

Minutes of Meeting
Business Meeting
August 25, 2020
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 Solid Waste (SW) Director Cathy Mayer, Finance Director Dena Darrow, Staff Accountant – Budget Michelle Chiaramonte, Airport Director Steven Kjergaard, Civil Deputy Prosecuting Attorney R. David Ferguson, Assessor’s Office Administrative Manager Reba Grytness, BOCC Communications Manager Nancy Jones, BOCC Administrative Supervisor Leighanna Keiser, BOCC Senior Business Analyst Nanci Plouffe, BOCC Administrative Secretary Teri Johnston and Deputy Clerk Tina Ginorio. Also present were Governor’s Office North Idaho Field Director Jake Garringer, Contractor Shawn Riley, DEQ (Department of Environmental Quality) Representative Dan McCracken, Lake Management Plan Supervisor Jamie Brunner, Coeur d’Alene Tribe Representatives Rebecca Stevens, Tyrell Stevenson and Philip Cerna, KMPO (Kootenai Metropolitan Planning Organization) Executive Director Glenn Miles, David Levine from the Kootenai County Board of Community Guardians, Coeur d’Alene City Council Member Dan Gookin, and Kootenai County Residents Art Collins and Russ McLain. Mr. Kjergaard, Mr. Riley, Ms. Grytness, Mr. McCracken, Ms. Brunner and Ms. Stevens attended via teleconference.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 2:03 p.m.
- B. Pledge of Allegiance:** Solid Waste (SW) Director Cathy Mayer led the Pledge of Allegiance.
- C. Consent Calendar (items to be approved listed below):**
Minutes of Meetings:
 - 07/30/2020 CUP19-0012/King Sod, LLC/Community Development
 - 08/06/2020 CUP20-0003/The Farm/Community Development
 - 08/11/2020 Business Meeting
 - 08/18/2020 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:

Treasurers’ Monthly Report/July 2020
Provision of Funds/Kootenai-Shoshone Soil and Water Conservation District
PAF/SCF Report: BOCC Review PP18/Human Resources
BOCC Signatures for Indigent Cases: 8/13/20 through 8/19/20
Kennel License Renewal/Moats/Happy Trails Kennel

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 August 17, 2020 through August 21, 2020 in the amount of \$655,064.47, with no 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):

Commissioner Duncan asked that item eight on the agenda be moved to the end of the meeting and item seventeen be covered first. No objections were voiced.

F. Action Items:

County Contribution to the NAS Study for Coeur d'Alene Lake/Board of Commissioners

Chairman Fillios introduced Regional Director of the DEQ (Department of Environmental Quality) Dan McCracken, Lake Management Plan Supervisor Jamie Brunner, Coeur d'Alene Tribe Representatives Tyrell Stevenson and Philip Cernera and Governor's Office North Idaho Field Director Jake Garringer.

Chairman Fillios reminded everyone that he had suggested the County offer \$200,000 toward the independent study of Lake Coeur d'Alene. He said he wanted the funds to come from the County's construction budget, an amount of \$5 million previously set aside in Fund Balance. He stated that the study was due to begin October 1, 2020 and would cost a total of about \$755,000.

Chairman Fillios said he wanted the County to provide some of the funding so that when the results of the study were considered for implementation, the County would be assured some input.

Commissioner Brooks remarked that it was his understanding that this was to be an archival study. Ms. Brunner confirmed that they would not be performing a new study; they would be reviewing existing information.

Mr. Cernera stated that one result of the study might be to suggest additional data collection and sampling. He explained that the NAS (National Academy of Sciences) was

chosen as a neutral provider and indicated that providing funds toward the project would not offer the County any additional input into what would be done. He pointed out that the report itself would contain no binding agreements on actions to be taken.

Commissioner Duncan asked if the Basin Commission would be involved in the recommendations when the study was completed.

Mr. Cernera responded that he would advocate for the Basin Commission be involved in reviewing the results and determining the next steps. He confirmed that the Tribe and the state had provided the data to be examined.

Commissioner Brooks commented that he had been very concerned about Lake Coeur d'Alene being declared a Superfund Site, but he had learned that it had already been so classified.

Mr. Cernera confirmed that it had been classified since 1982.

Commissioner Brooks said that he felt this information should be made more widely known because many people had been worried that if the Lake were designated a Superfund Site there would be severe local impact on things like tourism and property values.

Mr. Cernera reported that the Lake Management Plan had revealed a decline in water quality over a period of time and that the Tribe had called attention to it. He said EPA (Environmental Protection Agency) could be brought back into the issue and asked for advice, help or funding.

Commissioner Brooks asked why the Tribe pulled out of the Lake Management Plan.

Mr. Cernera indicated that insufficient cooperation was coming from the state, so the Tribe withdrew to try to get the state to take action.

Commissioner Duncan reported that she had spoken to the DEQ Interim Director in Boise and was told that stakeholders were not approached for contributions because they already had have the money to fund the study. She said she was very much in favor of the study but felt the County should put its money towards the implementation.

