



# Bonner County

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## Board of Commissioners

Lewis Rich

Cornel Razor

Mike Nielsen

### MINUTES FOR THE BONNER COUNTY BOARD OF COMMISSIONERS' MEETING

June 7, 2011- 8:45 AM

Bonner County Administration Bldg.  
Third Floor Conference Room  
1500 Hwy 2, Suite 308, Sandpoint, ID

On Tuesday, June 7, 2011 the Bonner County Commissioners met for their regularly scheduled meeting with all three Commissioners present.

#### CALL TO ORDER

Chairman Lewis Rich called the meeting to order at 8:45 a.m.

#### INVOCATION

Brian Noble of the Sandpoint Assembly of God Church presented the invocation.

#### PLEDGE OF ALLEGIANCE

#### ADOPT ORDER OF THE AGENDA

Chairman Rich advised of the following changes to the Agenda:

1. **Miscellaneous:** Items 1, 2, 8 and 9 are tabled as complete information is not available at this time.
2. **Miscellaneous:** Add as Item 11: Discussion/Decision Regarding the Proposed Lease with Mountain West Bank for temporary quarters for Courthouse personnel; Add as Item 12: Discussion/Decision Regarding Amendment to Exhibit A of the Property Rights Council Mission Statement; and add as Item 13: Discussion/Decision Regarding Certificate of Substantial Completion of the Bonner County Administration Building, First Floor.

Commissioner Razor made a motion to adopt the Order of the Agenda, as amended. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

#### MEETING UPDATES

**Commissioner Razor:** Commissioner Razor attended the EMS Advisory Board meeting. One topic of concern was the number of old documents which need organization, order and filing to have a running log of activities of EMS since 2005. In reviewing the documents, several were unsigned and legal has confirmed these documents can be verified at subsequent Bonner County Commissioners' meetings.

The STEMI Program was discussed and Dr. Jenkins has prepared an informational abstract "blog" about the success of the program in Bonner County.

**Commissioner Nielsen:** Commissioner Nielsen reported on the BONfire meeting and advised there remains \$16,000 (collectively in the 2007, 2008 and 2009 grants) in the program that must to be spent before the first of July; additionally, another grant in the amount of \$300,000 has been received and an RFP for a manager of the funds will be generated. The Commissioners met with ICRMP regarding the liability insurance which is in excess of \$600,000. Commissioner Nielsen also met with the Communications Group for telephone repair/reinstall. Commissioner Nielsen also briefly attended the Fair Board where he shared a letter from the Mayor which stated the Commissioners were responsible for placing the road on the north end of the property, which is not correct. The Board did not make that decision and the Mayor's office has been notified to issue a correction to the letter.

**Commissioner Rich:** Commissioner Rich reported on the Bonner County Communications Advisory Board (BCCAB) meeting; Bylaw modifications and changes were addressed; Sheriff Daryl Wheeler was elected Chairman and Chief Rob Weber from Sagle was elected the Vice Chairman. The goal of the Board is to resolve the present communications problems.

Commissioner Rich also attended the Fair Board and addressed the issue of the placement of the road. Commissioner Rich presented the information he had available regarding the road; confirmed the Commissioners have not decided where the road is going to go; reported on a number of issues, as well as State Statutes, that will effect where the road is located. The final decision on the location of the road does not have to be made for a year.

#### **PUBLIC COMMENT**

There was comment from Colleen ? on the benefits of the Fair Grounds facility as opposed to purchasing new property.

#### **SOLID WASTE, WATERWAYS, PARKS & RECREATION and WEEDS – Leslie Marshall**

1) Updates on Staff, Projects and Departments.

Director Marshall presented an update on staff, projects and departments as follows: Recycle, site cleanup and hazmat continue; more TVs are being transferred to Colburn; work is ongoing with the metal baler at Colburn; there is a meeting scheduled for Wednesday with a possible new E-waste contractor and interviews for a site attendant replacement at Clark Fork will being this week. In Weeds, new invaders in the Bandy Road area are being treated; spraying the right-of-ways in District 2 (Priest River/Priest Lake) is going forward this week and the Administration Building has been sprayed. In Waterways, clean-up of the boat launches and bathrooms continues, mowing and sweeping brushes continue; review of the specifications for the paving project at Bishops will go forward on Thursday and both WIF grant requests have been received.

