

Bonner County

Board of Commissioners

Lewis Rich

Cornel Rasor

Mike Nielsen

MINUTES FOR THE BONNER COUNTY BOARD OF COMMISSIONERS' MEETING

October 18, 2011 - 8:45 AM
Bonner County Administration Bldg.
Third Floor Conference Room
1500 Hwy 2, Suite 308, Sandpoint, ID

On Tuesday, October 18, 2011 the Bonner County Commissioners met for their regularly scheduled meeting with all three Commissioners present.

CALL TO ORDER

Chairman Cornel Rasor called the meeting to order at 8:45 a.m.

INVOCATION

The scheduled pastor was not present and therefore Commissioner Rich presented the Invocation.

PLEDGE OF ALLEGIANCE

ADOPT ORDER OF THE AGENDA

Chairman Rasor advised of the following changes to the Agenda:

1. Remove Miscellaneous Item #1 - Discussion/Decision Regarding Amendment to the Annexation of the Martin Property in the Sam Owen Fire District
2. Miscellaneous Add Item # 11- Discussion/Decision Regarding Proposed Survey Regarding Taxes and User Fees/Commissioner Nielsen
3. Miscellaneous Add Item # 12 – Discussion/Decision Regarding Transfer of Budget Authority From “A” to “B”, Justice Fund, Jail – **Resolution**
4. Miscellaneous Add Item #13 – Discussion/Decision Regarding Kyron Environmental Invoice #580, and Invoice #594 for Bonner County Courthouse, Phase III
5. Miscellaneous Add Item #14 – Discussion/Decision Regarding VAST, Policy Change

Commissioner Rich 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 Rich: Commissioner Rich provided general updates for various meetings he attended which included:

- Farm Bureau meeting where funding was discussed for the Fair grounds, Historical Society, and the Extension Office
- Sandpoint Airport Advisory Board meeting

- District 1 Commissioners meeting and
- Bonner County Health Fair.

Commissioner Nielsen: Commissioner Nielsen provided the updates for attending the following meetings:

- US Forest Service
- Property Rights Council
- Sandpoint Airport Advisory Board
- Farm Bureau meeting - Commissioner Nielsen stated that the Farm Bureau meeting was based on false information from a fictitious flyer which he read.

Alton Howell, President of Farm Bureau, was present to offer the flyer that they actually distributed; and this was read by Commissioner Rasor.

Commissioner Rasor: Commissioner Rasor provided updates for attending the Tri-State Water Quality Council meeting in Missoula commenting that minutes and reports can be found on their website.

PUBLIC COMMENT

Pam Stout, representing the PRC requested that the Board adopt their bylaws.

Commissioner Nielsen made a motion to accept the bylaws for review. Commissioner Rich seconded the motion. All in favor. The motion passed.

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

- 1) Updates on Staff, Projects and Departments.

Director Leslie Marshall presented updates on staff, projects, and departments with general updates for Solid Waste; Weeds; and Waterways – Parks & Recreation.

- 2) Discussion/Decision Regarding Acceptance of Sick Bank Hours

Commissioner Nielsen made a motion to accept 640 sick hours from Sharon K. Saunders. Commissioner Rich seconded the motion. All in favor. The motion passed.

- 3) Discussion/Decision Regarding Waiver of Solid Waste Fees, Idaho Dept. of Lands

Idaho Department of Lands is attempting to clean up improperly dumped waste on their grounds. There is approximately 20 cubic yards and they would like to have the disposal fees waived. Director Marshall requested if this is granted to require the waste to be taken to the Colburn site.

Commissioner Nielsen made a motion to accept the request from IDL for the waiver of Solid Waste fees and conditionally ask that they take it to the site designated by Director Leslie Marshall and secondly ask that they conduct a preliminary investigation to see if any of the waste can be identified. Commissioner Rich seconded the motion. All in favor. The motion passed.

Alton Howell of Farm Bureau had some questions for the Board regarding an article he read on the Property Rights Council. Commissioner Rasor stated that the Board does not normally address these questions but would comment

as he had spent several hours on the phone with the reporter that wrote the article. Once the reporter acknowledged the incorrect information he stated there would be a correction posted in the Sacramento Daily Bee.