Chairman Fillios declared that he still felt that giving the \$200,000 for the study was the right thing for the County to do.

Commissioner Brooks moved that the Board approve funding for Kootenai County's contribution to the NAS study of Lake Coeur d'Alene water quality in the amount of \$200,000. 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 commented that the money the state was going to spend was from tax dollars, so County residents were essentially being taxed twice for this study: once to provide the state's funding and once for the \$200,000 from Kootenai County.

Chairman Fillios called on Russel McLain, 2360 East Hayden View Drive, Coeur d'Alene, for his comments.

Mr. McLain remarked that groups he referred to as "little Nazi groups" have fought each other and have left the Tribe alone to manage the Lake. He said the work should have been done years ago and if it wasn't done soon the property values would drop.

Mr. McLain, Mr. Cerner, Mr. Stevenson and Mr. Garringer exited the meeting at 2:34 p.m.

Professional Services Agreement / Environmental Engineering Services / Parametrix / Solid Waste

Solid Waste (SW) Director Cathy Mayer requested the Board's approval of the professional services agreement for environmental engineering services with Parametrix. She noted that SW had worked with Parametrix for a number of years and the price was very reasonable.

Commissioner Duncan moved that the Board approve the professional services agreement for environmental engineering services with Parametrix. 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.

Public Defender Anne C. Taylor entered the meeting at 2:35 p.m.

Janitorial Services Agreement/TESH Inc. /Solid Waste

Ms. Mayer requested the Board's approval of a janitorial services agreement with TESH Inc.

Commissioner Brooks moved that the Board approve the janitorial services agreement with TESH Inc. and Solid Waste. 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.

Ms. Mayer exited the meeting at 2:36 p.m.

Lease Agreement/AAL-2020-FUEL/CDA Jet Center/Airport

Airport Director Steven Kjergaard requested the Board’s approval for a lease agreement, AAL-2020-FUEL, in the amount of \$39,291.12. He noted it was essentially a fuel farm area.

Commissioner Duncan moved that the Board approve the lease agreement AAL-2020-FUEL for CDA Jet Center. 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.

Lease Agreement/DACA67-5-20-88/Army Corps of Engineers/Airport

Mr. Kjergaard requested the Board’s approval of a lease agreement, DACA67-5-88. He explained it was an agreement they made every year with the Army Corps of Engineers, who paid \$13,000 to use the Airport’s pit and surrounding area for maneuvers.

Commissioner Brooks moved that the Board approve the lease agreement DACA67-5-20-88 with the Army Corps of Engineers to use 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.

Termination of Lease/AAL-2013-050/Walsh/Airport

Ground Lease/AAL-2020-940/Broderson/Airport

Chairman Fillios suggested that the items originally numbered five and six on the agenda be combined.

Mr. Kjergaard requested the Board’s approval to terminate one lease, AAL-2013-050, with Walsh, and initiate a new lease on the same parcel, AAL-2020-940/Broderson. He said the new lease agreement would be \$2,714.61 per year.

Commissioner Duncan moved that the Board approve the termination of lease AAL-2013-050 with Walsh and approve ground lease AAL-2020-940/Broderson. 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.

Amendment/Memorandum of Agreement/Federal Highway Administration/Idaho Transportation Department/Idaho State Historic Preservation Office/Kootenai County Historic Preservation Commission/Resource Management Office

There was no one present or on the phone to cover this item. Chairman Fillios said they would move on and return to this item once a spokesperson arrived.

Case Management Agreement/Kootenai Hospital District dba Kootenai Health/Board of Community Guardians/Board of Commissioners

BOCC Administrative Supervisor Leighanna Keiser requested the Board's approval of the updated case management agreement between Kootenai Health and the Board of Community Guardians. She noted the rate had increased from \$36 per hour to \$44 per hour, the term would be three years and termination notices would be 60 days instead of 30 days.

Treasurer of the Board of Community Guardians David Levine stated that the additional cost would be about \$4,500, based on their current usage of case management.

Commissioner Duncan moved that the Board approve the case management agreement with Kootenai Hospital District dba Kootenai Health and the Board of Community Guardians. 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.

Public Defender Administrator Contract Renewal/Nass/Board of Commissioners

Ms. Keiser requested the Board's approval of the renewal of the Public Defender Administrator contract with Scott Nass. She noted this was to renew the contract for FY21, effective October 1, 2020 through September 30, 2021. She stated there had been no rate increase and the only change was for Mr. Nass to evaluate the conflict attorneys on an as-needed basis instead of semi-annually.

Commissioner Brooks moved that the Board approve the Public Defender Administrator contract renewal with Mr. Nass. 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.

CASA Contract/Moss/Board of Commissioners

Ms. Keiser requested the Board's approval of the renewal of the CASA (Court Appointed Special Advocates) representation with Alicia Moss. She stated the fee had not changed, but Ms. Moss's primary alternate had been changed to Safa Riad.

