

# Commissioners' Meeting Minutes - Week of October 16, 2023

Monday, October 16, 2023, at 9:00 a.m., Commissioners met in regular session with Chairman Tim Bertling, Commissioner Wally Cossairt, Commissioner Ben Robertson, and Clerk Glenda Poston.

Commissioners said the Pledge of Allegiance.

8:50 a.m., Boundary County Historical Society Co-Treasurer Dottie Gray presented Commissioners with the Museums appreciation calendar.

Ms. Gray left the meeting.

9:00 a.m., Personnel Director Pam Barton joined the meeting briefly to discuss an employee matter. Ms. Barton left the meeting.

9:08 a.m., Boundary County Snowmobile Advisory Board member Dave Wenk joined the meeting. Commissioners continued their discussion on a snow groomer attachment. Mr. Wenk presented a quote for the snow groomer totaling \$31,000.00, which includes freight and has a six to eight weeks delivery time frame. It was said there are currently no grants available for this type of purchase, but if the county does develop a grooming program in the future, there is the opportunity for grant funding. Another item that is needed is a 100-gallon slip tank for offsite fueling. There was also discussion on where to start and stop grooming.

Commissioner Cossairt moved to purchase the Mogul Master Trail groomer in the amount of \$31,000.00 using ARPA funds. Commissioner Robertson second. Motion passed unanimously.

Mr. Wenk left the meeting.

9:35 a.m. Addressing Coordinator Debra Dreger joined the meeting.

9:35 a.m. County Civil Attorney Tevis Hull joined the meeting to update Commissioners on the following topics: Dan and Linda DeHart's Conditional Development Agreement, correspondence regarding the Idaho Transportation Department (ITD) and Kootenai Tribal property, discussion on a sovereign nation and agreements, reaching out to other agencies for the cost of a stop light, and still gathering information regarding the Great Northern/Sunrise access road. Attorney Hull mentioned that ITD asked if the county would pay for the stop light, but that was never intended or even discussed. Attorney Hull said he has prepared the leases for Iron Mike's Gym and North Bench Fire Department relating to the airport property

and he will forward those to Airport Manager Dave Parker this week. Attorney Hull added that he has also prepared the letters for Road and Bridge pertaining to LaBrosse Hill Road access and the Riverside Road Improvement Project, but he is going to reach out to other resources regarding roads and rights-of-way. Those present discussed public records requests and the compounding of the same request going forward and associated costs. A complaint has been received from property owner Cameron Smith regarding damage to his foundation caused by earth moving in relation to the Tractor Supply Store and the complaint will be forwarded to Idaho Counties Risk Management Program (ICRMP). Chairman Bertling discussed the Waterways Building and inquired about associated funding and what it is to be used for. Commissioner Robertson discussed the county purchasing materials for construction and then having an in-house person do the construction. This is basically a time and materials project, Attorney Hull indicated.

Attorney Hull left the meeting.

Ms. Dreger asked Commissioners if they had any questions about the Findings and Decision pertaining to the road name change from Vaquero Road to Fern Meadow Road. Commissioners indicated they had no questions.

Commissioner Cossairt moved to approve the Findings and Decision for the Road Name Change Request from Vaquero Road to Fern Meadow Road and the mention of the effective date of October 16, 2023. Commissioner Robertson second. Motion passed unanimously.

Ms. Dreger left the meeting.

Boundary Ambulance Service Chief Jeff Lindsey joined the meeting.

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

Commissioner Cossairt moved to approve the minutes of September 18, 2023, for the Boundary County Ambulance Service District. Commissioner Robertson second. Motion passed unanimously.

Chief Lindsey spoke about several of the critical ambulance calls Boundary Ambulance Service has responded to and the impacts on the responders, such as the emergency involving a child in Naples and a hunter who suffered a major heart issue and who had to be transported to another hospital facility. Chief Lindsey informed Commissioners that the State EMS has commissioned a planner to go around and report on how protocols are done and Commissioners should receive this report. Based on the size of our community and ambulance organization, the report was very positive. Chief Lindsey inquired about a request for funding for a second ambulance unit that will cost \$160,000.00. Chairman Bertling discussed the possibility of setting aside funds for this type of purchase and Chief Lindsey explained that they are strictly on a cash basis and

don't have the funds. If one of their ambulances is replaced, Boundary Ambulance Service should be good for the next 10 years.

Chief Lindsey left the meeting.

