mr. Skeen said from October 2016 to October 2017 the landfill received 1,056 yards of wood debris. Those present reviewed Mr. Skeen's information on budget and income calculations.

Those present discussed changing the fees to a figure without cents. Chairman Dinning said if the amount of \$.24 was taken away from the current fees, there would be a loss, but to raise the current cost to an even dollar amount would increase the budget by \$6,200, is that correct? It was said \$6.70 is the current cost for wood debris so if the fee was increased to \$7.00, that generates \$7,392. It was said the fee had just increased from \$6.24 to \$6.70. Those present questioned if Commissioners would need to hold another public hearing to address the solid waste fees. Commissioners debated not changing the fee structure as it has already been changed once for this year.

Chairman Dinning said he informed Pat Murphy, whose relative's property borders the landfill, that Commissioners have not decided on anything pertaining to logging at the landfill, but that Commissioners would let him know when that discussion comes up.

11:19 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. 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 11:20 a.m. No action was taken.

The meeting with Mr. Skeen and Mr. Owen ended at 11:23 a.m.

11:23 a.m., County resident Delton Isaac joined the meeting.

Mr. Isaac presented Commissioners with an aerial map and pictures of the county property near the fairgrounds that adjoins his property. Mr. Isaac said the public drives their cars drive through this property and through the standing water that accumulates. Everyone drives through this alley and it becomes a mud hole with standing water that gets to be one foot deep. Mr. Isaac said this area needs rock to build the land up so it can drain toward the underpass or toward the fairgrounds. Blocking this property off is one option to keep cars from driving through. Chairman Dinning said Commissioners will think of a solution.

Mr. Isaac said years ago the City of Bonners Ferry had approved Chuck Stockdale's permit to build a shop and Mr. Stockdale has to back out onto the county's property based on the direction the shop's garage doors face so the county probably couldn't sell the property now.

Mr. Isaac wondered if anyone has ever shot the grade with a transit to see if the water could run down the alleyway.

Mr. Isaac informed Commissioners that another neighbor near to his property uses the county's property near the Parks and Recreation building as a parking lot. This same person also cuts through the county's property next to Mr. Isaac's house causing him to have to replace trim on the house due to how close this person cuts the corner.

Commissioners said they would think of a resolution.

The meeting with Mr. Isaac ended at 11:40 a.m.

Commissioner Pinkerton moved to cancel taxes for year 2017 in the amount of \$303.40 and fees in the amount of \$151.04 for a total of \$454.44. Commissioner Kirby second. Motion passed unanimously.

Commissioners recessed for lunch at 11:45 a.m.

Commissioners reconvened for the afternoon session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

1:30 p.m., Ken Toline joined the meeting.

Commissioner Pinkerton moved to go into executive session pursuant to Idaho Code 74-206(1)b, to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Commissioner Kirby

second. Commissioners voted as follows: Chairman Dinning “aye”, Commissioner Pinkerton “aye” and Commissioner Kirby “aye”. Motion passed unanimously. The executive session ended at 2:08 p.m. No action was taken.

Treasurer Sue Larson joined the meeting at 2:09 p.m.

Treasurer Larson informed Commissioners that she is starting the tax deeding process for year 2014, but Mr. Garrett, owner of Ace Elder Care, has yet to pay his year 2013 taxes. Mr. Garrett had made an agreement to pay \$1,000 per month until June at which time he would increase the amount and Treasurer Larson relayed information on the payments Mr. Garrett has made. Commissioner Pinkerton said the county could start the tax deed process because Mr. Garrett has not abided by the agreement to pay year 2013 taxes. Chairman Dinning said he wanted to look into a few matters before having Commissioners make a decision.

The meeting with Treasurer Larson ended at 2:30 p.m.

The person scheduled to meet with Commissioners at 2:30 p.m., did not show up.

2:35 p.m., Commissioner Pinkerton moved to go into executive session pursuant to Idaho Code 74-206(1)b, to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Commissioner Kirby second. Commissioners voted as follows: Chairman Dinning “aye”, Commissioner Pinkerton “aye” and Commissioner Kirby “aye”. Motion passed unanimously. The executive session ended at 2:47 p.m. No action was taken.

