

**\*\*\*Monday, November 8, 2021, at 9:00 a.m.,** Commissioners met in regular session with Chairman Dan Dinning, Commissioner Wally Cossairt, Commissioner Tim Bertling, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

Commissioners gave the opening invocation and said the Pledge of Allegiance.

County resident Marty Martinez was present in the meetings off and on throughout the day.

9:00 a.m., Road and Bridge Department Co-Superintendents Renee Nelson and Randy Nelson joined the meeting to give the department report. A written report was provided.

Ms. Nelson reviewed work listed in the department report to include hauling rock to District 5 Road, getting the salt brine tanks ready, putting more rock on Lions Den Road, and taking care of drainage on Smith Lake Road. Ms. Nelson mentioned work being done on Ruby Creek and that the bridge inspector was up on Sunday and commented that Ruby Creek #2 bridge looks good. More work included cleaning ditches on Spring Hill Road, repairing a culvert on Bus Road, and cleaning up a downed tree on Paradise Valley Road. This week Road and Bridge is putting in a culvert on Westside Road and putting rock on Chisholm Hill Road and Krause Road. Ms. Nelson spoke of the new Pubworks computer system training for Road and Bridge and she explained that she will be able to insert latitude and longitude information for culvert locations, bridges, etc., and this information may be able to integrate into other computer programs.

Ms. Nelson said Maria's Cleaning Service did a walk-through of the Road and Bridge Office last week and quoted a price of \$35.00 per hour, but having the cleaning taken care of in-house by a current Road and Bridge employee would cost less. Mr. Morris said he would prefer giving the job to the current employee. Commissioners were all in agreement for the current Road and Bridge employee to take on the office cleaning at Road and Bridge and felt a motion did not need to be made.

Ms. Nelson provided Commissioners with a diagram for concept development for the Alta Forest Products project for a siding with Union Pacific Railroad. The concern is if the train is backed up onto School House Road, crossing arms and signals would be needed, but Ms. Nelson said this is a part of the grant for Union Pacific to install. Those present discussed not paying up front as the county may not get reimbursed. Chairman Dinning questioned the future project of creating turning lanes and he added that he's totally in support of Alta and their project, but there are issues Alta is not aware of, such as school related matters and bridge issues at the other end of Deep Creek Loop. Ms. Nelson raised questions about how often School House Road would be blocked. The bridge is inspected every year due to the condition it's in. Mr. Morris added that trains on these tracks are getting longer all the time.

Ms. Nelson said Boundary County is working on updating its five-year capital improvement plan, to include roads that need reconstruction, drainage, chip sealed, and sign work. Pages will be added that show major bridges and repairs that are needed to those bridges. Ms. Nelson said she's been trying to get the cost information as between this project and the transportation plan, it's a big deal to get information listed for transportation funding. Chairman Dinning said it is information the community also needs. It's time sensitive for the next Local Rural Highway Investment Plan (LRHIP) application, according to Ms. Nelson.

Ms. Nelson spoke of the LRHIP application to reconstruct and chip seal Brown Creek Road. Year 2023 would be when chip sealing could be done. Next year the first one quarter mile could be reconstructed.

There is a little bit of work that needs done at the intersection at Bridle Path Road. Ms. Nelson listed the work scheduled for oil and how it could go all the way to Paradise Valley Road, which is approximately 4.6 miles.

Commissioners commented that they will discuss the request for road abandonment with County Civil Attorney Tevis Hull, but the county will need to get a legally described survey.

Commissioner Bertling voiced information about a guardrail being mentioned for a portion of District 2 Road.

The meeting with Ms. Nelson and Mr. Morris ended at 9:32 a.m.

Treasurer Sue Larson joined the meeting.

Commissioners contacted County Civil Attorney Tevis Hull via telephone at 9:33 a.m.

Commissioners discussed an issue in which someone contacted them about a complaint over 4H personnel for a matter that occurred during the fair. The 4H Coordinator is a county employee and other staff members are University of Idaho employees. Commissioners don't have any involvement with 4H other than the coordinator being a county employee. Commissioners said they would send information to the parent who reached out to them to let them know the county doesn't have any involvement in this situation.

Chairman Dinning mentioned that Commissioners are looking for guidance on the America Rescue Plan Act (ARPA) funds. The Commissioners' Office was approached by county residents who are stating that within the ARPA funding guidance are requirements that the recipient of funds needs to follow all executive orders so Commissioners are looking into locating those documents.

