

**Minutes of Meeting
Business Meeting
August 20, 2013
2:00 p.m.**

The Kootenai County Board of Commissioners: Chairman Todd Tondee, Commissioner Dan Green and Commissioner Jai Nelson met to discuss the following agenda items. Also present were Grant Writer Jody Bieze, Airport Senior Secretary Linda Leigh, Civil Deputy Prosecuting Attorneys Jamila Holmes, R. David Ferguson, Pat Braden, John Cafferty and Deputy Clerk Patti Marland-Stevens.

- A. Call to Order:** Chairman Tondee called the meeting to order at 2:03 p.m.
- B. Pledge of Allegiance:** Commissioner Green led the Pledge of Allegiance.
- C. Approval of Consent Calendar:** Chairman Tondee read the items listed on the Consent Calendar.

Minutes of Meetings

08/06/2013	Budget Meeting/Public Defender
08/06/2013	BOE Tax Exempt Application Hearing
08/06/2013	Business Meeting
08/12/2013	Community Development Update
08/13/2013	Indigent Appeal 2013-250
08/13/2013	Indigent Appeal 2013-219
08/13/2013	Indigent Appeal 2013-240
08/13/2013	Indigent Appeal 2013-235
08/13/2013	Commissioners' Debriefing (continued)
08/13/2013	Request for Cancellation of Taxes

Board Actions

BOCC Signatures for Indigent Cases 08/08/2013 through 08/14/2013

Noxious Weed Control Agreements/Various Parcels

Commissioner Green moved to adopt the Consent Calendar as read into the record by Chairman Tondee. Commissioner Nelson seconded the motion. There being no discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson:	Aye
Commissioner Green:	Aye
Chairman Tondee:	Aye

The motion carried.

D. Changes to the Agenda:

Chairman Tondee noted that there were two (2) changes to the agenda:

1. Amendment/Kootenai County Multi-Jurisdictional All Hazard Mitigation Plan/Grant Management Office

Chairman Tondee inquired as to the omission of this item on the agenda. Grant Writer Jody Bieze informed the Board that this was a time sensitive issue, pursuing grant funding for a project which is currently not listed in the plan. In order to be considered for funding, it must be listed in the plan and the County was not aware of this requirement prior to this time.

2. Amended Contract/Kendig Keast/Community Development

Chairman Tondee noted that this was a reconsideration of a decision made August 13, 2013, on the Kendig Keast contract and communication that needs to be readdressed to make a clear understanding of the Board’s intent. This item was being added to the agenda because this was a clarification of an already approved contract and time was of the essence.

Commissioner Green moved to add the two (2) items, an amendment to the Kootenai County Multi-Jurisdictional All Hazard Mitigation Plan and the reconsideration/clarification of the Kendig Keast contract, to the agenda.

Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson: Aye
Commissioner Green: Aye
Chairman Tondee: Aye

The motion carried.

Chairman Tondee stated that Civil Deputy Prosecuting Attorney Pat Braden was currently present, however was required to be elsewhere. Therefore, the Board chose to address the Kendig Keast item first. Chairman Tondee requested a motion to reconsider the item.

Commissioner Green moved to reconsider the contract amendment of August 13, 2013, between Kendig Keast and the County (Community Development). Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson: Aye
Commissioner Green: Aye
Chairman Tondee: Aye

The motion carried.

Chairman Tondee explained that the cause for reconsideration was to clarify the motion made on August 13, 2013, and that the Board was only approving the \$5,400 for the prospectus on timeline and additional costs for extra work being requested. Commissioner Green and Commissioner Nelson stated that their intent was to approve the prospectus for review only, and that if the Board deems the prospectus unacceptable, they would not recommend moving forward. Chairman Tondee noted that the contract reviewed last week contained items that should be covered under the original contract and not under this addendum. Mr. Braden stated that, upon listening to the audio from the August 13, 2013 meeting, some clarification was in order, as the motion had been to approve the contract as presented.