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

10:30 a.m., Kootenai Tribe of Idaho Administrative Director/Kootenai Valley Resource Initiative (KVRI) Facilitator Theresa Wheat joined the meeting via telephone and provided an update for this evening's KVRI meeting. Ms. Wheat said there would be a recap of the "Bear" Festival and the attendance of it.

The call with Ms. Wheat ended.

11:00 a.m., Shelley Keen, Evan Roda, Dale Van Stone, and Angie Hansen with the Idaho Department of Water Resources, Lacey Rammell-O'Brien, Deputy Attorney General for the Idaho Department of Water Resources, Clark Fork-Pend Oreille River Basin Adjudication Presiding Judge Eric J. Wildman, Bonners Ferry Herald Staff Writer Emily Bonsant, Jeff Hood with Houck Farms, Kendall Dirks, Tim Dillin, Parsons Behle & Latimer Attorney Norm Semanko, Randy Peterson, Kootenai Valley Reclamation Association President Erik Olson, Caleb Davis from Congressman Russ Fulcher's Office, Ben Nystrom, Jake Garringer with Governor Brad Little's Office, Roger Morter, and one unidentified member of the public joined the meeting.

11:00 a.m., Mr. Keen spoke on behalf of the Idaho Department of Water Resources (IDWR) and explained water rights adjudication in that adjudication is an effort to identify the water rights in areas. Mr. Keen described the IDWR office and their efforts to help citizens of the county. There are three current adjudications happening in the north Idaho area. Discussion took place regarding adjudicating water rights in the Kootenai River basin and Mr. Keen shared that the number of new water right users is at 94. Adjudication would establish the number of water rights within an area and that way people would know what they have. Mr. Keen provided a hand-out about the process and time-line involved. Chairman Bertling asked the question about the Kootenai River starting in Canada and then returning back into Canada and Mr. Keen indicated that it shouldn't define the property rights. Ms. Rammell-O'Brien indicated that the state has that authority over rights. Commissioner Robertson was curious if people would lose a water right they thought they would have and he commented that water rights could have been established several ways. Prior to year 1963, there was nothing that was filed and was a useable water source. Year 1971 is a cutoff date for surface water and since that date, the state requires a permitted application and going through the administrative process. IDWR wants people to establish their water right or continue water usage through a legal method, according to Mr. Keen. Mr. Roda talked about not policing, but wanting to protect what they have. Additional users would have a permitted right to the water. Commissioner Robertson asked about the costs and it was

said the cost is \$25.00, which does increase from that amount, depending on the volume of water used and or needed. This fee structure has not changed since the 1980s. Commissioner Robertson asked if Boundary County is the last area for this process and it was said the Kootenai Basin has not been adjudicated.

Commissioners asked for input from those in attendance of the meeting. Mr. Keen explained what the process would need to be to start the process moving forward. The next legislative session to move this forward would be in year 2025. Commissioner Robertson asks what IDWR needs from Boundary County and Mr. Keen indicated that support of this process is what is needed. The IDWR will be asking for support from the Kootenai Tribe and both the City of Bonners Ferry and City of Moyie Springs. Mr. Keen spoke of presenting their information to the Tribe on November 1, 2023. Chairman Bertling indicated that after the meeting with the Tribe or after this is presented at the KVRI meeting, he would like to meet with the IDWR again, but it wouldn't be until next year. Attorney Semanko echoed all that has been stated in the meeting and he mentioned that the Spokane and Colville Tribes are in favor of adjudication. Judge Wildman spoke about having tried to obtain authorization in year 2019, but residents were not in favor of it and were not comfortable moving forward. Judge Wildman also spoke about everyone's rights, which would require filing a claim to establish their rights, what necessary documentation is needed for this water claim and then the department will make that recommendation to the courts. It does open this up to legal matters and arguments about water rights. The goal would be to have a tabulation of all the rights within the basin. As mentioned previously, the first in right is first in place, but if there is no tabulation, it is very hard to administer based on priority. Judge Wildman also spoke of priority in the southern Idaho area. When a claim is filed, the IDWR makes the recommendation, the claimant agrees with the recommendation and if no one objects, then a hearing will move forward and the Judge will issue a decree. The hearings will take place in Twin Falls, Idaho, but meetings would take place in Boundary County. Only court hearings would be held in Twin Falls. Mr. Dillin asked who has rights for certain water and he mentioned the situation where there are people above the end user and they tap into the same stream. Whose water is it?

