

January 24, 2022

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 24th day of January 2022.

IN THE MATTER OF ROLL CALL)

Donna Atwood, Clerk, called roll call: Kirk Chandler, present via zoom; Lyndon Haines, present; and Nate Marvin, present.

Nate Marvin opened the meeting and Donna Atwood led the Pledge of Allegiance. Lyndon Haines gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

Correspondence received by the Board was reviewed and disseminated as required. Haines reported he attended the Rodent Board meeting last week. Haines stated he would be attending the Southwest District Health Board meeting later this week. Marvin stated he would be attending the WICAP meeting this week.

Kirk Chandler moved, seconded by Lyndon Haines to appoint Ron Kelley, Jean Pollock, Geoff Ford, and Crystal Baladez to the Orchard Review Board for a 2-year term beginning January 2022. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve the November 2021 Operation in Funds/Statement of Treasurer's Cash in the amount of \$13,158,592.79. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve the December 2021 Operation in Funds/Statement of Treasurer's Cash in the amount of \$13,002,997.48. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve the Quarterly Operation in Funds/Statement of Treasurer's Cash for October 1, through December 31, 2021 in the amount of \$13,002.997.48. Motion carried unanimous.

Kirk Chandler moved, seconded by Nate Marvin, to appoint Lyndon Haines as the Chairman for the February 7, 2022 Commissioners Meeting. Motion carried unanimous.

Marvin discussed a phone call he received from Dave Erlebach with Intrinsic Organics regarding a recent inspection.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of January 18, 2022 were approved as written.

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IN THE MATTER OF CLAIMS)

The claims, audited by the Auditor, were presented and reviewed by the Board. All credit card claims were reviewed.

The Auditor was authorized to issue warrants totaling \$162,565.60 for general expenses by a motion of Nate Marvin, seconded by Kirk Chandler. Motion carried unanimous.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Also present was Lisa Collini.

Odoms informed the Board that his crew are currently trimming trees. Odoms stated that cold patching has been done. Odoms discussed having a meeting to discuss the right-of-way at Unity Bridge. Odoms reported that snow plowing was done last Thursday. Sanders and graders are out today doing maintenance.

Odoms discussed with the Board equipment leases from Western States Cat.

Marvin inquired if the Board was in favor of leasing or purchasing equipment.

Chandler stated there are benefits either way. Chandler stated that if the County were to continue to lease, they could afford to purchase additional equipment such as a water truck.

Marvin and Haines agreed that leasing would give the County more flexibility.

Haines stated that in the future there would most likely be a need for additional equipment.

Chandler stated that in planning for equipment, Odoms should consider the cost of operating the crusher versus hiring an outside source to crush rock.

Marvin discussed the balance of the Road and Bridge Budget at the end of the 2021 year.

IN THE MATTER OF EXTENSION OFFICE)

Pat Momont met with the Board. Momont provided an update on activities at the Extension Office to the Board. Momont stated a mandatory leader training has been implemented by the University of Idaho. Momont informed the Board that enrollment in 4-H has increased. Momont stated that federal funding has been used to purchase additional electronics for the office. Momont discussed Fair Board meetings and informed the Board that Mikayla Lincoln is attending meetings with the Fair Board.

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Momont stated he has received favorable reports from leaders regarding the 4-H program.

Momont informed the Board that there is a very limited application pool to pull from for the position of Extension Educator. Momont reported that the University increased starting salaries by approximately 5%.

Marvin discussed communication with the public from the Extension Office.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Also present was Sheriff Matt Thomas and Kevin Kirby.

Marvin inquired if Walker had any recent communications with Intrinsic Organics. Marvin discussed the call he had received from Dave Erlebach.

Walker stated he had not had any communications from counsel with Intrinsic Organics since November or December of 2021. Walker encouraged Marvin to reach out to Tim Atwood with Weiser Rural Area Fire regarding Inspections at Intrinsic Organics.

Walker informed the Board that the Findings of Fact/Conclusions of Law regarding the hearing on the Validation of Heinrich Road would need to be completed. Once the document is completed, it should be recorded in the Clerk's office. Walker stated the procedure is outlined in Idaho Statute 40-203 and 40-203A.

Chandler stated the person/department requesting the hearing, should be the responsible party to draft the Findings of Fact/Conclusion of Law.

Walker stated he agreed with Chandler and encouraged those who draft the findings to listen to the audio of the hearing as well. Walker informed the Board that he would like to review the draft Findings of Fact.

Walker discussed the possible appeal of Joe Kulp to be brought before the Board. The appeal will be after the Board receives the Findings of Fact from the Planning and Zoning Commission.

Sheriff, Matt Thomas, discussed the fine to be set on the proposed Nuisance Ordinance and the cost of an infraction versus a misdemeanor. Thomas stated an infraction is a set fine. Thomas recommended a set fine of \$50.00 per incident.

The Board agreed and instructed Thomas to re-schedule the hearing.

The group discussed the position of an ordinance office within the County.