Commissioner Green moved to rescind the approval of the contract amendment between Kendig Keast and Kootenai County (Community Development), which was issued by the Board on August 13, 2013. Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson: Aye
Commissioner Green: Aye
Chairman Tondee: Aye

The motion carried.

Chairman Tondee stated that the Board still intended to move forward with a request for Kendig Keast to produce a prospectus. Commissioner Green noted that Mr. Keast had already signed the previous contract. He suggested, as a result, that the Board consider modifying that previous document. Commissioner Nelson was concerned that the document would be dramatically altered, and suggested that a new document should be drafted to provide clarification. In addition, Commissioner Nelson expressed concerns regarding amendment terms that included a ten (10) day deadline, with no modifications or changes allowed, and in approving a document that she had not read. Chairman Tondee acknowledged Commissioner Nelson's concern about the all-or-nothing acceptance. The Board directed Mr. Braden to draft a memo to Mr. Keast, authorizing him to proceed with the prospectus on the scope of work summarized in Mr. Keast's outline. The Board agreed to pay \$5,400, equal to a maximum of forty (40) hours at \$135 per hour, noting that this amendment would not change or alter any other parts of the contract that the County has with Kendig Keast. Mr. Braden reiterated the agreed-to terms that were to be included within the document, and agreed to prepare the document for the Board's review and signature. Chairman Tondee noted that the Board could provide input to Legal as to the wording of the memo, and that it would require Board approval prior to signing. Mr. Braden clarified that this would be an amendment to the original contract.

Commissioner Green moved to approve a contract amendment with Kendig Keast, limited to the prospectus, and not to exceed \$5,400 based on the forty hours (40) projected work, maximum, at \$135 per hour. He further moved to direct Legal to draft a memo/addendum to the contract to increase the scope of the original contract, retaining the previous deadlines, and authorizing Chairman Tondee to sign it once it is reviewed by the Board. The document will clarify that the Board is approving the prospectus and nothing more at this time.

Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson: Nay

Commissioner Green: Aye

Chairman Tondee: Aye

The motion carried.

Amendment/Kootenai County Multi-Jurisdictional All Hazard Mitigation Plan/Grant Management Office

Ms. Bieze stated that the Department of Water Quality (DEQ) and the Watershed Advisory Group (WAG) are focused on water quality improvement projects for the Wolf Lodge Creek watershed. In order to obtain funding, it is required that the project be included in the County's All Hazard Mitigation Plan. Chairman Tondee asked if the document needed to be forwarded to the other jurisdictions affected by the plan. Ms. Bieze stated that the County is the authority that determines what will be added into the plan so that it only requires the Board's signature.

Chairman Tondee noted that DEQ is requesting this inclusion. Ms. Bieze informed the Board that the area is in Kootenai County. The Grant provides funding to mitigate a flood issue that currently exists in that area, and without the plan there is no funding. DEQ applied for funding and will contract for the work.

Commissioner Nelson moved to amend the Kootenai County Multi-Jurisdictional All Hazard Mitigation Plan as presented by the Grant Management Office. Commissioner Green seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll.

Commissioner Nelson: Aye

Commissioner Green: Aye

Chairman Tondee: Aye

The motion carried.

E. Old Business: There was no old business discussed.

F. New Business:

1. Lease Addendum/Keller/Mountain West Bank/Airport

Airport Senior Secretary Linda Leigh came before the Board to provide a request from Mountain West Bank to consider a Lease Addendum for the hangar leased by Scott Keller. The addendum provides that Mountain West Bank has the right to assume the interest in the event that Mr. Keller defaults on his loan. Civil Deputy Prosecuting Attorney John Cafferty stated that the bank would be allowed to take over Mr. Keller’s lease, rather than the facility reverting back to the County. Civil Deputy Prosecuting Attorney R. David Ferguson stated that he assisted the bank in developing this addendum in order to protect the bank’s security interest, and that it does not allow the Bank to sub-lease without the Board’s approval.