3:00 p.m., County residents Mitch and Rhonda Vogl joined the meeting to discuss room rates at the Restorium. Mr. Vogl said his dad is a resident at the Restorium and he is paying \$2,800 whereas some of the other residents are paying \$1,610. Commissioners informed the Vogls of holding a public hearing to address the rates, which were increased significantly. Commissioners said they received a lot of complaints because of that, but the Restorium would have to be closed by now if they hadn't done it. Commissioners said all of the residents who lived at the Restorium at that time did not have to pay that new rate. It was said a private pay resident is subsidizing the other residents. Ms. Vogl said her father-in-law is paying the full cost and it would be nice for those residents to receive a break. Chairman Dinning said the county does what it can, but the Restorium does accept residents who are on Medicaid. Commissioner Pinkerton spoke of a levy for the Restorium that used to total approximately \$300,000. Commissioner Pinkerton said the amount of tax that is generated for Road and Bridge is zero and everyone uses the roads, but with the Restorium we are currently levying approximately \$140,000 per year in addition to what the residents who live there pay. Ultimately the goal is to be able to not close the doors. Commissioner Pinkerton said we are all subsidizing those residents. Ms. Vogl said her father-in-law has experienced two rate increases so far and he is paying all of that amount. It was learned that Mr. Vogl's father had moved to the Restorium just as the first increase was assessed. Mr. Vogl said he does understand the rates and he added that he thanks the staff when he goes to visit his dad. Commissioner Pinkerton said it is expensive to run an assisted living facility and if you compare the cost to other facilities, the Restorium costs considerably less. Mr. Vogl said the difference of \$1,600 is a lot. Ms. Vogl said her father-in-law has lived here for over 60 years and has paid toward the Restorium as well. Commissioner Pinkerton said to remember that we have all been paying the taxes for the Restorium. We are not taxing for Road and Bridge, which everyone utilizes, but we are taxing people for 35 beds and that is what Commissioner Pinkerton said he has a problem with. Ms. Vogl said for a

veteran who planned his life right, etc., it seems like there should be legislation for these kinds of situations and people. Ms. Vogl said she would happily support the Restorium. Chairman Dinning asked if there are veterans services that will help pay for these costs. Mr. Vogl said his dad makes just a bit too much for that benefit.

Commissioner Pinkerton moved to instruct the Restorium's administrative staff to update the Admissions Policy to reflect the cost for room rates at the Restorium and to give direction regarding admissions for everyone residing at the facility. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning said he thinks within that motion there needs to be clarification regarding the current request for admissions and a suspension of admitting residents on Medicaid until the Admissions Policy has been updated.

Commissioner Pinkerton moved to suspend the admittance of any further Medicaid residents to the Restorium until such time the Admissions Policy has been updated. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton explained that the rates were to increase over time in order for the facility to support itself by resident payments. Commissioner Pinkerton said the admissions document that outlines who can be admitted to the Restorium was never updated to reflect Medicaid. Medicaid takes a residents possessions and determines how much they will pay for that person to reside at the Restorium. A resident may not have any other relatives or assets to help make up the difference in the cost of the room and what Medicaid pays so instead of paying \$2,800 per month, Medicaid will pay less. Commissioner Pinkerton said the rent at the Restorium is \$2,800, and it shouldn't matter if someone has Medicaid as that is the cost. The cost to stay at the Restorium shouldn't be the amount that Medicaid will pay as the actual cost is \$2,800. Commissioner Pinkerton said Medicaid is basically telling the county that the county is only going to receive a certain amount.

Chairman Dinning said Commissioners are not heartless and we've capped the number of Medicaid residents at five and we now have seven or eight residents on Medicaid, but Commissioners had to put the brakes on it. Ms. Vogl said self-sufficiency is a good goal and she added that she doesn't know what the staff is paid, but it cannot be enough. Those present discussed employee turnover and the county's benefit package.

Those present discussed the community that has supported the Restorium and the thought that the Friends of the Restorium might support forming a scholarship program for residents at the Restorium, etc. Ms. Vogel said she is proud of her father-in-law for how he planned his life.

The meeting with Mr. and Ms. Vogl ended at 3:30 p.m.

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

*****Tuesday, November 21, 2017, at 9:00 a.m.,** Commissioners held an elected officials/department heads meeting. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Assessor Dave Ryals, Treasurer Sue Larson, Planning and Zoning Administrator John Moss, Courthouse Maintenance John Buckley, Extension Office Agent Amy Robertson, Road and Bridge Department Superintendent Clint Kimball, Solid Waste Department Superintendent Claine Skeen, Sheriff

Dave Kramer, Probation Office staff member April Isaac, Chief Deputy Clerk Tracie Isaac, and Restorium Administrator Karlene Magee.