2) Discussion/Decision Regarding Approval of Sick Bank Hours Donated from Anker Rasmussen

Commissioner Rasor made a motion to approve the sick bank hours donated by Anker Rasmussen, as presented. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

3) Discussion/Decision Regarding Adjustment of the Noxious Weed Budget to Accept Treasury Appropriation for the Receipt of RAC II Funds in the Amount of \$48,000 - Resolution

Commissioner Rasor made a motion to approve Resolution 11-50, Treasury Appropriation, and Public Works for the Noxious Weeds Department of \$48,000 from the RAC Title II funds. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

#### **ROAD & BRIDGE – Ryan Luttmann**

1) Updates on Staff, Road Districts and Projects.

Director Luttmann presented updates on staff, Road Districts and projects as follows: In District 1 road stabilization (weather permitting) will go forward in the Blanchard/Vay area; gravel placement continues on Bandy; preparations for repair on Bottle Bay are ongoing, equipment is being repaired and the District 1 Foreman has announced his retirement at the end of the month. In District 2, Womack Road is having gravel placement; road stabilization (weather permitting) is ongoing and sand is being hauled to the Dickensheet sand pile. District 3 is grading gravel roads along with road stabilization and gravel placement on Baldy Road. The Construction Crew finished with Baldy Mount Road grinding, crack sealing on Dufort Road and patching in District 1. The bid opening for asphalt on Baldy Mountain Road was Friday and a recommendation is ready.

2) Discussion/Decision Regarding Baldy Mountain Road Asphalt Bid.

Commissioner Rasor made a motion to approve the Baldy Mountain Road Pavement Contract award to Interstate Concrete and Asphalt for the unit prices listed on the Bid Submittal Form as recommended by the Road & Bridge Department for a total amount of \$167,069.52 and authorize the Road and Bridge Department to proceed with the contract, and authorize the Chairman to sign administratively. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

3) Discussion/Decision Regarding Cabinet Donation.

Commissioner Nielsen made a motion to approve the acceptance of the donated cabinet. Commissioner Rasor seconded the motion. All in favor. The motion passed.

4) Discussion/Decision Regarding Homestead Road Maintenance Agreement

This item was tabled; complete information was not available.

#### **EMERGENCY MANAGEMENT – Bob Howard**

1) Updates on Staff, Projects and Department.

Director Howard presented an update on staff, projects and the department as follows: Director Howard advised Pend Oreille Lake will reach "Action State" this week; Emergency Management, Road & Bridge and the Fire Agencies continue to provide sandbags and the water levels are being closely monitored. The Leadership Training was very well received; Kootenai 911, ISP Communications, the City of Rathdrum Police and Mayor, Panhandle Health District, Bonner General Hospital and Bonner County all had attending representatives. Director Howard participated in a conference call with FEMA regarding Inventory and Evaluation of Public Alert and Warning Systems (nationwide) concerning information FEMA is reviewing on how counties depend on Federal funding for communications and looking for documentation supporting how important the Federal funding is; and there is a FEMA and Bureau of Homeland Security workshop on June 10, 2011 regarding disaster declarations and planning, and development of project agreements for each individual site. The BONfire Committee met and all monies remaining from three prior grants will be utilized by the deadline date and verbal confirmation has been

received that BONfire will receive an additional \$300,000 for defensible space work and a request to prepare an RFP for contractors will come before the meeting next week.

Director Howard will prepare a follow-up on the generator and conduct a power audit to determine what is required to make sure the County telephone system stays up and running all the time.

Director Howard also presented a grant report with deadlines highlighted. GAN was discussed, along with its July 29, 2011 deadline; Director Howard will develop a process that meets all legal requirements for GAN to meet that deadline.

