

**Minutes of Meeting  
Business Meeting  
February 9, 2021  
2:00 p.m.**

The Kootenai County Board of Commissioners: Chairman Chris Fillios and Commissioner Bill Brooks, met to discuss the following agenda items. Also present were Solid Waste (SW) Director John Phillips, Airport Director Steven Kjergaard, Finance Director Dena Darrow, Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder, KCSO Lieutenant Ryan Higgins, Resource Management Office (RMO) Senior Program Manager Kimberli Riley, Information Technology (IT) Applications Systems Manager Matt Snow, IT GIS (Geographic Information System) Manager David Christianson, Civil Deputy Prosecuting Attorneys R. David Ferguson and Jamila Holmes, Office of Emergency Management (OEM) Administrative Assistant Rachel Irish, BOCC Communications Manager Nancy Jones, BOCC Senior Business Analyst Nanci Plouffe, BOCC Administrative Secretary Teri Johnston and Deputy Clerk Tina Ginorio. Also present were Kootenai County Residents Cynthia Marlette, Steve Anderson, Frank O’Connell, Jim Walsh and Charles Branch. Mr. Snyder, Mr. Snow, Ms. Irish, Lieutenant Higgins and Ms. Riley were present via teleconference. Commissioner Leslie Duncan was excused.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 2:01 p.m.
  
- B. Pledge of Allegiance:** BOCC Senior Business Analyst Nanci Plouffe led the Pledge of Allegiance.
  
- C. Consent Calendar (items to be approved listed below):**  
**Minutes of Meetings:**
  - 01/19/2021 Commissioners’ Status Update
  - 01/25/2021 Commissioners’ Status Update
  - 01/26/2021 Auditor
  - 01/26/2021 Business Meeting
  - 01/28/2021 Human Resources: Personnel Changes
  - 02/04/2021 Community Development Update

**Board Actions:**

Assessor’s Adjustment to tax/valuation/AIN Nos. 114038; 339795; 106115; 339179; 107751; 343009; 303088; 314430; 342812; 131555  
Treasurer’s Monthly Report/December 2020  
Treasurer’s Monthly Settlements and Statements/January 2021  
PAF/SCF Report: BOCC Review PP04/Week 1  
BOCC Signatures for Indigent Cases: 1/28/2021 through 2/3/2021

Commissioner Bill Brooks moved that the Board approve the Consent Calendar as it appeared on the agenda. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**D. Payables List (Action):**

Commissioner Brooks moved that the Board accept the Payables List for the week of February 1, 2021 through February 5, 2021 in the amount of \$625,656.12, with no jury payments. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye  
The motion carried.

**E. Changes to the Agenda (Action):**

BOCC Administrative Secretary Teri Johnston noted that item fifteen had been pulled from the agenda.

Chairman Fillios stated that items five and six would be moved to the end of the agenda.

No objections were voiced.

**F. Action Items:**

**Professional Services Agreement/Engineering Services/Parametrix, Inc./Solid Waste**

Solid Waste (SW) Director John Philips requested the Board's approval of a professional services agreement for pre-construction, design and project management for the 40 foot by 60 foot storage building at the landfill. He noted the cost would be \$102,958.68 and that the agreement had been reviewed and approved by Legal.

Commissioner Brooks moved that the Board approve the professional services agreement for engineering services from Parametrix, Inc. with Solid Waste. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye  
The motion carried.

**Independent Contractor Agreement/Harrison Breakwater Repair/North Idaho Maritime/Parks & Waterways**

Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder requested the Board's approval of an independent contractor agreement with North Idaho Maritime to repair damage the Harrison Breakwater had suffered during the recent windstorm. He said the cost would be about \$53,000 and would be covered by ICRMP (Idaho Counties Risk Management Program) minus the standard deductible.

Commissioner Brooks moved that the Board approve the independent contractor agreement for the Harrison Breakwater repair between North Idaho Maritime and Parks & Waterways. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**Independent Contractor Agreement/Boathouse Roof Repair/ICON Roofing, Inc./ Parks & Waterways**

Mr. Snyder requested the Board's approval of the independent contractor agreement with ICON Roofing, Inc. to repair the boathouse roof. He said the cost had been estimated at \$9,800 and it should also be covered by ICRMP, after application of the standard deductible.