Commissioners informed Attorney Hull that the landfill is receiving railroad ties and the county is now talking about no longer accepting railroad ties as they're finding metal in them that is causing damage to grinders, etc. The Solid Waste Department is considering banning all railroad ties, but the county needs to give the public some way of disposing of these old ties instead of people just burning them. Chairman Dinning questioned if there is a way to restrict the two railroad companies from disposing of railroad ties at the landfill, but accept them from the public. Attorney Hull said the railroad companies are more commercial than private so he thinks the county can limit the acceptance of commercial railroad ties, unless the ties have been inspected and are determined to be free of any metal. Commissioners can even state that the public's railroad ties also need to be inspected and metals need to be removed.

Chairman Dinning said Commissioners have received a request from Planning and Zoning Administrator Clare Marley asking if Planner Tessa Vogel can be allowed to sign records of survey for subdivisions in Ms. Marley's absence. Attorney Hull said he had no concerns about that.

Commissioner Cossairt moved to authorize Planner Tessa Vogel to sign off on surveys on behalf of Planning and Zoning Administrator Clare Marley in her absence. Commissioner Bertling second. Motion passed unanimously.

It was said that Planner Tessa Vogel inquired if she is supposed to report feedback and comments on Planning and Zoning matters to Attorney Hull or Commissioners. Ms. Vogel is currently forwarding this

information to County Civil Attorney. Attorney Hull said he doesn't feel Commissioners need to get into these issues now as the matter is going through the investigative process.

Attorney Hull asked Commissioners about their motion at the end of the hearing to consider the Planning and Zoning Application for LMJPNP, LLC. Attorney Hull inquired as to the reason Commissioners moved that there wouldn't be any changes in the zone for the parcels closer to the landfill and if it was just because of the landfill and nothing more, as that seems to be the tenor in the minutes; that Commissioners want the buffer around the landfill. Commissioner Cossairt mentioned the reasons are due to the areas to the west and to the north, in addition to the landfill.

Attorney Hull said he will review the recent letter received regarding the National Opioid Settlement Notice.

Mr. Martinez and Treasurer Larson left the meeting at 9:47 a.m.

Commissioner Cossairt 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; and Idaho Code 74-206(1)f, to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Commissioner Bertling second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Cossairt "aye" and Commissioner Bertling "aye". Motion passed unanimously. The executive session ended at 9:56 a.m. No action was taken.

Mr. Martinez returned to the meeting.

Those present briefly discussed stressful conditions at the Restorium due to COVID-19.

Commissioner Cossairt moved to approve and sign the minutes for the weeks of October 25, 2021 and November 1, 2021. Commissioner Bertling second. Motion passed unanimously.

Treasurer Sue Larson returned to the meeting at 10:01 a.m.

Treasurer Larson informed Commissioners that the homeowner's exemption deadline has changed whereas it used to be April 15<sup>th</sup> of each year was the cut off and after that the benefit applied to the following year, but now someone can sign up for the homeowner's exemption after April 15<sup>th</sup> and receive the reduction for that same year. Property values cannot change at a certain point and the county couldn't establish levies with a floating homeowner's exemption. Up to July, the homeowner's benefit could be put on. The county can only do a tax cancellation to provide the homeowner's benefit. Treasurer Larson explained that now a person can sign up for the homeowner's benefit on December 31<sup>st</sup> and receive the reduction for that year, but not if it's after December 31<sup>st</sup>.

Treasurer Larson said Assessor Ryals is working on the subroll now and the county will receive \$58,000.00 more value than anticipated. Treasurer Larson mentioned this will affect the City of Bonners Ferry and Paradise Valley Fire District, and countywide the taxing districts won't be affected like the smaller districts might be.

Commissioner Cossairt moved to cancel taxes in the amount of \$14,625.36 and value in the amount of \$1,693,179.00 as the homeowner's exemption was received after the July abstract cutoff for the following parcels: M363N02#32601A, RP65N01W364804A, RPM06200030190, RPB058000C0020A, RP62N02E166335A, RP003350000030A, RPB06900000020, RP62N02E183325A, RP008250000210A, RP62N01E121060A, RP62N01E121065, RP011200000040A, RP003350000260A, MH63N01E156451A, RP63N01E156451A, MH61N02E182416A, RP65N02E262848A, RP00260001011AA, RP011200000110A, B0240039006BA, RP003250000110A, RPB0240019021AA, RPB02400190220A, RP61N01E103500A, RPB1040001001CA, RP62N03E212420A, RP61N01E323020A, RP60N01E062482A, RPB06900000010A, RPB028000000IBA, RPM06200040100A, RP62N02E093610A, MH001600000100UA, RP61N01E157816A, MH00160000007TA, and RP008250000150A. Commissioner Bertling second. Motion passed unanimously.

