

**Minutes of Meeting
Commissioners' Debriefing
June 29, 2015
2:30 p.m.**

The Kootenai County Board of Commissioners: Chairman David Stewart, Commissioner Dan Green, and Commissioner Marc Eberlein met to discuss the following agenda items. Also present were Civil Deputy Prosecuting Attorney R. David Ferguson, Community Development Director David Callahan, and Deputy Clerk Theresa Atchley. Also present were CdA Press Staff Writer David Cole and citizen Tina Kunishige.

A. Call to Order: Chairman David Stewart called the meeting to order at 2:31 p.m.

B. Introductions: There were no introductions.

C. Changes to the Agenda:

Commissioner Dan Green moved to withdraw item #7 **Mercer Contract** from the agenda as it was no longer necessary. Commissioner Marc Eberlein seconded the motion. There being no further discussion, Deputy Clerk Atchley called the roll:

Commissioner Eberlein: Aye

Commissioner Green: Aye

Chairman Stewart: Aye

The motion carried.

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

E. New Business:

Executive Session pursuant to Idaho Code §67-2345 (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 (Hauser Gun Club Mediation).

Commissioner Green moved that the Board enter Executive Session pursuant to *Idaho Code §67-2345 (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. He noted that this was to correct a procedural error from the June 22, 2015, Commissioners' Debriefing. Commissioner Eberlein seconded the motion. There being no further discussion, Deputy Clerk Atchley called the roll:

Commissioner Eberlein: Aye

Commissioner Green: Aye

Chairman Stewart: Aye

The motion carried.

The Board entered Executive Session at 2:32 p.m. Civil Deputy Prosecuting Attorney R. David Ferguson joined the Board in Executive Session.

The Board exited Executive Session at 2:36 p.m.

Commissioner Eberlein moved to direct staff to create a settlement agreement for mediation with Hauser Gun Club and designate Commissioner Green to represent Kootenai County at the mediation. Commissioner Green seconded the motion. There being no further discussion, Deputy Clerk Atchley called the roll:

Commissioner Eberlein: Aye
Commissioner Green: Aye
Chairman Stewart: Aye

The motion carried.

Land Use Enforcement Action (VAR14-0006)

Community Development Director David Callahan suggested the Board change the Interim Code for Land Use Development to address an issue with a cap that was placed on top of an existing gabion. He stated that the code prohibits a walkway parallel to the shoreline and this cap may be considered by some as a walkway. He suggested modifying the code rather than allowing a variance. Mr. Callahan said the gabions have been in existence for a long time and they were only recently capped, and that this cannot cause harm to the landscape or shoreline.

Mr. Callahan said a code amendment and interim fix, rather than a variance, will result in a better outcome. He also suggested keeping the notice of violation on the property because it still violates the current code, which is no walkway in the No Disturbance Zone.

Commissioner Eberlein agreed that the gabion cap was more of a cap than a walkway. Chairman Stewart agreed that it was a cap and suggested the County remove the violation. The Board decided to return the disturbance permit fee, keep the notice of violation on record, and amend the code.

Human Resources Director Skye Reynolds joined the meeting at 3:00 p.m.

Civil Deputy Prosecuting Attorney Darrin Murphey joined the meeting at 3:05 p.m.

Planning & Zoning Commission Applications

The Board reviewed the Planning & Zoning Commission applications and agreed that the pool of applicants were impressive. After some discussion, the Board agreed to appoint John McFaddin to the Planning and Zoning Commission.

Commissioner Green made a motion to direct staff to bring this appointment forward in the Business Meeting and to send thank you letters to all the applicants. Commissioner Eberlein seconded the motion. There being no further discussion, Deputy Clerk Atchley called the roll:

Commissioner Eberlein: Aye
Commissioner Green: Aye
Chairman Stewart: Aye

The motion carried.

Mr. Callahan exited the meeting at 3:09 p.m.

Administrative Assistant Nancy Jones joined the meeting at 3:10 p.m.

Fireworks Ban

Commissioner Green stated that the Board received a letter requesting a ban on fireworks. He advised that Undersheriff Mattos stated only "safe and sane" fireworks (those that do not fly or explode) are allowed in unincorporated areas of the County, and that unfortunately fireworks that fly or explode are readily available. Commissioner Green said a ban would be unenforceable and he hoped that people would use common sense in this dry weather.

CdA Press Staff Writer David Cole exited the meeting at 3:20 p.m.

Aquifer Protection District Administrative Support

Commissioner Green brought this issue before the Board and said there were two issues to consider. One issue is that the Aquifer Protection District (APD) positions are appointed and individuals have to meet very specific requirements. He explained there is a current vacancy on the APD Board that can be filled by a Citizen-at-Large who already meets the requirements. Commissioner Green suggested a reorganizing of current APD Board Members, which would open the Citizen-at Large position and this position would be easier to fill.

Commissioner Green moved to authorize the APD to reorganize the current Board Members without extending term limits. Commissioner Eberlein seconded the motion. There being no further discussion, Deputy Clerk Atchley called the roll:

- Commissioner Eberlein: Aye
 - Commissioner Green: Aye
 - Chairman Stewart: Aye
- The motion carried.

Commissioner Green outlined the other issue as the Aquifer Protections District's need for more assistance with administrative duties. He suggested assigning additional duties to existing County staff and noted that the APD would pay for these services. He added that the APD currently pays the County \$26,500 per year and would add an additional \$15,000 for these services. Administrative Assistant Nancy Jones said the APD would benefit from having a liaison with the County and confirmed existing staff could cover these duties. Commissioner Eberlein and Chairman Stewart agreed.

Ms. Jones exited the meeting at 3:31 p.m.

For Cause Employment Policy

Human Resources Director Skye Reynolds and Civil Deputy Prosecuting Attorney Darrin Murphey provided the Board with a revised "For Cause" policy.

After some discussion, the Board decided that Commissioner Eberlein would meet with Ms. Reynolds and Mr. Murphey to make further revisions to the "For Cause" policy and then return to the Board for review.

- F. Public Comment:** This section is reserved for citizens wishing to address the Board regarding a County related issue. There were no public comments.

Chairman Stewart adjourned the meeting at 4:34 p.m.
Respectfully submitted,

JIM BRANNON, CLERK

DAVID STEWART, CHAIRMAN

BY: _____
Theresa Atchley, Deputy Clerk