MISCELLANEOUS BUSINESS

11) Discussion/Decision Regarding Proposed Survey Regarding Taxes and User Fees

Commissioner Nielsen made a motion to pull the survey with the interest of not involving litigation. Commissioner Rich seconded the motion on the advice of counsel. All in favor. The motion passed.

ROAD & BRIDGE – Ryan Luttmann

1) Updates on Staff, Road Districts and Projects.

Director Ryan Luttmann provided updates on staff, road districts and projects with general updates regarding District 1; District 2; and District 3.

2) Discussion/Decision Regarding Recommendation of Payment No.1 Lighting Creek Road

Commissioner Rich made a motion to pay the Lighting Creek Road maintenance bill payment No. 1 estimated and approved by JUB Engineers as complete in the amount of \$619,686.49 and allow the Chair to sign. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

3) Discussion/Decision Regarding Recommendation of Payment No. 2 Quartz-Cottonwood Roads

Commissioner Nielsen made a motion to approve payment No 2 Quartz-Cottonwood Roads project in the amount of \$231,444.66 and allow the Chair to sign administratively. Commissioner Rich seconded the motion. All in favor. The motion passed.

MISCELLANEOUS BUSINESS CONTINUED

9) Discussion/Decision Regarding Transfer of Budget Authority From A to B, General Fund, Extension Office - **Resolution**

Commissioner Nielsen questioned the reason for this budget transfer. Mike Bauer from the University of Idaho Extension Office was present and took responsibility and explained that it was bad accounting and he has taken the necessary steps to correct.

Commissioner Nielsen made a motion to approve Resolution #11-101 Transfer of Budget Authority from A to B, General Fund, Extension Office. Commissioner Rasor seconded the motion. All in favor. The motion passed.

EMERGENCY MANAGEMENT – Bob Howard

1) Updates on Staff, Projects and Department.

Director Bob Howard presented updates on staff, projects and departments. There was a discussion to schedule a workshop for emergency notifications and the Commissioners agreed. Director Howard is gone for training next week but will schedule workshop once he is back.

PLANNING & ZONING – Clare Marley

- 1) Discussion/Decision Regarding a Request for Fee Waiver, Avista Corporation c/o Sam Owen Fire District, Building Location Permit 2011-0397

Commissioner Nielsen made a motion to waive the \$600 building location permit 2011-0397 and the \$75 storm water site inspection fee. Commissioner Rich seconded the motion. All in favor. The motion passed.

- 2) Discussion/Decision Regarding a Request for Fee Waiver, Oden Water Association, Modification of a Conditional Use Permit, File CM632-11

Commissioner Rich made a motion to waive the conditional use permit modification application filing fee and the storm water management filing fee for file CM632-11, excepting the district costs for engineering fees for storm water review and legal advertisements. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

- 3) Department Updates

Director Clare Marley presented the following updates:

- Received a letter from FEMA stating we have been renewed for community rating system; and our community remains in good standing.
- Training scheduled in Washington, D.C. was cancelled due to the hurricane and the airlines would not reimburse the tickets however FEMA did reimburse. Wish to place this money into 2012 budget in order to send staff to training in April. Director Marley will bring this forward as a resolution once she visits with the Clerk.
- Attended a conference last week and brought back good information on the new agricultural component which is required for the comprehensive plan, state wide.

MISCELLANEOUS BUSINESS CONTINUED

- 12) Discussion/Decision Regarding Transfer of Budget Authority From “A” to “B”, Justice Fund, Jail – **Resolution**

Commissioner Nielsen made a motion to approve Resolution #11-102 transfer of budget authority from A to B, Justice Fund, Jail, Fiscal Year 2011. Commissioner Rich seconded the motion. All in favor. The motion passed

EMS – Rob Wakeley

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

Chief Wakeley discussed the following:

- As of Thursday, October 20th ALS operations will begin in the southern part of the county
- 2 new paramedics have been cleared by the medical director and a 3rd expected to be cleared next week
- Faster response for the 95 corridor south of the long bridge
- Spirit Lake continues to cover the Blanchard area
- Newport ambulance will participate partially in the ALS
- Kootenai County the Sheriff has agreed to loan 2 – 700 MHz radios.