#### **PLANNING & ZONING – Clare Marley**

Item 1 was discussed at the conclusion of Items 2, 3, and 4.

- 2) Discussion/Decision Regarding Time Extension Request – File SS1604-08 - Palaniuk Park Subdivision, Preliminary Plat

Commissioner Rasor made a motion to grant the Time Extension Request - File SS1604-08 - Palaniuk Park Subdivision, Preliminary Plat, to July 22, 2013. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

- 3) Notice of Appeal of P&Z Decision Regarding Cavanaugh Bay Resort (KCBR Ventures), File #C942-10

Director Marley received a Notice of Appeal of the Planning & Zoning decision regarding Cavanaugh Bay Resort (KCBR Ventures), filed June 1, 2011; Director Marley will prepare a record for the Board's review and then a meeting date will be set at which time a determination will be made whether the Commissioners will hear the appeal or uphold the Planning Commission's decision.

- 4) Contract for Engineering Services for Completion of Nell Shipman Forest Lodge Estates Surety Work.

Director Marley reviewed the Contract for Engineering Services regarding the Nell Shipman Forest Lodge Estates which is in default on its bond; Director Marley has discussed the matter with Treasurer Cheryl Piehl and attorney Larry Goins. The goal is to have the original project engineer complete the project by providing an estimate and overseeing the work to be completed. Sufficient funds are being held and available through a Spokane bank, to complete the project. Dan Larson is the Professional Engineer who started the project; the Contract is to hire Mr. Larson for this project alone, and a letter has been generated to the Spokane bank holding the funds, outlining the plans to complete the project and asking that only those funds required to complete the project be released at this time.

Commissioner Rasor made a motion to approve the Contract for Engineering Services for Completion of the Nell Shipman Forest Lodge Estates Surety Work, as presented, and authorize the Chair to sign. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

- 1) Department Updates.

Director Marley advised building permits remain steady and provided an update on phone and counter activity.

## SANDPOINT AIRPORT - Chris Popov

### 1) Update Regarding Sandpoint Airport

The FAA has advised it will allow residential use to continue at an airport, on an interim basis, while a more thorough study is undertaken, pending a final determination by 2014; provided, however, that an airport prepares a residential plan on how an it will deal with the residential issues as they effect airport operations. That plan must be submitted and approved by October, 2012. If the plan is approved by October 2012, the Sandpoint Airport will be eligible for continued funding for grants. For the FAA to put the Sandpoint Airport on its list for plan submission, "The Sponsor Certification" requires Board signature and filing with the FAA. This certification merely starts the process and states the Airport has residential through-the-fence access (identifying the problem) and a Residential Through-the-Fence Access Plan will be prepared to mitigate any impact from the residential usage. The new Airport Layout Plan focuses on rehabilitating the runway; in the interim, upon receipt of non-discretionary funds (\$150,000), the other repairs will be addressed.

There was additional discussion regarding pending funds and the disposition of \$150,000; if the Sandpoint Airport is not in a position to accept the funds the suggestion was made to "loan" the funds to another airport, rather than "granting" the funds. Mr. Popov will discuss the matter with the Division of Aeronautics.

Mr. Popov outlined the three main issues the \$150,000 would address at this time:

1. Fuel Tanks
2. Taxiway
3. Runway

Mr. Popov confirmed a major concern is repairing the runway and then the taxiway. There is still some debate on who is responsible to repair the fuel tank. There is a question of any recourse the Airport might have against the tenant who signed a lease agreeing to take care of all maintenance and repairs to the tank. It also appears there is no liability insurance on the tank and a policy of protection should be purchased immediately.

Commissioner Nielsen made a motion to authorize the Chairman to sign the "Sponsor Certification" for the Residential Through-the-Fence Agreement. Commissioner Rasor seconded the motion adding his concerns if the FAA should continue to add requirements for compliance. All in favor. The motion passed.

