

*****Monday, October 10, 2016**, Commissioners did not meet due to the Columbus Day Holiday.

*****Tuesday, October 11, 2016, at 9:00 a.m.**, Commissioners met in regular session with Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser. Chairman Dan Dinning was out of the office tending to other matters.

Commissioner Pinkerton moved to appoint Commissioner Walt Kirby Acting Chairman in the absence of Chairman Dinning. Commissioner Kirby second. Motion passed unanimously.

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

Current Expense	\$ 29,202.07
Road & Bridge	180,175.07
Airport	3,116.43
District Court	3,900.93
Justice Fund	23,484.96
911 Funds	7,582.67
Indigent & Charity	15.28
Parks and Recreation	1,114.45
Revaluation	691.17
Solid Waste	2,073.11
Veterans Memorial	30.97
Weeds	191.80
Restorium	12,668.13
Waterways	131.70

TOTAL \$264,378.74

Trusts

Auditor's Trust	\$ 11.34
Sales Tax Collected	360.69
Driver's License Trust	9,663.00
Magistrate Trust	27,190.04
Indigent Reimbursements	37,964.00
Motor Vehicle Trust	127,405.82
Sheriff's Trust Fund	51.30
Landfill Closure Trust Fund	4,750.00

TOTAL \$207,396.19

GRAND TOTAL \$471,774.93

Citizens are invited to inspect detailed records on file in the Courthouse (individual claims & Commissioners' allowance & warrant register record 2015-2016).

Commissioner Pinkerton moved to certify delinquent mobile home property tax totaling \$413.56 for parcel #MH62N03E22481AA to the Real Property Roll, RP62N03E224812A for collection. The amount includes \$124.38 for Sheriff's fees for two warrants of Distrain. Acting Chairman Kirby yielded the chair to second. Motion passed unanimously.

Commissioner Pinkerton moved to certify delinquent mobile home property tax totaling \$155.63 for parcel #MH62N01E218750A to the Real Property Roll, RP62N01E218750A for collection. The amount includes \$58.42 for Sheriff's fees for one Warrant of Distrain. Acting Chairman Kirby yielded the chair to second. Motion passed unanimously.

Commissioner Pinkerton moved to certify delinquent yield taxes to the Real Property Roll for collection as follows: parcel #RP60N01W366010A totaling \$330.26 and RP62N02E246010A totaling \$23.88. Acting Chairman Kirby yielded the chair to second. Motion passed unanimously.

Commissioner Pinkerton moved to certify the delinquent Cabinet Mountain Water District charges to the Real Property Roll for collection: RP60N01W261152A totaling \$578.20, RP60N01W261152A totaling \$578.20, RP61N01E119461A totaling \$577.74, RP60N01E054900A totaling \$76.30, RP60N01W234815A totaling \$175.24, RP60N01W242500A totaling \$574.44, and RP60N01W238390A totaling \$516.20. Acting Chairman Kirby yielded the chair to second. Motion passed unanimously.

Commissioner Pinkerton moved to certify delinquent Three Mile Water District charges to the Real Property Roll for collection: RP62N02E174510A totaling \$487.32, RP62N01E020501A totaling \$318.98, RP62N01E142870A totaling \$324.46, RP62N01E021955A totaling \$601.82, RP62N01E142861A totaling \$318.98, RP62N01E142841A totaling \$131.36, RP62N02E212390A totaling \$449.78, RP008300000040A totaling \$40.84, RP62N02E170705A totaling \$215.10, RP62N02E182380A totaling \$160.60, RP62N02E153160A totaling \$36.74, RP62N01E123150A totaling \$482.94, RP62N01E152260A totaling \$247.16, RP62N02E174665A totaling \$505.60, RP004000000030A totaling \$451.22, RP62N02E181790A totaling \$192.00, and RP008300000020A totaling \$336.08. Acting Chairman Kirby yielded the chair to second. Motion passed unanimously.

