

Minutes of Meeting
Business Meeting
May 18, 2021
2:00 p.m.

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks, met to discuss the following agenda items. Also present were Assessor Bela Kovacs, Prosecutor Barry McHugh, Civil Deputy Prosecuting Attorneys Jamila Holmes and R. David Ferguson, Civil Legal Assistant Barb Nyquist, Human Resources (HR) Generalist – Compliance Cecilia Sweet, Treasurer Steve Matheson, Chief Deputy Treasurer Jill Smith, Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder, Office of Emergency Management (OEM) Director Tiffany Westbrook, KCSO Captain Stuart Miller, KCSO Sergeant William Klinkefus, KCSO Records Supervisor Linda Mattos, Finance Director Dena Darrow, Resource Management Office (RMO) Senior Program Manager Kimberli Riley, Airport Administrative Secretary Kim Stevenson, 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 Will Neal, Barb Neal, Craig Ely, Geoff Harvey, Shawn Hathaway, Ben Meine and Fair Board Chair Jerry Johnson. Ms. Mattos, Ms. Sweet, Ms. Stevenson, Ms. Riley and Sergeant Klinkefus were present via teleconference.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 2:03 p.m.

- B. Pledge of Allegiance:** Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder led the Pledge of Allegiance.

- C. Consent Calendar (items to be approved listed below):**
Minutes of Meetings:
 - 04/29/2021 VAR20-0013/Jordan/Community Development
 - 05/03/2021 Solid Waste Update
 - 05/03/2021 Preliminary FY22 Budget
 - 05/04/2021 Business Meeting
 - 05/05/2021 Requests for Cancellation of Taxes
 - 05/05/2021 Tax Exempt Revocation
 - 05/05/2021 Tax Exempt Application Hearing
 - 05/05/2021 District Court FY22 Budget
 - 05/06/2021 ZON20-0011/Ordinance No. 567/Payment/Community Development
 - 05/06/2021 VAR21-0003/CB Richards Properties LLP/Community Development
 - 05/06/2021 VAR20-0008/Baker/Community Development
 - 05/06/2021 MSF21-0002/The Glades 1st Addition (Phase III)/Community Development

 - 05/06/2021 Prosecutor FY22 Budget Review
 - 05/10/2021 Executive Session §74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated.

 - 05/10/2021 Commissioners' Status Update
 - 05/10/2021 Sheriff FY22 Budget Review

05/11/2021 Executive Session §74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated.

Board Actions:

Treasurer’s Monthly Report: April 2021

2021 Tax Exempt Affidavits: Religious (IC 63-602B)/Fraternal (IC 63-602C)/Schools (IC 63-602E)/Other (IC 63-602F, GG & 63-605, 63-606A)

Revocation of Tax Exempt Order: Community of Christ/AIN 120210

Approval/Tax Exempt Orders: New Life Community Church/AIN Nos. 162188; 162190; 182821; St Luke’s Episcopal Church/AIN Nos. 116196; 128083; Reach America/AIN 109062; Cornerstone Baptist Church/AIN 203215; Hauser Lake Water Association/AIN 103120; Coeur d’Alene Community Theater/AIN Nos. 132405; 120211; Community Building Partners dba Jacklin Arts & Cultural Center/AIN 225123; Rathdrum Citizens Committee/AIN 128941/ North Idaho College/AIN 122797/ Bayview Community Center Foundation/AIN 180731

Partial Approval Order: Twin Lakes Community Schoolhouse Foundation/AIN 103362

Denial/Tax Exempt Orders: Kootenai Humane Society/AIN 204773; North Idaho College/AIN Nos. 185371; 102719; 104791; 117661; 103538; Critical Power Products/AIN 334748

Hayden Area Regional Sewer Board/Payment Request Forms: Aqua Engineering; Ceres Greenhouse Solutions, LLC

Human Resources/Personnel Changes: Admin Assistant/KCSO; SW Technician; Investigator/Public Defender; Title II Clerk/Assessor; Network Tech/District Court; Wage Adjustment/Solid Waste

PAF/SCF Report: BOCC Review PP11 Week 1/Human Resources

BOCC Signatures for Indigent Cases: 5/6/21 through 5/12/21

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

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

D. Payables List (Action):

Commissioner Duncan moved that the Board accept the Payables List for the week of May 10, 2021 through May 14, 2021 in the amount of \$386,140.15, with \$682.96 in jury payments. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

E. **Changes to the Agenda (Action):** There were no changes to the agenda.

F. **Action Items:**

Public Hearing: Proposed No Wake Zone/Honeysuckle Bay/Parks & Waterways

Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder reminded the Commissioners that this topic had been reviewed by the Board in 2020, at which time they had asked him to develop a Resolution.

Commissioner Duncan asked how far the Boathouse Restaurant was from the Honeysuckle Bay area. She remarked that people had asked that the no-wake zone extend all the way to the restaurant.

Mr. Snyder replied that he did not know the distance to the restaurant.