Commissioner Duncan moved that the Board approve the CASA contract with Moss. 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.

Resource Management Office (RMO) Director Jody Bieze entered the meeting via teleconference at 2:44 p.m. Chairman Fillios announced they would return to the item originally numbered seven on the agenda.

Amendment/Memorandum of Agreement/Federal Highway Administration/Idaho Transportation Department/Idaho State Historic Preservation Office/Kootenai County Historic Preservation Commission/Resource Management Office

Ms. Bieze requested the Board's approval of an amendment to a memorandum of agreement. She explained that there was some work planned by ITD (Idaho Transportation Department) on Highway 41 that included three designated historic sites so they needed approval from Historic Preservation to proceed. She stated that the Idaho State Historic Preservation Office had given its approval and this amendment would allow an extension to the project timetable.

Commissioner Duncan moved that the Board approve the amendment for the memorandum of agreement with the Federal Highway Administration, ITD, and the Idaho State Historic Preservation 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.

Approve/Local Option Registration Fee Ballot Question/November 2020 General Election/Board of Commissioners

KMPO (Kootenai Metropolitan Planning Organization) Executive Director Glenn Miles requested the Board's approval of including a local option vehicle registration fee on the ballot for the November 2020 election. He confirmed this would entail a \$50 per eligible vehicle added to the registration fee for a period of twenty years. He noted it would be a binding vote and details of the projects the fee would fund could be found on their website.

Commissioner Brooks moved that the Board approve the local option registration fee ballot question for the November 2020 general election. 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.

Mr. Miles and Coeur d'Alene City Council Member Dan Gookin exited the meeting at 2:47 p.m.

Change Order No. 5/RV Park Project/Stewart Construction/Riley/Fairgrounds

Contractor Shawn Riley requested the Board’s approval for change order number 5 on the Fairgrounds RV Park Project. He explained this was a no-cost change order with Stewart Construction to allow an additional twenty eight days for them to complete their work.

Commissioner Duncan moved that the Board approve change order number 5 at no cost to increase the time by twenty eight days for the RV Park Project with Stewart Construction. 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.

Tax Deed Bid/AIN 128085/Wright

Commissioner Duncan opened the sealed envelope and stated it contained a check from Kevin Wright for \$300.

Mr. Garringer re-entered the meeting at 2:49 p.m.

Commissioner Duncan stated that Mr. Wright does not have property that adjoined the parcel, which had been historically used as a cemetery. She recommended that his bid be rejected and the County ask the Grange, which was located next to the parcel, if they would be willing to take it over.

Commissioner Duncan moved that the Board reject the bid for AIN 128085 and contact the Grange that is next to the parcel to see if they were willing to take it. 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.

Resolution 2020-53/Surplus Vehicle/Assessor

Assessor’s Office Administrative Manager Reba Grytness asked the Board to approve Resolution 2020-53, to surplus a vehicle. She explained it was a 2001 truck with a blown engine that would cost more to repair than it was worth. She added they had already intended to replace it in 2021, before it broke down.

Commissioner Brooks moved that the Board approve Resolution 2020-53, to surplus a vehicle 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.

Resolution 2020-54 (Supersedes Resolution 2004-89)/Classification of Records/Board of Community Guardians

Ms. Keiser asked the Board to approve Resolution 2020-54 for the Board of Community Guardians. She explained this would add a new classification item to their record-keeping for EOBs (Explanation of Benefits forms). She said they would then be able to scan these forms into their electronic files for storage and destroy the paper originals as needed.

Commissioner Duncan moved that the Board approve Resolution 2020-54, to supersede Resolution 2004-89, for the classification of records regarding the Board of Community Guardians. 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.

FY21 Indigent Defense Financial Assistance Agreement/Auditor/Public Defender

Ms. Taylor explained that her department needed more time to consider the agreement before it was signed and finalized. She said they would be bound to follow the guidelines put down for her department, but there were problems with the document.

Finance Director Dena Darrow remarked that she agreed with Ms. Taylor's concerns. She stated that the data collection forms that they were given for this year's grant application were very different from earlier versions and had not resulted in an accurate depiction of the Public Defender's Office's needs, plus there had been a change in the personnel they worked with at the PDC (Public Defense Commission), which caused more confusion. She voiced her agreement with Ms. Taylor's suggestion that additional time and clarification was needed.

Ms. Taylor estimated that they needed until about mid-September to prepare the letter and supporting information needed.

Commissioner Duncan volunteered to call the PDC representative, since the deadline for the paperwork was August 31, to let them know the Board would be asking for additional time and that a letter would be sent as soon as possible.

- 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.

Art Collins, Kootenai County Resident, provided the Commissioners with additional information regarding the NAS grant of \$775,566. He stated that the study would not take place on October 1, 2020 and that it would take a substantial amount of time to select the thirteen person panel.

Chairman Fillios said he would follow up on the information and provide the public with any appropriate corrections.

H. Adjournment (Action): Chairman Fillios adjourned the meeting at 3:06 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