Commissioner Brooks moved that the Board approve the independent contractor agreement for boathouse roof repair, between ICON Roofing, Inc. and Parks & Waterways. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**First Amendment/Service Level Agreement/Electronic Transaction and Access/ PayPort Electronic Payments/Parks & Waterways**

Mr. Snyder requested the Board's approval of the first amendment to the service level agreement for electronic transaction and access with PayPort Electronic Payments. He explained that P&W had been absorbing the 3% service charge fee per transaction in the past; this amendment would shift that to the customer. He noted that this would align with procedures followed by all other County Departments.

Commissioner Brooks moved that the Board approve the first amendment to the service level agreement for electronic transaction and access between Payport Electronic Payments and Parks & Waterways. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

Chairman Fillios reminded those present that items four and five had been shifted to the end of the agenda.

**Development and Ground Lease/AAL-2021-200/Timberland Construction Services, LLC/ Airport**

Airport Director Steven Kjergaard requested the Board's approval of a new development and ground Lease, AAL-2021-200, with Timberland Construction Services, LLC. He stated the lease would be \$2,777.63 per year.

Commissioner Brooks moved that the Board approve the development and ground lease, AAL-2021-200, with Timberland Construction Services, LLC. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**Professional Services Agreement/Cougar Gulch Reconnaissance Survey/Boswell/ Resource Management Office**

Resource Management Office (RMO) Senior Program Manager Kimberli Riley requested the Board's approval of a professional services agreement for the Cougar Gulch Reconnaissance Survey with Sharon Boswell. She said the contract amount would be \$4,900, funded by the FY21 certified local government grant, with an in-kind match. She confirmed this was for the Historical Preservation Committee, to determine what could be designated as a historical landmark.

Commissioner Brooks moved that the Board approve the professional services agreement for the Cougar Gulch Reconnaissance Survey with Sharon Boswell. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**FY21 Certifications and Assurances/Kootenai County Public Transportation/Resource Management Office**

Ms. Riley said RMO was required to submit updated Certifications and Assurances annually to be eligible to apply for federal funding through FTA (Federal Transit Administration). She stated the information had been reviewed by Legal.

Commissioner Brooks moved that the Board approve the FY21 Certifications and Assurances for Kootenai County Public Transportation, provided by the Resource Management Office. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**Kootenai County Public Transportation/Strategic Service Plan/Urban/Rural Mobility/Resource Management Office**

Ms. Riley requested the Board’s approval of the Kootenai County Public Transportation Strategic Service Plan. She explained the proposed agreement would be with the Metts Group, in the amount of \$39,930. She stated that federal funding had already been lined up for this, with an in-kind match. She noted that if additional match was required, RMO could use its local government contribution cash.

Commissioner Brooks moved that the Board approve the Kootenai County Public Transportation Strategic Services Plan for Urban/Rural Mobility proposed by the Resource Management Office. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks:           Aye  
Commissioner Duncan:       Excused  
Chairman Fillios:               Aye

The motion carried.

**Grant Use Agreement/2020 State Homeland Security Grant Program/City of Coeur d’Alene/Office of Emergency Management/Resource Management Office**

**Grant Use Agreement/2020 State Homeland Security Grant Program/Kootenai County Fire & Rescue/Office of Emergency Management/Resource Management Office**

**Grant Use Agreement/2020 State Homeland Security Grant Program/Northern Lakes Fire Protection District/Office of Emergency Management/Resource Management Office**

Office of Emergency Management (OEM) Administrative Assistant Rachel Irish suggested that items eleven, twelve and thirteen be covered in one motion. She explained these were agreements with the City of Coeur d’Alene, Kootenai County Fire & Rescue and Northern Lakes Fire Protection District for a shared project approved under the 2020 SHSG (State Homeland Security Grant) to provide equipment for the Rescue Task Force.

Chairman Fillios moved that the Board approve the grant use agreements from the 2020 State Homeland Security Grant Program for the City of Coeur d’Alene, Kootenai County Fire & Rescue and Northern Lakes Fire Protection District through the Office of Emergency Management, brought by the Resource Management Office. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks:           Aye  
Commissioner Duncan:       Excused  
Chairman Fillios:               Aye

The motion carried.

**Cooperative Law Enforcement Annual Operating Plan & Financial Plan/USDA Forest Service/KCSO**

KCSO Lieutenant Ryan Higgins requested the Board’s approval of the Cooperative Law Enforcement Annual Operating Plan and Financial Plan, as developed by the USDA (United States Department of Agriculture) and KCSO. He explained the amount this year was

\$12,100 and would cover back-country services such as salaries and equipment provided by KCSO.