Mr. Keen discussed the time frame that they are working with and he suggested a start date for taking claims around year 2030, but there are numerous matters that need to be addressed prior to that.

The meeting to discuss water adjudication ended at 12:15 p.m.

Commissioners recessed for lunch at 12:15 p.m.

1:30 p.m., Commissioners reconvened for the afternoon session with Chairman Tim Bertling, Commissioner Wally Cossairt, Commissioner Ben Robertson, and Clerk Glenda Poston.

1:30 p.m., Road and Bridge Department Co-Superintendents Renee Nelson and Randy Morris joined the meeting to present their Road and Bridge Department report. A written report was provided. Ms. Nelson discussed the Westside Road emergency repairs needed between Myrtle Creek Road and the Myrtle Creek

bridge and she explained that there will be a reader board providing information to the public about the temporary road closure on October 23rd. Repairs should take approximately one week. The heating and cooling unit is being installed in the new Road and Bridge Office. Crusher crews are working on ¾" rock. Ms. Nelson discussed needing to obtain core samples for the Trail Creek bridge area. Ms. Nelson presented a letter to Commissioners regarding the KN20215 Deep Creek Loop Project.

Commissioner Cossairt moved to sign the Final Acceptance Letter for Deep Creek Loop Project KN20215. Commissioner Robertson second. Motion passed unanimously.

Commissioner Cossairt moved to approve the New Private Road Name Request Form for Pats Lane. Commissioner Robertson second. Motion passed unanimously.

The meeting with Ms. Nelson and Mr. Morris ended at 2:30 p.m.

There being no further business, the meeting recessed until tomorrow at 1:30 p.m.

\*\*\*Tuesday, October 17, 2023, at 1:30 p.m., Commissioners met in regular session with Chairman Tim Bertling, Commissioner Wally Cossairt, Commissioner Ben Robertson, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

Attorney Tim Wilson and property owners Dan and Linda DeHart joined the meeting.

Attorney Wilson and the DeHarts reviewed the Conditional Development Agreement prior to signing.

Commissioner Cossairt moved to sign the Conditional Development Agreement for the Dan DeHart property. Commissioner Robertson second. Motion passed unanimously.

The meeting with Mr. DeHart, Ms. DeHart and Attorney Wilson ended at 1:52 p.m.

2:00 p.m., Restorium Maintenance Kevin Schnuerle joined the meeting to provide an update on matters pertaining to maintenance at the Restorium. Mr. Schnuerle said the new flooring installation in the residents' rooms is coming along well and there are 14 rooms left to do before doing the offices. Approximately four rooms are completed per month. Mr. Schnuerle said the new heating and cooling system works well. Lighting in the shop has been installed and it made a big difference. Community services works have cleaned up around the shop and they're putting up paneling for privacy for the open bay. The new bath tub works great, according to Mr. Schnuerle. A repairman came to look at the freezer last week. Ice has been building up, but work has been done to it so it's been keeping the right temperature and draining properly. The freezer is still under warranty.

Mr. Schnuerle said there are a couple of dead trees on the Restorium property. One tree is near the marble sign and the other tree is near Colville Street.

Mr. Schnuerle discussed roof vent pipes. He's been fixing some leaks on the roof and when he first started he kept finding vent pipes on the ground. There are approximately 10 vents affected and he's not sure how to fix them. Chairman Bertling suggested contacting a roofer. It was said a snow splitter might be helpful. Mr. Schnuerle said he will contact BF Builders to see if they can show him how to fix it. Mr. Schnuerle said when he mentioned heating and air conditioning units, he is down to having five units left and just a couple of circuit boards, but he's finding out the boards don't work because the units are not working. Mr. Schnuerle said he hasn't done any research to see if the units can be repaired. Clerk Poston mentioned getting a quote and plan for those replacements in the budget. Mr. Schnuerle informed Commissioners that the breaker on the heating unit downstairs in the Restorium keeps going out.

The meeting with Mr. Schnuerle ended at 2:28 p.m.

Commissioner Cossairt moved to sign the Certificate of Residency for Roxanne Hittle. Commissioner Robertson second. Motion passed unanimously.

There being no further business, the meeting adjourned at 3:00 p.m.

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TIM BERTLING, Chairman

ATTEST:

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GLENDIA POSTON, Clerk

By: Michelle Rohrwasser, Deputy Clerk

**Date:**

Wednesday, October 25, 2023 - 10:45