Treasurer Larson left the meeting at 10:10 a.m.

Commissioner Cossairt moved to sign the Agreement for Maintenance Services with Valence Inc., dba Valence Mission Critical Technologies. Commissioner Bertling second. Motion passed unanimously.

Commissioner Cossairt moved to sign the Idaho Office of Emergency Management 2021 Subrecipient Agreement, for the 2021 Emergency Management Planning Grant ARPA supplemental. Commissioner Bertling second. Motion passed unanimously.

Commissioner Cossairt moved to sign the County Annual Juvenile Justice Report to the Idaho Department of Juvenile Corrections for the reporting period of October 1, 2020 to September 30, 2021. Commissioner Bertling second. Motion passed unanimously.

Commissioner Cossairt moved to sign the Idaho Department of Juvenile Corrections, Juvenile Justice Annual Financial Report for the period of October 1, 2020 to September 30, 2021. Commissioner Bertling second. Motion passed unanimously.

Commissioners will continue the claims approval to this afternoon at approximately 1:30 p.m.

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

Commissioner Cossairt moved to go into closed session pursuant to Idaho Code 31-874. Commissioner Bertling second. Motion passed unanimously. The closed session ended at 10:31 a.m.

Mr. Martinez returned to the meeting.

Commissioner Cossairt moved to sign the certificate of denial for indigent case 2021-12. Commissioner Bertling second. Motion passed unanimously.

Commissioner Cossairt moved to sign the Certificate of Approval for Indigent case 2022-1. Commissioner Bertling second. Motion passed unanimously.

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

Commissioners tended to administrative duties.

Commissioners updated Mr. Martinez on Restorium matters as it pertains to COVID-19 as Mr. Martinez is on the Restorium Advisory Board.

11:00 a.m., Commissioners canvassed the ballots from the election held on November 2, 2021. It was stated that there were no irregularities.

Commissioner Cossairt moved to approve the canvass of the November 2, 2021 election. Commissioner Bertling second. Motion passed unanimously.

Commissioners recessed for lunch at 11:30 a.m.

1:30 p.m., Commissioners reconvened for the afternoon session with Chairman Dan Dinning, Commissioner Wally Cossairt, Commissioner Tim Bertling, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

1:30 p.m., Roland Hall and Chuck Roady joined the meeting.

Mr. Hall informed Commissioners that if you look back to the 1900s or possibly the late 1800s, that was when the Continental mine was first patented and there were approximately 383.96 acres. Mr. Hall added that the Forest Service has taken 60 acres to the west and are stating he and Mr. Roady don't own this property anymore and would have to take the issue to federal court to prove otherwise. The property should not have been dropped off the tax rolls. The Forest Service surveyed the property and the old company logged those acres. Mr. Hall spoke of having paid taxes on this property until year 2018 and the total number of acres is 383.96. The documentation the County Assessor received about this change was from the Bureau of Land Management. Mr. Hall and Mr. Roady said they can't track it, but there are three patents, which are extensions of other patents that are attached to this. Those present briefly reviewed a map of the area. It was said that Surveyor Dick Staples thinks someone from the Forest Service or Bureau of Land Management dropped the ball and either didn't include these lots in the paperwork or didn't include the patent number. Mr. Hall said every map produced from year 1900 till now shows these lots as his property and the parcel numbers are even listed. There are a lot of records. Mr. Hall said all historical records show he and his partners have paid taxes on this land. Mr. Hall said he wants the 60 acres put back on the tax rolls as they were illegally removed. The private parties have paid taxes on this property for 100 years and they want to continue paying the taxes on it.

Chairman Dinning explained that the process for these adjustments starts with the Assessor. Chairman Dinning said he doesn't know what to do next. Mr. Roady said the property was taken off of the tax rolls as they couldn't find the patent number. Mr. Hall said he thinks there are enough historical documents that show the extension of the patents. This Forest Service wasn't in effect until year 1915 so this area was the Pend Oreille Forest, according to Mr. Roady. Chairman Dinning said he doesn't know what Commissioners can do as they haven't gone through this before. It was said the agency was called the General Land Office before being named Bureau of Land Management (BLM). Chairman Dinning suggested that Mr. Hall and Mr. Roady ask for a public records request from these agencies. Chairman Dinning said Commissioners will do some checking on this. Commissioner Bertling said it sounds like someone was reviewing the mining claims and was not aware of the extensions. Mr. Hall replied that he thinks it's less benign than that and that it's to keep him and his partners out of there. Mr. Roady said he wanted to make Commissioners aware of the issue and to get some support, and he added that he'll speak with Assessor Ryals as to how to proceed. Mr. Hall said there have only been four owners of the whole property.