Commissioner Brooks moved that the Board approve the Cooperative Law Enforcement Annual Operating Plan & Financial Plan between USDA Forest Service and KCSO. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**Memorandum/Holiday Use Practice/KCSO**

This item was pulled from the agenda.

**Award Duty Weapon/Badge/ID Card/Retirement of Deputy Douglass/KCSO**

Lieutenant Higgins noted that Deputy Douglass had served the County for 27 years and planned to retire as of March 15, 2021.

Commissioner Brooks moved that the Board approve the award of duty weapon, badge and ID card upon the retirement of Deputy Douglass. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**Agreement/Merchant Processing/Community Development/Information Technology**

Information Technology (IT) Applications Systems Manager Matt Snow requested the Board's approval of an agreement for the credit card processing system required by the new Community Development software. He noted that the 3% fee would be passed on to the credit card user, not the County.

Commissioner Brooks moved that the Board approve the agreement for merchant service processing for Community Development as requested by Information Technology. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**Agreement/Pictometry International Corp./GIS/Information Technology**

IT GIS (Geographic Information System) Manager Dave Christianson requested the Board's approval of an agreement with Pictometry International Corp. for the annual air photo flight. He stated the funds had been set aside during the normal budgetary process for the fiscal year. He confirmed the agreement had been reviewed by Legal.

Commissioner Brooks moved that the Board approve the agreement with Pictometry International Corp for GIS photography, as described by Information Technology. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

Mr. Christianson exited the meeting at 2:17 p.m.

**First Amendment to Independent Contractor Agreement/Wichman/Aquifer Protection District/Board of Commissioners**

BOCC Communications Manager Nancy Jones reminded those present that the Board had approved a contract between the Aquifer Protection District (APD) Policy and Budget Committee and Rand Wichman Planning, LLC for a project involving the protection of critical aquifer recharge areas. She explained the amendment would allow Mr. Wichman to subcontract some engineering work that needed to be done. She said the cost had been estimated at \$4,450 and had been included in the FY21 APD budget.

Commissioner Brooks moved that the Board approve the first amendment to the independent contractor agreement between Wichman and the Aquifer Protection District under the Board of Commissioners. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**Ratify Expenses Related to Ongoing Litigation and Hiring Outside Counsel/Public Defender**

Chairman Fillios read a statement into the record:

“Commissioner Leslie Duncan moved that the Board exit Executive Session with staff to proceed as discussed and the agreement for outside counsel to be hired in the amount of \$2,500 in one case and \$5,000 in the other case, to come from Contingency. Commissioner Brooks seconded the motion.”

Chairman Fillios noted this was to ratify the decision made last week.

Commissioner Brooks moved that the Board ratify the expenses related to ongoing litigation and hiring outside counsel for the Public Defender. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**Real Property Transfer Agreement/Quit Claim Deed/City of Post Falls/Solid Waste**

Civil Deputy Prosecuting Attorney Jamila Holmes explained that this would finalize the transfer of property ownership from Solid Waste to the City of Post Falls as referenced in Resolution 2021-103, adopted on January 12, 2021. She noted this related to a portion previously included with the Prairie Transfer Station. She requested the Board’s approval and signatures on the Purchase & Sale Agreement and Quitclaim Deed to the City of Post Falls.

Commissioner Brooks moved that the Board approve the real property transfer agreement/quit claim deed for the City of Post Falls from Solid Waste. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye

The motion carried.

**Notice of Award/Construction Manager/General Services Manager/Airport Snow Removal Equipment Building/Airport Administration Facility/Airport**

Chairman Fillios stated he wished to address a number of issues raised in an email communication from Steven Anderson. He noted that the original email would be included in the record. Chairman Fillios provided the following responses:

- The recently increased security measures and the Snow Removal Equipment (SRE)/Administrative Building were not initially the product of Mr. Kjergaard’s requests. Both had been discussed before the current Board of County Commissioners and the Airport Director had been in place. They were brought forward by Mr. Kjergaard because no action had been taken on them in the past.
- Last week’s item on the Business Meeting agenda was deferred in order to allow the Commissioners time to review the bid, discuss the issue with staff or with Legal, and consider the public comments received. It was not deferred to receive additional input from the Airport Advisory Board or the Airport Director.
- There would be no conflict of interest involved if the Board spoke to the Airport Director about an Airport bid.
- The email sent to Mr. Anderson in response to his communication did not state that he was not welcome to offer public comment after this meeting. Chairman Fillios noted that the Board had and would always be open to public comment.
- The figure of \$6 million was a past estimate of the possible maximum cost of the project. Chairman Fillios stated the Board had no intention of spending \$6 million. The project was less than 10% into the design phase at the time the estimate was made. The Board had not completed its deliberations regarding funding for any phase of the project.
- Receipt of a single respondent in a bid process did not indicate that there was a flaw in the RFQ/RFP process. This was not an unusual event.