Chairman Dinning said if anyone has something in their department's possession that might be of historical value, please let Commissioners know and he explained that a few very old items were found at the Restorium that may be of value.

Chairman Dinning said the Idaho Association of Counties college scholarship applications for the 2018-2019 school year are now available to the dependents of county employees and elected officials.

Commissioners informed those present that any company or person doing work for the county must carry liability insurance totaling \$1,000,000 as well as workers compensation insurance.

Commissioners went around the room for department updates.

Mr. Skeen said he is just burying garbage.

Sheriff Kramer said he is having a fence installed behind the Sheriff's Office. Sheriff Kramer said he also received a bid from Fulton Construction for a remodel project at the armory. Chairman Dinning said Commissioners found out that the state cannot just give the armory to the county as the property has to be appraised then the State Land Board has to declare the property surplus so Commissioners are looking at next year before they can do anything. Commissioners suggested Sheriff Kramer and Mr. Buckley work together on the remodel plans before submitting them to the state.

Ms. Isaac said the Probation Office has two juvenile cases pending and she updated Commissioners on the number on probation.

Chief Deputy Clerk Isaac said Idaho Counties Risk Management Program (ICRMP) online training is still available to take.

Assessor Ryals said his office is gearing up for next year.

Treasurer Larson said her office is fairly busy and it will pick up even more after December 1st. The state is coming up to work on the new computer system soon.

Mr. Moss said Planning and Zoning is having hearings and is busy.

Mr. Buckley said he is extremely busy and there is no shortage of maintenance needed.

Ms. Robertson said she is in the middle of 4H enrollment and the deadline is coming up for 4H as it pertains to the fair. There will be a 4H curriculum showcase held at the fairgrounds where different tables will have information on various projects. The 4H ambassadors from Kootenai County will attend this event to provide information on opportunities for teens. Ms. Robertson presented a list of various upcoming courses that will be offered. Ms. Robertson said today she will interview four applicants for the 4H Coordinator position.

Mr. Kimball said he sent in the grant application to complete the Meadow Creek project. This is a grant in which no match is required. Road and Bridge also submitted another grant application that will fully pay for safety improvements by the Naples School such as installing crosswalks and flashing lights for

the kids. Mr. Kimball spoke of what is called a shovel ready program for projects that have already been started. Two prior projects that received this type of grant funding through the Idaho Department of Parks and Recreation were the replacement of Snow Creek Bridge and Caribou Creek Bridge. Mr. Kimball said he will now apply for paving, guardrails, etc. Road and Bridge has lost a lot of time due to the early snow storm as they weren't prepared for that magnitude, but they are prepared now. Mr. Kimball said the Federal Emergency Management Agency (FEMA) called to let him know they plan on visiting with him this next week. Mr. Kimball spoke briefly of making headway on the Atkins Canyon project as well. Mr. Kimball complimented the Road and Bridge crew stating they are awesome and added that his employees just know to do what they need to do.

The elected officials/department heads meeting ended at 9:13 a.m.

Ms. Magee remained in Commissioners' meeting to discuss Restorium room rates with Commissioners. Chairman Dinning asked about the cost of a single room and was told the cost is \$2,800. Medicaid pays on average \$1,600 for a resident using their services. Commissioners informed Ms. Magee that they had a thought that the Friends of the Restorium could possibly fund a scholarship to pay the difference in room rates for residents who are on Medicaid. Commissioner Pinkerton said the question is how we can make this work as the Restorium cannot house only Medicaid residents so the thought was maybe the Friends of the Restorium could help support this and maybe long-time residents can benefit from that help. Losing \$1,200 per month because Medicaid does not pay the full rate is a significant loss. Ms. Magee clarified that Medicaid only pays for a resident's care; not room and board. It was said a resident on Medicaid will pay approximately \$400.00 or so for the room.

County Civil Attorney Tevis Hull joined the meeting at 9:25 a.m.

Attorney Hull was updated as to the discussion and commented that the Restorium may have to have a separate contract for room and board. Chairman Dinning said the sad part is that this is concerning people in need, but the county needs to keep the Restorium open.

Chief Deputy Clerk Tracie Isaac joined the meeting at 9:29 a.m.

Ms. Magee left the meeting at 9:30 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. 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 9:42 a.m. No action was taken.