### EMS – Rob Wakeley

#### 1) Approval of Dedicated Grant Application Letter for Automated External Defibrillators.

Commissioner Nielsen made a motion to approve the Dedicated Grant Application letter for the automated external defibrillators for EMS. Commissioner Rasor seconded the motion. All in favor. The motion passed.

#### 2) Update on Staff, Department, Calls and Projects.

Chief Rob Wakeley presented updates on staff, department, calls and projects as follows: There was a 21% increase in call volume for May; Bonner County EMS, itself, had an 18% increase; transports increased 39% (transport rate increased to 67%); non-emergency transports (inter-facility) increased 43%.

The year-to-date call volumes increased 23% and inter-facility transports up 297%. Chief Wakeley presented the revenue numbers for the period ending 5/13/2011. Tax and billing revenues increased; motor vehicle fees have decreased. Overall, revenue increased 8%.

#### **911 DISPATCH – Marcus Robbins**

- 1) Updates on Staff, Department, Calls and Projects.

Director Robbins advised he will have a Radio Use Agreement that the Bureau of Land Management has requested along with a resolution to destroy surplused equipment, both of which are in review with legal, for the Agenda for next week.

Director Marcus Robbins presented updates on staff, department, calls and projects, including an update on the telephone repairs that were completed last weekend; addressed the breakdown of service on June 6, 2011 and discussed an intermittent 911 problem on either the Schweitzer repeater or the radio dispatch that “talks” to the Schweitzer repeater. The original logging recorder has been repaired and is back in service. Director Robbins confirmed the billing for the loaner recorder, which did not work, would not be honored. Commissioners Nielsen and Rich also discussed the unusual amount of “traffic” on the pager radios and the Sundance channel.

Regarding E-911, Director Robbins advised contact has been made with Verizon, the paperwork is being signed and the system should be available by the end of the year.

Director Robbins also scheduled several Executive Sessions which were addressed at the conclusion of the agenda items.

#### **BUILDINGS & GROUNDS – Ed Buzbee**

- 1) Discussion/Decision Regarding Reimbursement for Air Tech’s Control Installation at the Administration Building.

Director Buzbee presented a billing statement from Tyko Mechanical for troubleshooting and correcting the various problems with the 2<sup>nd</sup> and 3<sup>rd</sup> Floor HVAC system installed during the first phase of the Administration Building remodel. Director Buzbee will send the billing to the legal department for pursuing reimbursement for this billing through Air Tech, which did the initial installation.

- 2) Update Regarding Air Tech HVAC Research.

Matt Smith with Vemco, Inc. located information on the water source heat pumps for the 2<sup>nd</sup> floor of the Administration Building. Mr. Smith advised that the units were not purchased with an extended warranty. Unfortunately, the problem with the heat pumps was not correctly diagnosed and identified by Air Tech, the installing contractor, during the warranty period. Had they been identified prior to the warranty expiring, the McQuay warranty would have covered the issues. Given the sequence of events, the Commissioners advised to refer this matter to legal for processing.

Regarding the HVAC issues on the 3<sup>rd</sup> floor of the Administration Building, a portion of the ceiling grid will need to be disassembled to get to the units for repair purposes. McQuay Factory Service has indicated its willingness to be involved in the repair. Mr. Buzbee will re-contact Matt Smith to solicit any assistance Vemco can provide by working with Air Tech on a solution. If this is unsuccessful, the Commissioners advised this matter, too, should be sent to legal for processing.

Mr. Buzbee also provided a chart of HVAC load demands wherein a large unit is servicing a small area and a small unit is servicing a large area. The chart outlined the square footage/number of windows/BTU/Ft2 dedicated to offices. This issue will be referred back to LCA for action.

**PERSONNEL – Pam Allen**

1) Recruitment, New Hires, Change of Status.

Director Pam Allen presented a Hire Sheet for replacement of a temporary summer hire (part-time/no benefits) for Road and Bridge; in the Sheriff's Office an employee was originally classified incorrectly and the Adjustment of Pay Sheet is to correct the salary going forward; also in the Sheriff's Office there are two Pay Increases for Certification Changes; for 911 Dispatch there is a new 911 telecommunications specialist that has a Wage Change Adjustment.