Commissioner Pinkerton moved to sign Certificates of Residency for Henry Leach, William Blackmore, Avery Lane, Don Parlow, Mary Fioravanti, and Stephanie Koehn. Acting Chairman Kirby yielded the chair to second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize Acting Chairman Kirby to sign the Federal Aviation Administration Request for Reimbursement #2 for Airport Improvement Project #A.I.P.-3-16-0004-014-2016. Acting Chairman Kirby yielded the chair to second. Motion passed unanimously.

Commissioner Pinkerton moved to adopt Resolution 2016-27. A resolution establishing the Selkirk Cooperative Weed Management grant revenue account and expense budget due to receipt of unanticipated revenue from the Idaho Department of Agriculture. Acting Chairman Kirby yielded the chair to second. Motion passed unanimously. Resolution 2016-27 reads as follows:

RESOLUTION 2016-27

ESTABLISH THE SELKIRK COOPERATIVE WEED MANAGEMENT GRANT
REVENUE ACCOUNT AND EXPENSE BUDGET DUE TO RECEIPT OF UNANTICIPATED REVENUE FROM THE IDAHO
DEPARTMENT OF AGRICULTURE

WHEREAS, the Board of County Commissioners, County of Boundary, State of Idaho, did establish an operating budget for fiscal year 2015-2016; and

WHEREAS, Boundary County is a participant in the Idaho State Department of Agriculture Cost Share Program and the Selkirk Cooperative Weed Management Area, and

WHEREAS, the Selkirk Cooperative Weed Management Area has developed a plan for implementing noxious weed management projects in 2016, and

WHEREAS, the Boundary County Auditor's Office has agreed to administer the financial portion of the plan, and

WHEREAS, upon the advice of the Boundary County Outside Auditor, a grant fund is to be established to facilitate financial administration of the plan, and

WHEREAS, \$27,743.93 in unanticipated State Cost Share Funds has been received from the Idaho Department of Agriculture for that purpose, and

WHEREAS, the addition of this revenue does not affect the tax levy for Boundary County, and

WHEREAS, it is appropriate to establish the Selkirk Cooperative Weed Management Grant Revenue Budget Account Number 63-00-340-00 in the amount of \$27,743.93, and

WHEREAS, it is appropriate to establish the Selkirk Cooperative Weed Management Grant Expense Budget Account Number 63-00-709-00 in the amount of \$27,743.93 in order to pay noxious weeds cost share expenses.

NOW THEREFORE, upon motion duly made, seconded and unanimously carried,

IT IS RESOLVED that the establishment of the Selkirk Cooperative Weed Management Grant Revenue Budget Account Number 63-00-340-00 and Expense Account Budget Account Number 63-00-709-00 in the amount of \$27,743.93, is hereby authorized and ordered; and

IT IS FURTHER RESOLVED that the Clerk is instructed to deliver certified copies of this resolution to the Boundary County Treasurer and the Boundary County Auditor.

PASSED this 11th day of October 2016 to be effective September 30, 2016.

COUNTY OF BOUNDARY
BOARD OF COUNTY COMMISSIONERS
Absent _____
Dan R. Dinning, Chairman
s/ _____
LeAlan L. Pinkerton, Commissioner
s/ _____
Walt Kirby, Commissioner

ATTEST:
s/ _____
Glenda Poston, Clerk of the Board of County Commissioners
Recorded as instrument #268703

Commissioners tended to administrative duties.

Bonnors Ferry Herald Reporter Dac Collins joined the meeting.

9:30 a.m., Commissioners briefly addressed the notice for comment regarding the Grouse Bear Management Unit Compliance Project.

Commissioner Pinkerton moved to authorize Acting Chairman Kirby to sign Commissioners' letter of comment regarding the Idaho Panhandle National Forest's Grouse Bear Management Unit (BMU) Compliance Project. Acting Chairman Kirby yielded the chair to second. Motion passed unanimously.

Dick Staples with JRS Surveying and Planning and Zoning Administrator John Moss joined the meeting to discuss a Planning and Zoning matter with Commissioners.