The meeting with Mr. Hall and Mr. Roady ended at 2:00 p.m.

Commissioners reviewed claims for payment. Fund totals are as follows:

Current Expense	\$ 51,310.52
Road & Bridge	54,180.05
Airport	3,348.66
District Court	7,797.77
Justice Fund	46,265.81
911 Funds	15,531.29
Indigent & Charity	15,318.09
Junior College Tuition	15,100.00
Parks and Recreation	6,142.22
Solid Waste	188,779.64
Tort	2,335.90
Veterans Memorial	622.89
Weeds	914.51
Restorium	33,962.31
Snowmobile	500.00
Waterways	164.20
Grant, Airport	205,691.33

**TOTAL \$647,965.19**

**Trusts**

Boundary County Drug Court	369.60
Sales Tax Collected	229.83
Driver's License Trust	10,161.50
Motor Vehicle Trust	207,761.86
Sheriff's Trust Fund	955.50
Odyssey Court Trust Account	23,678.25
Odyssey Bond Trust Account	500.00
Odyssey Restitution Trust Acct	1,827.12

**TOTAL \$245,483.66**

**GRAND TOTAL \$893,448.85**

Citizens are invited to inspect detailed records on file in the Courthouse (individual claims & Commissioners' allowance & warrant register record 2021-2022).

Commissioners discussed receiving a telephone call regarding the muddy conditions surrounding the household dumpsters at the landfill.

There being no further business, the meetings adjourned at 2:30 p.m.

**\*\*\*November 9, 2021, at 11:00 a.m.**, Commissioners met in regular session with Chairman Dan Dinning, Commissioner Wally Cossairt, Commissioner Tim Bertling, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

Emily Bonsant with the Bonners Ferry Herald joined the meeting.

Commissioner Cossairt moved to cancel taxes from today's list from the Treasurer's Office in the amount of \$3,784.84 and to cancel value in the amount of \$497,101.00 as the homeowner's exemption was received after the July abstract cutoff for the following parcels: RP003250000170A, RP65N01W146300A, RP62N02E142709A, MH00030000007UA, RP61N01E180911A, RP008220000100A, RPB0620002006AA, RPB0620002003AA, and RP65N01W260140A. Commissioner Bertling second. Motion passed unanimously.

11:02 a.m., Darius Ruen and Clare Marley with Ruen-Yeager & Associates joined the meeting to discuss various Planning and Zoning matters with Commissioners.

Ms. Marley updated Commissioners on the status of Boundary County Planning and Zoning applications, reviewed the current fees for various applications, and reported on staff effort levels to see what takes the most and least time for certain types of files. Ms. Marley said the planning directors in Idaho counties are doing a fee study currently so she will leave this information with Commissioners for comparison. Ms. Marley informed Commissioners that residential placement permits make up the majority of permits and the fee for those is \$100.00. The fee for residential placement permits used to be \$35.00. Ms. Marley said in her summary, she doesn't collect for addressing, Road and Bridge Department review, and Assessor or mapping costs involved with the process. It takes three to four hours for processing residential placement permits and Ms. Marley explained the process.

Those present reviewed Ms. Marley's scale of effort levels for various applications based on what is needed or required for those applications.

Ms. Marley said she was unable to calculate special event permits. Those present commented on temporary permits, variances, various parcel splits, lot line adjustments, and subdivisions. These are at a level 5 due to their involvement. Those present also reviewed short plats and long plats, which are at a level 7 as they're the most intensive type of application.

Ms. Marley said she has not been successful in collecting fees after the fact for publication costs and she suggested collecting those fees up front. Commissioner Bertling agreed that fees should be collected in advance. Ms. Marley mentioned that she wants to leave the decision pertaining to any possible fee changes up to Commissioners. Chairman Dinning said the information provided by Ms. Marley will help Commissioners in determining fees as it cannot be arbitrary.

Ms. Marley discussed work involved with final plats, such as reviews and determining conditions are met and having separate fees for plats. Commissioners might consider a final plat review fee as well, which the county doesn't have, but the process takes quite a bit of time. Those present discussed fees to ensure there is compliance.

Chairman Dinning provided the following scenario as an example, if he doesn't like what his neighbor is doing and he reports the neighbor to Planning and Zoning, there is the cost of sending the two letters to the neighbor and a possible investigation, only to find out the neighbor was doing something legally. Chairman Dinning said he doesn't want the process to be abused or to also be a burden for someone.