Commissioner Pinkerton moved to authorize the Chairman to sign the Memorandum of Agreement between the City of Coeur d' Alene and the Boundary County Sheriff's Office as it pertains to permitting officers of the Coeur d' Alene Police Department to exercise peace officer authority within the geographical jurisdiction of the Boundary County Sheriff's Office if the need arises. Commissioner Kirby second. Motion passed unanimously.

Attorney Hull left the meeting.

Commissioners recessed until the public hearing scheduled for 10:00 a.m.

10:00 a.m., Commissioners held a public hearing for Planning and Zoning Application #18-011, an application for a rural subdivision filed by Roger Unruh. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Deputy Clerk Michelle Rohrwasser, Planning and Zoning Administrator John Moss, County GIS Olivia Drake, Road and Bridge Department Superintendent Clint Kimball and Assistant Superintendent Renee Nelson, Meredith Keller, Dick Staples with JRS Surveying, Applicants Roger Unruh and Randall Wedel, John Nelson with the City of Moyie Springs, Enoch Stump, and Blue Sky Broadcasting News Reporter Mike Brown. The hearing was recorded.

Chairman Dinning reviewed the public hearing procedures. No one had any questions pertaining to the procedures and Commissioners stated they had no conflict of interest.

Commissioners opened the hearing and Chairman Dinning stated the application is for a short plat, rural subdivision to establish Mountain View Heights, 3rd Addition. Sections of the Zoning and Subdivision Ordinance to address will include: 11.6.1.4., 11.6.1.5., 11.6.1.5.5., and 11.6.1.5.6.

Chairman Dinning opened to public testimony and asked the applicant to give their opening statement. Mr. Staples with JRS Surveying said he represents the applicant and will speak on his behalf. Mr. Staples said he had received correspondence from the Road and Bridge Department and the Planning and Zoning Administrator listing questions they had about items that need to be addressed. Mr. Kimball and Ms. Nelson had questions pertaining to access as this information doesn't seem to be shown on the proposed plat. Mr. Staples said this plat is a bit different in that access is off a private road.

Mr. Staples said he wanted to back up and list the issues, which pertain to the water supply and power. Water will be provided by Three Mile Water, but there is not yet a "will serve" letter, and the same goes for power provided by Bonners Ferry. Mr. Staples pointed out South Division Street and a private road on the plat map. Some of the lots are accessed by South Division Street and the City of Moyie did approve that. There is a private road that accesses the lots. Commissioners and Mr. Staples reviewed the plat map. None of the lots are going to be accessed off public roads, according to Mr. Staples. Mountain View Road is a county road, but that access is for the second addition of this subdivision. Mr. Staples said Mr. Unruh has not submitted an application to Panhandle Health District as they charge a fee of approximately \$400 per lot. A number of test holes were dug so the applicant is trying to negotiate with Panhandle Health District so as not to have to pay a fee for each lot. Mr. Staples said he will have a signature from Panhandle Health District prior to recording. An email from the Road and Bridge Department was received regarding access along East Mountain View Drive, according to Mr. Staples. There won't be shared accesses as these are all private roads and shared easements. The cul-du-sac shown will have a private road name and the easement access to lot 7 will require a private road name and approach permit. Ms. Nelson and Mr. Staples reviewed a map and Mr. Staples said the access will have private road names. Mr. Staples said the plat itself serves as record of easement so there won't be a separate deed as it will just show on the plat. The easement is 50 feet. Road and Bridge has requested all joined accesses be constructed to county standards. Mr. Staples said he doesn't believe there will be any joined accesses.

Chairman Dinning said Division Street runs all the way along the western boundary of this subdivision to a section corner. It was said the City of Moyie requests this easement to be 50 feet wide and this easement extends along the south side of lots 8E and 8H. Chairman Dinning asked if the City of Moyie

Springs agreed to this and Mr. Staples said yes. This is in the area of impact. It was said the City of Moyie Springs's only request was to add 30 feet to the already existing 20 foot easement to make it 50 feet through South Division Street.

Chairman Dinning said the easement doesn't need to be deeded, but it may need to be delineated on the plat that it is for access. Chairman Dinning said other than that everything for access is a private road. Mr. Staples said yes. Chairman Dinning said an interesting point in the notes is that the Road and Bridge Department asked or commented for shared accesses so at this point Road and Bridge has made the request. Commissioners asked about septic approval and questioned if there had been any issues with septic for phases 1 and 2 of the subdivision. Mr. Staples said no, as it's all the same soil there.