KCSO Sergeant William Klinkefus reported that KCSO supported the proposed Resolution. He noted that the area saw a lot of non-motorized use and making it a no-wake zone would enhance that use and promote safety. He stated that the affected area was less than five acres of the Bay's water. He said that the Boathouse Restaurant was far enough away that it would not be practical to include it in the proposed zone.

Barb Neal, 4686 East Upper Hayden Lake Road, Hayden, voiced her support of the no-wake zone for Honeysuckle Bay. She said it would improve safety for those engaged in non-motorized activities such as swimming and canoeing.

Jeff Harvey, 5925 East Hayden Lake Road, Hayden, stated that he was President of the Hayden Lake Watershed Association. He said his group fully supported the Resolution. He added that the Boathouse Restaurant was about two thirds of a mile from the outer edge of the no-wake zone, as presently defined.

Commissioner Duncan asked Craig Ely, 2340 East Honeysuckle, Hayden, whether he had been able to contact all twelve residents in the Bay area.

Mr. Ely reported that Mr. Hathaway had a petition signed by all the residents.

Shawn Hathaway, 2260 East Honeysuckle, Hayden, confirmed that he had spoken to all the people who lived at Honeysuckle Bay and they all supported the Resolution.

Commissioner Duncan reported that the Board had received three emails in favor of the Resolution and one in opposition.

Commissioner Duncan moved that the Board end public testimony and enter into deliberations. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

Commissioner Duncan asked Sergeant Klinkefus, to consider the four items just passed by the Board of Commissioners regarding changes to waterways ordinances and say whether there was one in particular that supported this request.

Sergeant Klinkefus replied that he did not believe there was one that specifically supported the request as it stood. He commented that this was the second or third year that the proposal had been brought forward, so the proposal pre-dated the new items. He stated that KCSO did not have any statistics on crashes or incidents in the area, so he concluded that the request thus did not fit the four criteria as they were worded.

Commissioner Duncan said she was glad the residents were all in favor of the proposal, but she felt she still had to vote against it because she felt they needed to uphold a certain standard in their decisions. She stated she felt it was important that there were no reports to support the claim that a hazard to public safety existed. She concluded that she wanted to be careful about setting precedents.

Commissioner Brooks moved that the Board adopt Resolution 2021-44, Kootenai County Waterways Ordinance, amendment to Honeysuckle Bay no-wake zone. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Duncan: Nay
Chairman Fillios: Aye

The motion carried.

Commissioner Duncan stated that Mr. Snyder and Civil Deputy Prosecuting Attorney Jamila Holmes should work together on updating an MOU (Memorandum of Understanding) for the Watershed District to take over the buoys that will be placed in that area.

Mr. Snyder, Ms. Neal, Mr. Ely, Mr. Harvey, Mr. Hathaway, Mr. Meine and Kootenai County Resident Will Neal exited the meeting at 2:14 p.m.

Adoption of No Wake Zone/Honeysuckle Bay/Resolution 2021-44/Parks & Waterways (Action Item)

Chairman Fillios pointed out that this had been covered in the previous motion.

FY21 Federal Transit Administration (FTA) 5307 Grant Application/Fixed Route Ops/Resource Management Office

Resource Management Office (RMO) Senior Program Manager Kimberli Riley requested authorization to apply for their 5307 funding from the Federal Transit Administration (FTA), in the amount of \$632,960. She said the matching amount would be provided in-kind from local agencies and jurisdictions.

Commissioner Duncan moved that the Board approve the FY21 Federal Transit Administration (FTA) 5307 grant application for the Fixed Route operation. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

Memorandum of Agreement/Watercraft Invasive Species Inspection Stations/Idaho State Department of Agriculture/KCSO/Resource Management Office

KCSO Captain Stuart Miller explained that this was an annual Memorandum of Agreement that KCSO entered into with the Idaho State Department of Agriculture. He said that the department had agreed to fund them up to \$250,035 for Deputies to staff the watercraft inspection stations from May through October 31.

Commissioner Brooks moved that the Board approve the Memorandum of Agreement for the Watercraft Invasive Species Inspection Stations between the Idaho State Department of Agriculture and KCSO. Commissioner Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

First Amendment to Fuel Services Agreement/Coleman Oil/Resource Management Office

Ms. Riley requested the Board's approval of the first amendment to the Fuel Services Agreement with Coleman Oil for Public Transportation. She said it extended the agreement through May 31, 2022 and added DEF (Diesel Exhaust Fluid) to the agreement.

Commissioner Duncan moved that the Board approve the first amendment to the Fuel Services Agreement with Coleman Oil for Public Transportation. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

Fourth Amendment to Fuel Services Agreement/Coleman Oil/Resource Management Office

Ms. Riley requested the Board’s approval of the fourth amendment to the Fuel Services Agreement with Coleman Oil for the County. She said this would extend the agreement through May 31, 2022.