Commissioner Nielsen mentioned that the radios are not able to be upgraded and after 2016 EMS should consider purchasing new ones.

Commissioner Razor requested that next year when we start to discuss budget negotiations to involve the Blanchard community.

2) Discussion/Decision Regarding MOU for Timberlake Fire Boat

Commissioner Rich made a motion to approve the MOU between Timberlake Fire Protection District and Bonner County Emergency Medical Services for the use of the Timberlake boat. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

911 DISPATCH – Marcus Robbins

- 1) Updates on Staff, Department, Calls and Projects.
- 2) E-911 Updates.

Director Marcus Robbins discussed the following:

- IECC 2010 grant for 911 network services has a small amount let over for training which will take place by end of the month.
- Still processing applicants; issue with shift hours.
- Contract expired with Tom Ball; future services will be done on piece by piece basis
- Preparing for winter at various sites.
- MyState USA; recommended the county allow Bob Howard/Emergency Management to obtain it through a grant.
- Smart 911 and how it would help the responders in the field.

Commissioner Nielson requested a workshop for the Smart911 service. Chief Rob Wakeley was present and supported moving forward with this service.

Commissioner Nielson requested to place the MyStateUSA on the agenda for next week's discussion.

MISCELLANEOUS BUSINESS CONTINUED

2) Discussion/Decision Regarding National Association of Counties (NACo) Membership

Commissioner Rich made a motion to pay the dues and remain a member of NACo. Commissioner Nielsen seconded the motion stating it should be paid for it with county funds. Commissioner Nielsen, Commissioner Rich and the Chair voted, Aye. All in favor. The motion passed.

PROSECUTOR'S OFFICE – Scott Bauer

1) Discussion/Decision Regarding Priest River Yacht Club Litigation

Scott Bauer, legal counsel, was present to discuss and provide a background regarding the Priest River Yacht Club litigation. The State Board tax appeals decided against the county on the basis that the Priest River Yacht Club is paternal. The BOE originally denied the request for tax exemption as it found that they had not met the charitable test.

Scott Bauer provided a copy of the proposed amendatory language to the BOCC and asked that the Board vote to recommend that the Idaho Prosecuting Attorneys Association add the amendatory language to the statute to clarify that pure paternity is not what the statute is exempting it is paternity that is primarily charitable.

Due to the tight timeline in this case the recommendation to the Board would be to not force this particular entity to bear the cost of litigation when a legislative answer is easier; and recommends that the Board agree to stipulate to dismiss this case with prejudice against the PRYC and instead move for a legislative fix for every entity in the county.

Commissioner Rich made a motion based on the information from the Prosecutor to dismiss the case with prejudice against the Priest River Yacht Club. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

Commissioner Nielsen made a motion for the BOCC to submit to the IAC and to the Prosecutors Association a proposed revision for Idaho code §63-602C as submitted by our civil attorney as the words are underlined in the attachment, and the discussion from these minutes be attached. Commissioner Rich seconded the motion. All in favor. The motion passed.

PERSONNEL – Pam Allen

1) Recruitment, New Hires, Change of Status.

Director Pam Allen plans to attend the Idaho Chapter of PRIMA fall conference in Moscow on Friday. Director Allen presented some new hires and change of status forms.

2) Discussion/Decision Regarding Workers Compensation Self-Insurance Application

Commissioner Nielsen made a motion to table the Workers Compensation Self-Insurance Application until next week. Commissioner Rich seconded the motion. All in favor. The motion passed.

Ryan Luttmann from Road & Bridge approached the Board for a correction to an agenda item earlier in the meeting regarding Payment No.2 for Quartz-Cottonwood project. The engineer contacted him as he found an error that should be corrected as the front page did not show the previous payment. Corrected copies have been prepared and would like to Board to approve.

Commissioner Nielsen rescinded the earlier motion for Payment 2, Quartz-Cottonwood Road. Commissioner Rich seconded the motion. All in favor. The motion passed.