Mr. Moss was asked to provide a staff report and he said the application was filed on October 8, 2017, by Roger Unruh. Mr. Moss informed Commissioners he noticed this staff report needs to be corrected to reflect this is the 3rd addition as it states it is for the 2nd addition. At this point this is a short plat and lot 8 will be included in the 3rd addition. Mr. Moss said this involved the City of Moyie Springs area of impact and approval was required by the city and Road and Bridge. The report shows the proposed plat layout, but not the current detail being discussed in terms of easements. Mr. Moss said it was indicated incorrectly that the City of Bonners Ferry is supplying water as it will be Three Mile Water to provide this service. This property consists of 40.68 acres to be divided into eight lots; none of which will be less than five acres for the definition of rural subdivision. Mr. Moss said he has not yet received any confirmation from the City of Moyie Springs or from the Road and Bridge Department in terms of their approvals. Chairman Dinning said as far as land use it meets the criteria. Mr. Moss said it meet the standards for rural subdivision. Chairman Dinning said that can be served by a private road.

Road and Bridge, speaking as staff, provided their comments and questions. Ms. Nelson said she and Mr. Kimball did submit questions in writing to the Planning and Zoning Administrator regarding the questions Mr. Staples listed and Commissioners received that information as well. Ms. Drake said they were making sure the 2nd addition plat was not questioned or shared accesses were not changed by this plat.

There is a cul-du-sac coming off East Mountain View Road accessing lots C and F. Chairman Dinning said this will require a new private road name and new approach permit. Ms. Nelson said this needs clarification. The 2nd addition shows a shared approach, but it didn't show the cul-du-sac that is shown for the 3rd addition. The Road and Bridge Department wants to make sure the private road that comes off Mountain View Road ends in the cul-du-sac. Chairman Dinning said the easement for lot 7 also provides access to lot 8G. Chairman Dinning said that also requires a road name and approach permit.

Chairman Dinning said he had concerns that at the time of filing for the 2nd addition, it appears that access to lot G didn't go all the way. Ms. Nelson said the plat from the 2nd addition didn't show it. It needs to show there will be a deeded easement that will service three lots now. Chairman Dinning said for clarity we need to review the 2nd addition final plat to make sure access does go all the way through, and if not, that plat needs to be amended or get an easement that it will go all the way through. That is just a thought, according to Chairman Dinning. Ms. Nelson asked Chairman Dinning if he understood that this is a private road that will need a road name. Chairman Dinning said yes.

It was said a 50 foot easement will access lot H. Ms. Nelson said the other thing that Road and Bridge noticed about the 20 foot easement not being shown on the plat is the easement out of parcel #RP62N02E223900A. The easement deed to that grants a 20 foot easement to the four parcels, but we

didn't know if that meant it's to where the new parcels are being divided so is there going to be an easement to that location? Chairman Dinning said Road and Bridge is requesting any accesses off South Division be shared accesses. Chairman Dinning said this is a private road. Ms. Nelson said the concern of Road and Bridge is the area between lot 3 and lot 4, and lot 7 as the easement accesses the lots and she spoke of needing to know the roadway that will be built. The county doesn't want to run into a situation in which it will go GPS the road, but won't know where the road is to follow it as it hasn't been developed. Mr. Kimball said along with Ms. Nelson's thoughts, if the approach can be established, it can be GPS'd and make addressing easier. Chairman Dinning mentioned the approaches being constructed and Mr. Kimball said yes. Ms. Nelson said she would want to clarify it's not just the approach, but construction of a private road as that allows you to get to the first lot.

Ms. Drake said she is still confused about the extension across the second addition, lot 7. The 3rd addition is only subdividing lot 8, but access only extends to lot 7 in the 2nd addition.

Commissioners opened the hearing to those speaking in favor of the application. No one spoke. Next the hearing was opened to those speaking uncommitted to the application. No one spoke. Speaking in opposition was Meredith Keller. Mr. Keller said he lives at end of South Division and there are two other houses that are accessed off his driveway. Mr. Keller said he has had great problems when Promise Lane went in and South Division is just completely torn up. There aren't any provisions anywhere about maintenance of this private road with all these new lots going in. There isn't a real developer that wants to develop the property for himself. It's a division of an inheritance so it is slicing up the land however it can be done and he understands that, but there is no guiding light to develop it. There is no homeowner's association in place and no permanent thinking on the road. It's just gravel and it will deteriorate with more houses that come in and it tears up South Division. There are so many unanswered questions that staff has brought up and no one has answered those questions, such as the question of Panhandle Health District. It is not in the public interest to have a development like this. There is no concern for school bus turnouts, pothole maintenance and dust maintenance. The right-of-way or access going south on South Division has no 50 foot access there; it's just a little 20 foot road. There are a lot of things not being done properly for development, according to Mr. Keller. Chairman Dinning asked if there was a maintenance agreement when Mr. Keller bought his land. Mr. Keller said no. No one else spoke in opposition.