Commissioner Nielsen made a motion to approve the wage change adjustments as presented by Ms. Allen. Commissioner Rasor seconded the motion. All in favor. The motion passed.

**911-DISPATCH EXECUTIVE SESSION**

At 10:35 a.m. Commissioner Nielsen made a motion to enter into an Executive Session under Idaho Code **§67-2345(b) Personnel/Hiring and Disciplinary Issues** with 911-Dispatch Director Marcus Robbins. Commissioner Rasor seconded the motion. All in favor. Roll Call: Commissioner Nielsen, Aye; Commissioner Rich, Aye; Commissioner Rasor, Aye. The motion passed.

At 11:26 a.m. Commissioner Rasor made a motion to adjourn the Executive Session and re-enter an Executive Session under Idaho Code **§67-2345(c) Real Property** with Marcus Robbins. Commissioner Nielsen seconded the motion. All in favor. Roll Call: Commissioner Nielsen, Aye; Commissioner Rich, Aye; Commissioner Rasor, Aye. The motion passed.

At 11:37 a.m. Commissioner Rasor made a motion to adjourn the Executive Session. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

At 11:39 a.m. Commissioner Rasor made a motion to enter into an Executive Session under Idaho Code **§67-2345(f) Litigation** with Chris Popov on behalf of the Sandpoint Airport. Commissioner Nielsen seconded the motion. All in favor. Roll Call: Commissioner Nielsen, Aye; Commissioner Rich, Aye; Commissioner Rasor, Aye. The motion passed.

At 11:45 a.m. Commissioner Rasor made a motion to adjourn the Executive Session. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

Commissioner Rasor made a motion to ratify the Dale Pyne Dispute Resolution between the Sandpoint Airport and Hayden Air. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

Commissioner Rasor made a motion to approve a new Contract with Thomas Ball for Gold Mountain for a period of six months with the point of contact and jurisdiction to be Marcus Robbins, Director of Communications; all concerns that were issued in the Contract to be changed, reviewed by legal and administratively signed by the Chairman. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

## MISCELLANEOUS BUSINESS

Items 1) and 2) were tabled.

- 3) Discussion/Decision Regarding Rescinding the "Acceptance" of the 2010 Audit, pending receipt of the "corrected" version.

Commissioner Nielsen made a motion to rescind the acceptance of 2010 audit, pending receipt of the "corrected" version as presented. Commissioner Rasor seconded the motion with discussion: The audit has not yet been paid for so rescinding is appropriate. All in favor. The motion passed.

- 4) Discussion/Decision Regarding Appointment of Mike Nielsen as Point Person to work with Auditors.

Commissioner Rasor made a motion to approve Resolution No. 11-51, appointing Commissioner Nielsen as the point person to work with the auditors that will be hired by Bonner County. Commissioner Rich vacated the Chair and seconded the motion. All in favor. The motion passed.

- 5) Discussion/Decision Regarding Change Request Proposals at Bonner County Administration Bldg. for Ginno Construction (LCA Change Order #4).

Commissioner Nielsen reviewed the Change Request with the Board, pointing out the credit of \$639 from unused product allowance, resulting in a positive gain to Bonner County of a \$701 credit.

Commissioner Rasor made a motion to approve Change Order #4 for LCA Architects and authorize the Chairman to sign administratively. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

- 6) Discussion/Decision Regarding Courthouse Remodel Phasing - Resolution.

Commissioner Rasor made a motion to authorize the County Prosecutor to draw up documents for the purpose of borrowing funds from Solid Waste to continue and finish the Courthouse Remodel in the amount of \$1.5 million. Commissioner Nielsen seconded the motion for discussion: Commissioner Rasor confirmed only the amount required to finish the Courthouse Remodel would be borrowed. All in favor. The motion passed.

Item 7) was handled above.

Items 8) and 9) were tabled.

- 10) Discussion/Decision Regarding Certificate of Substantial Completion for the Bonner County Courthouse Tenant Improvements and Remodel, Phase I.