Commissioner Nielsen based on the recommendation from the Director of Road & Bridge make a motion to approve the revised version of Quartz-Cottonwood Road reconstruction phase, Payment No. 2 in the amount of \$185,607.05 and allow the Chair to sign administratively. Commissioner Rich seconded the motion. All in favor. The motion passed.

MISCELLANEOUS BUSINESS CONTINUED

3) Discussion/Decision Regarding Mediation

There was a lengthy discussion amongst the Board regarding mediation.

Commissioner Rich made a motion to table this item. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

4) Discussion/Decision Regarding Payment for 2011 Claims in Batch #29

Commissioner Nielsen had a question on page 1, department 01, Clerk auditor, under Visa.; pulled claims batch and there is no claim in there to support this bill. The Board had asked last time for these to be in there and would like someone from the Clerk's office to explain.

Commissioner Rasor moved on to the next item while waiting for a representative from the Clerk's office.

5) Discussion/Decision Regarding Payment for 2011 Claims EMS Batch #29

Commissioner Nielsen made a motion to approve Batch #29 EMS. Commissioner Rich seconded the motion. All in favor. The motion passed.

6) Discussion/Decision Regarding Payment for 2012 Claims in Batch #1

Commissioner Rich made a motion to approve Batch #1 for 2012 claims. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

7) Discussion/Decision Regarding Payment for 2012 Claims EMS Batch #1

Commissioner Rich made a motion to approve EMS Batch #1 for 2012 claims. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

8) Discussion/Decision Regarding Re-appointments to the Priest Lake Groomer Committee Board-**Resolution**

Commissioner Nielsen made a motion to approve Resolution #11-103 to reappoint Jim McReynolds, Mike Budig, Rick Ruffle and Bill Papesh as members to the Priest Lake Groomer Association West Bonner County. Commissioner Rich seconded the motion. All in favor. The motion passed.

4) Discussion/Decision Regarding Payment for 2011 Claims in Batch #29

Todd Coumbe was present from the Clerk's office and stated the Visa bill was from Plantronics to purchase 3 headsets with ear piece for \$839 and would follow up on locating the receipts.

Commissioner Rich made a motion to approve Batch #29 provisionally upon information needed to verify the Visa receipts. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

Commissioner Nielsen requested that all Visa receipts be in the batch for review.

10) Discussion/Decision Regarding Appointment of Ray Feldman to the Priest Lake Translator District Board -
Resolution

Commissioner Nielsen made a motion to approve Resolution #11-104 appointment of Ray Feldman, and re-appointment of Karl Duncan to the Priest Lake Translator District Board. Commissioner Rich seconded the motion. All in favor. The motion passed.

13) Discussion/Decision Regarding Kyron Environmental Invoice #580, and Invoice #594 for Bonner County Courthouse, Phase III

Commissioner Nielsen made a motion to approve both of the Kyron Environmental invoices; #580 in the amount of \$3,342.30 and #594 in the amount of \$1,295.13. Commissioner Rich seconded the motion. All in favor. The motion passed.

Todd Coumbe came back to the Board to state that the Visa receipts are filed separately and located in the back of the Batch.

14) Discussion/Decision Regarding VAST, Policy Change

Commissioner Nielsen discussed a memorandum from the Prosecutors Office requesting mileage reimbursement to employees on on-call status. Commissioner Nielsen requested the Board to make an interim policy decision pending revision of the personnel manual and if passed asked that our staff disseminates to department heads for distribution to all employees.

Commissioner Nielsen made a motion that on-call employees who are not issued a take-home vehicle shall be eligible to submit mileage claims for their after-duty-hour response. This will include all necessary mileage from the point of notification until completion of the call-out. This applies to after-duty-calls only. Department heads will assign on-call personnel a county vehicle when available and appropriate to do so. Commissioner Rich seconded the motion. All in favor. The motion passed. The policy has been changed.

Commissioner Rasor requested that this policy change be emailed to department heads and have a hand written copy available for the press.