Chairman Dinning asked the applicant to respond to concerns raised and stated it would also be the applicant's closing statement.

Mr. Staples reviewed the bullet point questions Road and Bridge had asked about. Mr. Staples said the 2nd plat only shows the easement going through some of it. The landowner still owns lot 7. Mr. Staples said he should have an official document showing the easement going through there and he can provide that. The 5th bullet point question is if the document granted access to only lots outside of the original lot 8. The concern is if access comes across a private parcel, it could restrict use. Chairman Dinning said that is a concern that needs addressed. The last question also pertained to access. Mr. Staples said if the landowner goes through the process of naming the access and getting an approach permit, does Road and Bridge want some construction of that road. Chairman Dinning said that actual approach needs to be constructed. Mr. Staples asked how that can be addressed as a condition on the plat. Mr. Staples said in response to Mr. Keller's comment, he just wanted to explain to Panhandle Health District having dug the test holes and ask if the landowner needs to go through the entire process and if they have to, they will. Mr. Staples said Panhandle Health District is part of the issue and he was just trying to explain where that situation was.

As far as the City of Moyie Springs and South Division. The city was talked to first for the approval. Essentially it is an easement that exists, according to Mr. Staples. The applicant was willing to add 30 feet of his own property. There probably are maintenance issues. Chairman Dinning said to Mr. Keller that the county will run into some confusion if neighbors don't get along as Mr. Unruh has a 20 foot easement to drive on and he will add another 30, but that may not happen if people don't get along. It is possible for Mr. Unruh to be denied that additional footage as once a lot is sold an individual has a right to do something about it. Commissioner Pinkerton said it is still not giving Mr. Keller the right to use the additional 30 feet. Mr. Staples said the road below is actually 30 feet, not 20 feet, but the landowner will grant another 20 feet. This access is located outside of Lot 8E and the little square parcel. Chairman Dinning said another question is the existing easement and if it is for access to this parcel, the existing 20 feet. Was the access only given to specific properties or is it a general easement for property owners.

Chairman Dinning said before Commissioners sign the final plat the Panhandle Health District and both cities will need to sign on. Mr. Staples said Mr. Unruh will need a "will serve" letter from some agencies, address easement issues, verify that the 20 feet for the easement is for the public or is generally granted and not an exclusive easement. The issues brought up by Road and Bridge will be addressed. Chairman Dinning said the existing 20 foot is the easement and is located entirely on the property owner's parcel. Chairman Dinning said Mr. Unruh may want to consider cleaning this matter up and making the easement 50 feet wide. Mr. Staples said the City of Moyie Springs's power line runs down there and it's prohibitive for any widening or improvements for South Division. Chairman Dinning said that is not what he is talking about. There is a 20 foot proposed easement to be expanded. It may be wise to consider a new 50 foot easement that includes an additional 20 feet because the existing 20 foot easement may be specific to a certain property. Chairman Dinning said he is just thinking out loud about this and is making absolutely no commitment. Chairman Dinning said he believes the concerns were covered unless someone else wishes to speak.

Randy Wedel said he is one of the applicants and Mr. Unruh is an in-law of his. Mr. Wedel said he just wanted to comment on the square parcel that Mr. Unruh does not own. Mr. Wedel said he was going to ask for the same easement that he is giving for future access and put in stone, but he don't know if there has been any progress on getting that. Chairman Dinning said he is not going to close this hearing to public comment at this time and added that there are a number of details that need to be ironed out so the hearing can be continued to allow for some investigation. Chairman Dinning said his only question is if the applicant can get the documentation from the two utility companies in the meantime. Mr. Staples mentioned he could obtain a copy of the minutes from the City of Moyie Springs council meeting.

Chairman Dinning said the issues that have been addressed are regarding the easement down lot 7 and the 50 foot easement and accesses to those lots, especially the corner lot that Mr. Wedel mentioned. We want to solve the problem, not create one.

11:00 a.m. The hearing ended and will continue to December 19, 2017, at 10:30 a.m.

There being no further business, the meeting adjourned at 11:00 a.m.

DAN R. DINNING, Chairman

ATTEST:

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