Mr. Staples said he and Mr. Moss have been talking about two applications for simple subdivisions that have been signed off on as approved in the years of 2009-2010. One permit has expired and the other permit did not go through the hearing process, according to Mr. Moss. From years 2006 through 2010, there were probably 200 to 300 of these subdivision applications for parcels to be split into two or three parcels. The process at the time was to submit the application to the Planning and Zoning Administrator to review for compliance and the Planning and Zoning Administrator signed off on the applications with no public hearing, etc. Mr. Staples said he has received correspondence from current Planning and Zoning Administrator John Moss about this as well as a letter in which he and Mr. Moss don't agree. Mr. Staples said at the time the process to create simple subdivisions was to go through the Planning and Zoning Administrator who approved the applications. Both applications in this case had no terms or conditions. Mr. Staples said he needs Commissioners to resolve this matter between Mr. Moss and himself. If the county gave authority to the Planning and Zoning Administrator to approve or deny the simple subdivision without review, that is acceptable. If that process was allowable and the application was approved, but now that application is not allowed, that doesn't make sense.

Mr. Moss said in the case of these two applications, both applicants went through the correct procedures. In lieu of a record of survey, the property had a metes and bounds survey done and it was clear. Based on the document that was supplied at the time, the application was approved, but nothing has happened since then. What was approved was the division of property as proposed, but then there was no action taken at the time. The property owner didn't file for deed work and did not create the split. In both cases nothing happened, according to Mr. Moss. Mr. Moss said he has also spoken with County Attorney Tevis Hull about this matter as he is looking at a parcel of land that has not been divided so the parcel is still sitting at approximately 30 acres. Contention on the part of another party is in terms of being able to supply utilities to the area. There are no issues with other applications in question as far as utilities, according to Mr. Moss. Mr. Moss said he translated Attorney Hull's response that if the same parcel is owned by the same party or parties and nothing has transpired, we are back at square one. The first property was to be divided into five parcels, then further divided into three parcels and that was granted back in year 2010. In year 2009, the other application was for a 30 acre parcel to be divided into five or six parcels. Mr. Moss clarified that this matter is talking about two completely separate properties with different property owners, but the commonality is the time frame of 2009 to 2010 and the ordinance was the same for those two applications, as was the administrator. In the application done in year 2010, the time for development has expired. Mr. Moss mentioned that he thought there had been a record of survey in the file and it had been recorded, but that did not take place for either application. Mr. Moss said he was put in a situation to have to make a decision to support a proposal and based on what he knows now as well as the county civil attorney's opinion, the application requested in year 2010 has expired. Mr. Moss clarified that Attorney Hull has not yet seen details of the 2009 application. Acting Chairman Kirby asked

Mr. Staples if the property owner still wants to move forward with splitting the property. Mr. Staples said he thinks both parties want the divisions to be completed.

Acting Chairman Kirby asked how Mr. Moss might make this possible. The Zoning and Subdivision Ordinance is ultimately in charge and dividing a property into three or more parcels requires a Planning and Zoning long plat now and that language wasn't in the ordinance at that time, but did it require a public hearing? Mr. Moss said he feels it is an urban subdivision that is subject to a hearing before the Planning and Zoning Commission prior to County Commissioners, but the argument is if those steps didn't have to be done at that time, why do they have to be done now. Acting Chairman Kirby said it occurs to him that Commissioners should not go against the county attorney's opinion. Mr. Moss said what he would respectfully suggest is for the attorney to provide his statement. Mr. Staples said he would like the opportunity to meet with Attorney Hull. Mr. Staples there are hundreds of applications that are in this same situation. There are no terms or conditions on these applications so that means no time limits and no requirements for a public hearing.

Mr. Moss said all he knows is that these applications were approved so the property owner should have gotten a certificate of compliance according to the ordinance, but the ordinance of that time suggested there be a record of survey or a definition of the parcel to be split and he does have a copy of that, but that doesn't mean the application is in compliance with the rest of the ordinance. So the process was partially completed, but not completely as there had been no hearing. Mr. Staples said he feels that is where he and Mr. Moss disagree. There were no terms or conditions for over 300 applications done between those years. Commissioner Pinkerton said he suspects that was the way it was done in those days, but not now. Commissioner Pinkerton asked Mr. Moss if there is an expiration date in this ordinance and Mr. Moss said no. Commissioner Pinkerton said if the application was approved in year 2009 and there was no expiration date, how can Commissioners say the property split can no longer be allowed? It is a flaw and as a result, Commissioners need to look at this. Mr. Staples reiterated the fact there were no terms or conditions for these applications. Mr. Moss said he thinks there is something about a record of survey being recorded by a certain period of time, but if a record of survey is not required, then it's a moot point. Mr. Staples said if corners have been set, the property owner has one year to record it.