Commissioner Brooks pointed out that the Board was not obligated to accept a bid, even if it were the only one submitted, if it did not fulfill the County’s requirements.



- The Board had received and considered input from the public on this issue and would continue to do so. Chairman Fillios remarked that the inaccurate information and mocking imagery which had been posted on social media advanced no one's arguments.

Commissioner Brooks remarked that he did not feel obligated to respond individually to multiple, duplicate messages, but that he would be willing to talk to anyone who chose to call him on the phone. He stated that the Board was not being unresponsive if they declined to agree to the demands of a small group.

Airport Director Steven Kjergaard provided background information on the project. He touched on the following:

- The Airport had been working on getting a new SRE facility for over ten years.
- Planning and design work began after the FAA (Federal Aviation Administration) had agreed to provide funding.
- There were no bays in any County-owned building which could provide cover needed for FAA AIP (Airport Improvement Project) purchased equipment.
- The new Administrative facility was determined to be necessary because the current facility's position impeded safety projects related to taxiway and runway connections.
- The original \$6 million estimated cost was no longer accurate, since the SRE and Administrative facilities had since been reduced in size and scope.
- The SRE and Administrative facilities are two separate projects with two separate funding sources, with the SRE paid for primarily through FAA funds. If local funding was not available for the Administrative facility, it would not be built.
- The delivery method chosen for the project was Construction Manager/General Contractor (CMGC). The CMGC was chosen through an RFP (Request for Proposal) process with the intent of reducing facility cost and minimizing change orders during construction.
- There were federal and state requirements for bidding the independent portions of the facility, which would be completed by the CMGC.
- The County received only one RFP response, from Fisher Construction Group. Five other groups made inquiries about the project, but did not submit responses.
- Fisher Construction Group's response met all the RFP requirements, according to County Legal, Airport and Design Team review.

Mr. Kjergaard requested the Board's approval to award the CMGC bid to Fisher Construction Group.

Civil Deputy Prosecuting Attorney R. David Ferguson confirmed that he had reviewed the Notice of Award.

Commissioner Brooks moved that the Board approve the Notice of Award for Construction Manager/General Services Manager for the Airport Snow Removal Equipment Building/Airport Administrative Facility to Fisher Construction Group. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye  
The motion carried.

**Work Order 21-002/New Snow Removal Equipment Building/Airport Administration Building Project/T-O Engineers/Airport**

Mr. Kjergaard stated that this work order was for the complete design of the SRE/Admin Facility. He explained it was broken into two separate phases, one for the design of the SRE facility and the other for the design of the Admin facility. He stated that the SRE facility would be funded primarily through FAA grants, while the Admin facility would be funded through local sources only. He said that if the local funding was not secured prior to the design work, the Admin phase would be paused, modified or terminated.

Mr. Kjergaard said that it was understood by both T-O Engineers and the Airport that sections of the agreement might be modified during the design, depending on recommendations made by the contractor. He stated that the agreement was for the amount of \$542,465.10, with the SRE at \$323,898.16 and Admin \$218,566.94.

Mr. Kjergaard reported that the agreement had undergone an independent fee review, per federal requirements.

Mr. Kjergaard added that the SRE portion would be eligible for federal grant money at a minimum of 90%. He said the remaining 10% would be split between the County and the state.

Mr. Kjergaard requested the Board's approval.

Commissioner Brooks moved that the Board approve Work Order 21-002 for the new Snow Removal Equipment Building/Airport Administration Building Project with T-O Engineers and the Airport, in the amount of \$542,465.10. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye  
Commissioner Duncan: Excused  
Chairman Fillios: Aye  
The motion carried.

- G. Public Comment (Discussion):** This section is reserved for citizens wishing to address the Board regarding a County related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing.

Kootenai County Resident Steve Anderson expressed his dissatisfaction with the Commissioners' response to his email and their grasp of the Airport Master Plan. He indicated he did not think that the RFP process had been valid and quoted information regarding a construction project in Spokane, which received eight bids. He also expressed his dissatisfaction with the Airport Director, personally.

**H. Adjournment (Action):** Chairman Fillios adjourned the meeting at 2:40 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: \_\_\_\_\_  
Tina Ginorio, Deputy Clerk

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