Commissioner Rasor confirmed this certificate does not mean all improvements are completed; it establishes that improvements have been substantially completed and allows warranty periods to start running.

Commissioner Rasor made a motion to approve the Certificate of Substantial Completion for the Bonner County Courthouse Tenant Improvements and Remodel, Phase I. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

- 11) Discussion/Decision Regarding the Proposed Lease with Mountain West Bank for Temporary Quarters for Courthouse Personnel.

Commissioner Razor made a motion to approve entering into a Lease Agreement with Mountain West Bank, 201 East Superior (next door to the Courthouse) for Temporary Quarters for Courthouse Personnel. Commissioner Nielsen seconded the motion. All in favor. The motion passed. (Note: The term of the Lease is 60 days.)

- 12) Discussion/Decision Regarding Amendment to Exhibit A of the Property Rights Council Mission Statement.

Commissioner Razor made a motion to approve Resolution No. 11-52, First Amendment to Exhibit A of the Property Rights Council Mission Statement, which decreased the complexity for superior public comprehension. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

- 13) Discussion/Decision Regarding Certificate of Substantial Completion of the Bonner County Administration Building, First Floor.

Commissioner Nielsen made a motion to approve the Certificate of Substantial Completion of the Bonner County Administration Building, First Floor and authorize the Chairman to sign administratively. Commissioner Razor seconded the motion. All in favor. The motion passed.

There being no further business to come before the Board of Commissioners at 12:07 p.m. Commissioner Nielsen made a motion to adjourn the business meeting. Commissioner Razor seconded the motion. All in favor. The motion passed.

On Wednesday, June 1, 2011, Treasurer Cheryl Piehl met with the Board to discuss the following files: **Approved:** None. **Denied:** RPS00000220473A (2008-2010).

On Wednesday, June 1, 2011, Assistance Director Kevin Rothenberger met with the Board to discuss the following files: **Approved:** 2011-190. **Denied:** 2005-144 (Appealed Case), 2009-144 (Appealed Case), 2010-200 (Appealed Case), 2011-006 (Appealed Case), 2011-049 (Appealed Case), 2011-112 (Appealed Case), 2011-130 (Suspended case), 2011-184, 2011-187, 2011-189, 2011-191, 2011-192, 2011-193, 2011-209, 2011-213 and 2011-223.

On Wednesday, June 1, 2011 at 10:30 a.m. a Special Meeting was held pursuant to Idaho Code §67-2343(2) with Director of Human Resources/Risk Management Pam Allen and the Board of Commissioners regarding ICRMP Insurance Renewal.

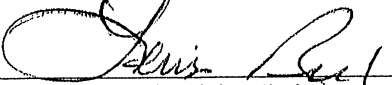
On Wednesday, June 1, 2011 at 2:00 p.m. a Special Meeting was held pursuant to Idaho Code §67-2343(2) with Ginno's Construction and the Board of Commissioners regarding the Courthouse.

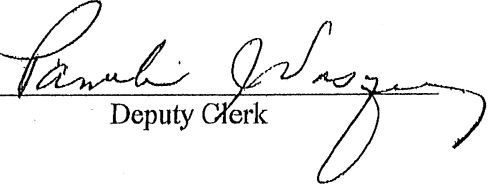
On Wednesday, June 1, 2011 at 4:00 p.m. a Special Meeting was held pursuant to Idaho Code §67-2343(2) by the Board of Commissioners regarding financial and audit reporting.

On Monday, June 6, 2011 at 11:00 a.m. a Special Meeting was held pursuant to Idaho Code §67-2343(2) with Treasurer Cheryl Piehl regarding County Banking Services.

On Monday, June 6, 2011 at 3:30 p.m. a Special Meeting was held pursuant to Idaho Code §67-2343(2) with Human Resources/Risk Management Director Pam Allen regarding employee benefits.

ATTEST: Marie Scott, County Clerk

  
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Lewis Rich, Chairman

By   
\_\_\_\_\_  
Deputy Clerk