Commissioner Brooks moved that the Board approve the fourth amendment to the Fuel Services Agreement with Coleman Oil for the County. Commissioner Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

Grant Close-out/RV20-1-28-1 RV Phase III Close-out/Idaho Department of Parks & Recreation/North Idaho Fair Board/Resource Management Office

Ms. Riley stated this item represented the grant close out for Phase III of the RV Park. She said that, since it came in under budget, they were able to add some extra items such as picnic tables and extra lighting. She noted that there was still \$5,971 in unused grant funds and \$551 dollars of matching funds would be returned to North Idaho Fair Board.

Commissioner Duncan moved that the Board approve the grant close-out for RV20-1-28-1, for the RV Phase III, with the Idaho Department of Parks & Waterways and the North Idaho Fair Board. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

Management Control Agreement/Idaho Public Safety and Security Information System/Criminal Justice Information/Information Technology/KCSO

KCSO Records Supervisor Linda Mattos explained that all the agreements needed to be updated, since there was now a new Sheriff.

Commissioner Brooks moved that the Board approve the Management Control Agreement update with the Idaho Public Safety and Security Information System for Criminal Justice Information. Commissioner Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

2020 Supplemental Emergency Management Program Grant (SEMPG)
Application/Office of Emergency Management

Office of Emergency Management (OEM) Director Tiffany Westbrook requested the Board's approval of a grant application in the amount of \$38,772.14 to support the administration and operational costs of OEM. She said the period of the grant was October 1, 2019 through September 1, 2020. She added that a 100% match had been required, but that had already been provided as part of their FY21 budget.

Commissioner Duncan moved that the Board approve the 2020 Supplemental Emergency Management Program Grant application for the Office of Emergency Management. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

Termination of Lease/AAL-410/LP Investments/Airport

Ground Lease/AAL-2021-1000/Bendhanger, LLC/Airport

Chairman Fillios confirmed that items ten and eleven were for the same property and could be handled with one motion.

Airport Administrative Secretary Kim Stevenson asked the Board's approval of the termination of one lease, AAL-410 with LP Investments and the new ground lease AAL-2021-1000 with Bendhanger, LLC. She said the annual revenue would be \$4,576.

Commissioner Brooks moved that the Board approve the termination of lease AAL-410 with LP Investments and the new ground lease AAL-2021-1000 with Bendhanger, LLC at the Airport. Commissioner Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

Agreement/Drug and Alcohol Collection Services/American Mobile Drug Testing/A
Drug Free Alliance (AMDT/ADFA)/Human Resources

Human Resources (HR) Generalist – Compliance Cecilia Sweet requested the Board's approval of an agreement for Drug and Alcohol Collection Services with American Mobile Drug Testing. She explained that American Mobile was the County's third party administrator of the drug and alcohol screening program. She noted there were no increases in their prices and their services satisfied the County, State and Federal regulations. She said the contract would be valid for one year, renewable for two more one year terms.

Commissioner Duncan moved that the Board approve the agreement with American Mobile Drug Testing for the drug and alcohol collection services. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

Memorandum of Agreement/Idaho Transportation Department/Vehicle Licensing Operations/Assessor

Assessor Bela Kovacs requested the Board's approval of a Memorandum of Agreement for Vehicle Licensing Operations with the Idaho Transportation Department (ITD). He explained the agreement would allow ITD to provide support by performing transactions, while allowing the County to retain the fees. He said ITD would handle the Kootenai County online renewals, mail-in registrations and dealer titles. He added that this would free up two or possibly three of his staff to provide service at the front windows of the offices in Coeur d'Alene and Post Falls.

Commissioner Brooks moved that the Board approve the Memorandum of Agreement with the Idaho Transportation Department for Vehicle Licensing Operations for the Assessor's Office. Commissioner Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

Assessor Kovacs exited the meeting at 2:30 p.m.

Tax Deed Bid/AIN 170469/Englestad

Commissioner Duncan opened a tax deed bid for AIN 170469 from Jeremy Englestad in the amount of \$100. She stated that Mr. Englestad had included a request that the purchase be free and clear of any back taxes owed on the parcel. She said she would like to consult the Treasurer's Office and Community Development before proceeding.

Commissioner Duncan moved that the Board acknowledge receipt of the tax deed bid and consult the Treasurer's Office and Community Development. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

Request for Annexation/Rodriguez/Kootenai County Fire & Rescue

Civil Deputy Prosecuting Attorney R. David Ferguson stated that he had reviewed the application. He stated that all appropriate steps had been taken and the property met

all necessary qualifications. He reported that the Kootenai County Fire & Rescue Board had approved the request for annexation.

Commissioner Brooks moved that the Board approve the request for annexation by Rodriguez into the Kootenai County Fire & Rescue district. Commissioner Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

Chief Deputy Treasurer Jill Smith exited the meeting at 2:31 p.m.

Wage Adjustment/Split/Investigator/Public Defender

Finance Director Dena Darrow reminded the Board that this item had been covered in yesterday's meeting. She said the salary was to be split 60/40% between tax funded and grant funded. She asked that the Board ratify the decision.

Commissioner Duncan moved that the Board approve the wage adjustment split as presented for the Investigator position at the Public Defender's Office. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Aye

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. There were no public comments.

H. Adjournment (Action): Chairman Fillios adjourned the meeting at 2:34 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