Mr. Staples said the property owners are not looking to split their parcels any further than what was approved in the application. There was an application approved by the Planning and Zoning Administrator, but nothing recorded and that was an approved process. Mr. Moss said between years 2010 and today, there was a property split that took place on one of the properties and there are now two parcels instead of one so there was some work done between then and now. There was a parcel split that was granted and the original parcel number no longer exists and now this same property consists of two parcels so there has been work done. What was done was that the property owner took one of the requested five parcels and split it out so there are two parcels today that represent the area that was originally requested to be split, according to Mr. Moss. Those present reviewed a small drawing of the property. Commissioner Pinkerton said it looks to him that there has been action taken. Mr. Moss said the way it stands now, the owner can take the parcel as it sits today and they can come up with a different plan and go through the process. It would be different than what they wanted back in year 2009 or 2010. It is still the same ownership, according to Mr. Staples and Mr. Moss. Commissioner Pinkerton said a portion of the split has been done so in essence a process has been started. Mr. Staples said without terms and conditions, what actions need to be taken? Mr. Staples said when he and Mr. Moss met with the City of Bonners Ferry, he had informed Mr. Moss this issue was not a singular situation as there are at least 300 simple subdivision applications that didn't require any further action.

Mr. Staples said there is a pending sale that may fail. Mr. Staples said of the 30 acre parcel eight splits are proposed and the remainder of that is still all one piece. Mr. Moss said both properties share the same consideration in that they are both bulk property, but nothing was split. Mr. Moss said one parcel did have a split, but this property has now set this way for some time. The division of this particular property has been approved, but no action was taken. Of the majority of the approvals that were granted over the last 15 years, the applicant went ahead with the division process and bulk pieces of land were subdivided and the process was most likely done the way Mr. Staples suggested. Mr. Moss said both of these parcels are in the area of impact so these are not only county properties, but there are impacts to the city. These two large parcels share this idiosyncrasy.

Mr. Staples said the issue is this is an approved simple subdivision and it was allowed with no terms or conditions so what he is trying to say is what has been done has been done. Mr. Moss said the corners have not been set. Commissioner Pinkerton asked what the ability is now to set conditions. Mr. Moss said he doesn't think conditions for these parcels can be set now, but can be set from this point forward. Commissioner Pinkerton said he is inclined to agree with Acting Chairman Kirby that in year 2009, these applications were in compliance. There is a difference in buying something back in year 1990 and having the intention to split it, but these property owners have taken steps and went through what they needed to do. At the time they put the work into it to be in compliance so now we're talking about changing rules. Mr. Moss said he understands and the reason he is sitting here is because the matter is not consistent with today's ordinance and the parcel itself has not been touched so it still looks the same. What if nothing is done and an owner passes on and the surviving owner wants to now split the property into two parcels. They can do that as the property hasn't been touched. It is not consistent with today's ordinance even though there had been approval for a different split. Mr. Moss said it isn't a matter of him not understanding, it's the fact that the property owners haven't done anything so someone may do something different. Mr. Moss said he is only meeting with Commissioners because he has been asked to do something that wouldn't be approved today.

Commissioner Pinkerton moved to reaffirm the approved application for a simple division for parcel RP62N01E340010A and to also reaffirm the approved application for a simple subdivision for parcel RP62N01E287941A (now known as parcel numbers RP62N01E287942A and RP62N01E287961A). Acting Chairman Kirby yielded the chair to second. Motion passed unanimously.

The meeting with Mr. Moss and Mr. Staples ended at 10:30 a.m.

There being no further business, the meeting adjourned at 10:49 a.m.

WALT KIRBY, Acting Chairman

ATTEST:

GLENDIA POSTON, Clerk
By: Michelle Rohrwasser, Deputy Clerk