Ms. Marley said she doesn't see a fee for road vacations, which it's listed in Idaho Code Titles 40 and 50 for the vacation process.

Chairman Dinning spoke of having needed to increase the fees last year as the taxpayers are subsidizing the home builder for the cost of work involved.

Ms. Marley said for year 2021, Boundary County had 238 Planning and Zoning applications and the year before there were 224 applications. So far for fiscal year 2021-2022, there are 24 applications. Residential placement permits are the highest number of permits for each of these years.

Those present reviewed projects completed in year 2021.

Chairman Dinning said current updates have been identified so Commissioners probably need to set up a workshop with County Civil Attorney Tevis Hull and Ms. Marley.

Ms. Marley mentioned discussing the budget for Planning and Zoning work, which is why Mr. Ruen is present. Chairman Dinning went through the time line taken for Ruen-Yeager to help get the county caught up with Planning and Zoning applications. Some applications are pending due to various issues, according to Ms. Marley.

Clerk Poston said as far as budget, Planning and Zoning spent just under \$133,000. The budgeted amount was \$82,000.00 so the budget was overrun, but the Commissioners knew we were going to do that. Mr. Ruen said the rates for Ruen-Yeager did change and that will come into effect for the budget so we will need to review that and stay within the county's budget. Chairman Dinning spoke of learning that matters within the Planning and Zoning Ordinance and other ordinances don't mesh and we need to make them work. Ms. Marley commented that she and Commissioners can do a bit of work on that at a time and have something completed in six months or spend more time and get it done sooner.

Ms. Marley spoke of needing to get a state permit for manufactured home permitting if the county does not have a building safety investigation permit. Chairman Dinning said the letter from the state voices the requirements fairly well.

Ms. Marley mentioned that staff are in the Planning and Zoning Office two days per week, which is Wednesday and Thursday, and she commented that she would let Commissioners know when and if there's an illness or occasion when staff are not able to be in the office.

Ms. Bonsant left the meeting.

11:45 a.m., Commissioner Cossairt 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 Bertling second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Cossairt "aye" and Commissioner Bertling "aye". Motion passed unanimously. The executive session ended at 12:10 p.m. No action was taken.

Commissioners recessed for lunch at 12:10 p.m.

1:30 p.m., Commissioners reconvened for the afternoon session at the County Annex with Chairman Dan Dinning, Commissioner Wally Cossairt, Commissioner Tim Bertling, and Deputy Clerk Michelle Rohrwasser.

1:30 p.m., Commissioners held a public hearing to consider Planning and Zoning Application #21-193, a request for a zone change and comprehensive plan change to industrial, requested by Alta Forest Products. Present were: Chairman Dan Dinning, Commissioner Wally Cossairt, Commissioner Tim Bertling, and Deputy Clerk Michelle Rohrwasser. The hearing was recorded.

Commissioners had no conflict of interest.

Chairman Dinning stated that due to an issue with sending notice of hearing to landowners within 300 feet of the boundaries of the project, Commissioners will need to continue the hearing.

Commissioner Cossairt moved to continue the public hearing for Planning and Zoning Application #21-0193 to 9:00 a.m., Tuesday, November 16, 2021, at the Boundary County Annex Building, 6566 Main Street, Bonners Ferry, in order to allow additional time for public notice and comment. Commissioner Bertling second. Motion passed unanimously.

The hearing ended at 1:32 p.m.

Commissioners recessed until their next public hearing scheduled for 2:00 p.m.

2:00 p.m., Commissioners held a public hearing to consider Planning and Zoning Application #21-0232, a request for a short plat, primitive subdivision requested by Applicant Ruth Eckblad. Present were: Chairman Dan Dinning, Commissioner Wally Cossairt, Commissioner Tim Bertling, and Deputy Clerk Michelle Rohrwasser. The hearing was recorded.

Commissioners had no conflict of interest.

Chairman Dinning stated that due to an issue with sending notice of hearing to landowners within 300 feet of the boundaries of the project, Commissioners will need to continue the hearing.

Commissioner Cossairt moved to continue the public hearing for Planning and Zoning Application #21-0232 to 9:30 a.m., Tuesday, November 16, 2021, at the Boundary County Annex Building, 6566 Main Street, Bonners Ferry, in order to allow additional time for public notice and comment. Commissioner Bertling second. Motion passed unanimously.

The hearing ended at 2:02 p.m.

There being no further business, the meeting adjourned at 2:02 p.m.

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DAN R. DINNING, Chairman

ATTEST:

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GLENDIA POSTON, Clerk  
By: Michelle Rohrwasser, Deputy Clerk