Commissioner Green moved to approve the lease addendum between Scott Keller and Mountain West Bank for the hangar at the airport. Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson: Aye
Commissioner Green: Aye
Chairman Tondee: Aye

The motion carried.

2. Independent Contractor Agreement/Project Manager Services/Red Beauty 12NFA104/Grant Management Office

Ms. Bieze came before the board to request consideration of an Independent Contractor Agreement for Project Manager Services between Kootenai County (Office of Emergency Management) and Inland Forest Management, Inc. (IFM). Mr. Cafferty brought to the Board’s attention that there was a slight difference in the amounts stated in the contract and the addendum, and suggested an adjustment be made to the addendum to reflect the correct amount.

Commissioner Green moved to approve the Independent Contractor Agreement for Project Manager Services on the Red Beauty Project, 12NFA104, between Inland Forest Management, Inc. and Kootenai County, and further, to adopt the amendment, clarify that the project management fee is \$12,600 and make appropriate amendment as referenced by legal counsel. Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson: Aye
Commissioner Green: Aye
Chairman Tondee: Aye

The motion carried.

3. Independent Contractor Agreement/Project Manager Services/Blue CDA 1SAFP04/Grant Management Office

Ms. Bieze requested consideration of an Independent Contractor Agreement for Project Management Services between Kootenai County (Office of Emergency Management) and Inland Forest Management, Inc., who will serve as Project Manager.

Commissioner Green moved to approve the amended contract for Project Manager Services for the Blue CDA 1SAFP04 Grant between Kootenai County and Inland Forest Management, Inc. Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson: Aye
Commissioner Green: Aye
Chairman Tondee: Aye

The motion carried.

4. Advisory Board Appointment/Kiesbuy/Natural Resource Advisory Board

Commissioner Green requested that the Board consider appointing Mr. Todd Kiesbuy, an Avista supervisor, to serve on the Natural Resource Advisory Board (NRB). Commissioner Green spoke with the Chairman of the NRB, and met with Mr. Kiesbuy (who has attended a meeting of the NRB), and has determined that Mr. Kiesbuy would be an asset to the NRB. Avista is supportive of Mr. Kiesbuy bringing representation to the Natural Resource Advisory Board.

Commissioner Green moved to appoint Todd Kiesbuy to the Natural Resource Advisory Board, to fill the unexpired term of Tom Duhamel. Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson: Aye
Commissioner Green: Aye
Chairman Tondee: Aye
The motion carried.

5. Resolution 2013-64/Surplus of GBC Laminator/Reprographics

Civil Deputy Prosecuting Attorney Jamila Holmes requested approval of Resolution 2013-64, in order to allow Reprographics to declare as surplus a laminating machine. Discussion with the manufacturer has determined that this machine is no longer in rotation or used. The laminator has negligible, if any, value.

Commissioner Nelson moved to approve Resolution 2013-64 to declare as surplus a laminator from the Reprographics Department. Commissioner Green seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson: Aye
Commissioner Green: Aye
Chairman Tondee: Aye
The motion carried.

6. Resolution 2013-65/Cancellation of Omitted Occupancy/RK3640010020/AIN 325576/Stem Charter Academy, Inc.

Chairman Tondee brought forth Resolution 2013-65, which will facilitate cancellation of the 2012 omitted occupancy taxes for Stem Charter Academy, Inc. (AIN 325576). Chairman Tondee stated that this cancellation was considered and approved by the Board in a previous meeting.

Commissioner Green moved to adopt Resolution 2013-65, Cancellation of Omitted Occupancy for Stem Charter Academy, Inc. for AIN 325576. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Marland-Stevens called the roll:

Commissioner Nelson: Abstain
Commissioner Green: Aye
Chairman Tondee: Aye
The motion carried.

G. Staff Reports: There were no staff reports.

H. Public Comment: There were no public comments.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,

CLIFFORD T. HAYES, CLERK

BY: _____
Patti Marland-Stevens, Deputy Clerk