At 10:58 a.m. Commissioner Rich made a motion to enter into an Executive Session under Idaho Code **§67-2345(B) Personnel/Disciplinary Action** with Pam Allen and Rob Wakeley. Commissioner Nielsen seconded the motion. All in favor: Roll Call: Commissioner Nielsen, Yes; Commissioner Rich, Aye; Commissioner Rasor, Aye. The motion passed.

At 11:21 a.m. Commissioner Rich made a motion to adjourn the Executive Session and re-enter into an Executive Session under Idaho Code **§67-2345(B) Personnel/Hire Status** with Pam Allen. Commissioner Nielsen seconded the motion. All in favor: Roll Call: Commissioner Nielsen, Yes; Commissioner Rich, Aye; Commissioner Rasor, Aye. The motion passed.

At 11:50 a.m. Commissioner Nielsen made a motion to adjourn the Executive Session and reconvene the regular business meeting. Commissioner Rich seconded the motion. All in favor. The motion passed.

Commissioner Rich made a motion to approve hire sheets for the Sheriff's Office and Prosecuting Attorney's Office. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

At 12:00 p.m. Commissioner Rich made a motion to recess and reconvene the regular business meeting at 1:30 p.m. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

At 1:30 p.m. Commissioner Rich made a motion to reconvene the regular business meeting and requests to reconvene this meeting to tomorrow morning at 10:30a.m. Commissioner Nielsen seconded. All in favor. The motion passed.



CONTINUATION OF THE BONNER COUNTY
BOARD OF COMMISSIONERS' MEETING
OF TUESDAY, OCTOBER 18, 2011

Wednesday, October 19, 2011 – 10:30 A.M.
Bonner County Administration Bldg.
1500 Hwy 2, Suite 338, Sandpoint, ID

On Wednesday, October 19, 2011 the Bonner County Commissioners met to reconvene the business meeting from Tuesday, October 19, 2011. All three Commissioners were present.

At 10:34 a.m., October 19, 2011, Commissioner Rich made a motion to reconvene the October 18, 2011 business meeting. Commissioner Nielsen seconded the motion. All in favor. The motion passed

CALL TO ORDER

Chairman Cornel Rasor called the meeting to order at 10:30 a.m. advising that this meeting was a continuation of the Tuesday, October 18, 2011 regularly scheduled business meeting to discuss hiring practices with the Clerk, and the Prosecuting Attorney.

The Board had an extensive discussion regarding hiring practices, advertised positions, possible changes to the policy manual and receiving financial reports.

Louis Marshall from the Prosecuting Attorney's office suggested a workshop with all elected officials. Commissioner Rasor stated a workshop would be set up.

Commissioner Rich asked for clarification on a procedural item regarding the Vice Chair and per the suggestion of Commissioner Nielsen it was approved by the Board that Commissioner Rich will act as Vice Chair.

There being no further business to come before the meeting, at 11:30 a.m. Commissioner Rich made a motion to adjourn the business meeting. Commissioner Nielsen seconded the motion. All in favor. The motion passed.

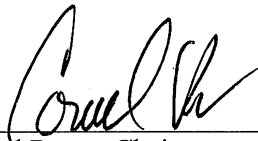
On Wednesday, October 12, 2011, Treasurer Cheryl Piehl met with the Board to discuss the following files:
Approved: RP006950010200A 2011; RP59N02W030800A 2008.

On Wednesday, October 12, 2011, Assistance Director Kevin Rothenberger met with the Board to discuss the following files: **Approved:** 2012-001 **Denied:** 2011-303.

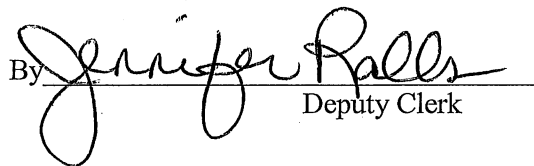
On Wednesday, October 12, 2011 at 10:30 a.m. an Executive Session was held pursuant to Idaho Code §67-2345(F) regarding pending litigation.

On Wednesday, October 17, 2011 at 11:00 a.m. an Executive Session was held pursuant to Idaho Code §67-2345(B) regarding Personnel.

ATTEST: Marie Scott, County Clerk



Cornel Rasor, Chairman

By  Deputy Clerk