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IN THE MATTER OF PLANNING AND ZONING PUBLIC HEARING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Members of the public present were Rick Michael, Lisa Collini, and Kevin Kirby. Also present was Washington County Prosecuting Attorney, Delton Walker.

Nate Marvin opened the hearing and read the notice on the record. The purpose of the hearing is to receive public comment on proposed changes to the Washington County Code Title 7, Chapter 1, Flood Control Regulations.

Planning and Zoning Administrator, Bonnie Brent, addressed the Group. Brent stated currently, fill is prohibited in any special flood hazard area. Brent presented a map indicating the flood zone and the flood way. Brent stated the current ordinance requires a No-Rise analysis for any fill in the floodplain. Brent stated the proposed changes to the ordinance would require an engineering study and a No-Rise Certification in the AE Zone and the floodway.

Rick Michael reviewed the map and inquired if all of the AE Zone would require the Engineering Study and Certification.

Brent stated that was correct. Brent explained that an address can be entered and the map will indicate what is required in an area.

Walker clarified that the proposal would lessen the requirements in the subject areas.

Brent stated that was correct.

Rick Michael stated he has property located in the floodway. Michael inquired if there would be more restrictions in the floodway. Michael inquired if the intent was to restrict development.

Brent stated the floodway would stay the same. Brent stated the intent is to ensure that development is done correctly to prohibit damage caused to surrounding properties.

Michael inquired if the proposal would coincide with the State and FEMA.

Brent stated the County had adopted Idaho's model ordinance, which is more restrictive in the AE Zone than FEMA.

Michael confirmed that the County is to be more restrictive than FEMA.

Brent stated that was correct.

Debbie Moxley-Potter requested clarification what the changes would be.

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Brent discussed the different zones and stated currently an engineering study and a No-Rise analysis is required in all of the Special Flood Hazard Area. The proposal is to not require an Engineering Study and a No-Rise Analysis in the A Zone, or areas that do not flood as much; it would only require an elevation certificate.

No written testimony was received.

Chandler stated it is important to help persons who want to build in the floodway, or flood zone to build a safe home.

Marvin closed the hearing at 10:48 a.m.

Lyndon Haines moved to approve Ordinance No. 92 updating and amending language in Washington County Code Title 7, Chapter 1 Flood Control Regulations. The motion was seconded by Kirk Chandler.

Roll call vote: Kirk Chandler, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Brent presented the revised Holoboff Development Agreement to the Board. Marvin read item #6 on the record regarding the easement to the subject property.

Chandler questioned information received. Chandler stated the changes made were good. Chandler stated it was brought to his attention that in order for the Holoboff's to get to his or her property, the Holoboff's would have to cross another person's private property. Chandler stated he was informed that the road, or 60-foot right of way, was built by a person that owns property another mile down that road. Chandler stated he was of the understanding that the road went only to the Holoboff property. Chandler questioned if an easement was needed from the other property owners.

Marvin clarified that there is private property between the city limits and the Holoboff property.

Haines stated it was previously discussed that Holoboff did have to cross another property to access their property.

Brent stated the people who live past the Holoboff property did testify at the original Planning and Zoning Hearing.

Walker stated he understood that to get to the proposed subdivision, Holoboff would have to have all the easements in place. Development beyond the Holoboff property would have to be addressed by that property owner.

Haines stated the Holoboff's currently have an easement to their property.

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Walker stated he thought the purpose was to ensure that from the public road, to the development property, an agreement is in place, that there is an easement and develop a path to the development so that the County is not responsible to develop the road.

Marvin requested Kevin Kirby address the Board.

Kirby clarified he does not own neighboring property to Holoboff.

Maren Ericson, Attorney for Marylou Holoboff, addressed the Board. Ericson stated the agreement cannot address property not owned by Holoboff. Any other property cannot be considered in the decision, as Holoboff does not have any control on other properties. Ericson stated the Development Agreement addresses the 60-foot easement through the Holoboff property that is currently in place, which creates access to the property owned by Holoboff. Ericson informed the Board that if there is any other property in front of or behind the Holoboff property that requires some additional development or agreement, that would be inappropriate to put into an agreement with Marylou Holoboff. Ericson stated the decision should solely be based on the Holoboff property and what Holoboff has control over.

Walker inquired for clarification of the ownership of the adjoining property.

Holoboff stated the owner in question is Terri Fry. Holoboff confirmed that the 60-foot easement is in place through the Fry property.

Brent stated the agreement includes an Exhibit A and B due to a new legal description that include the 19-acres.

Walker encouraged the Board to wait to sign the agreement until the corrected legal description is attached to the Development Agreement.

Ericson agreed and stated the most accurate documentation should be in place before signing the agreement.

Angie Cuellar with Mason and Associates stated they will provide the corrected legal description.

Kevin Kirby stated the property is prior to the Terri Fry property.

Chandler stated the Board is gathering information that was not brought forward at the original hearing.

Brent stated that Holoboff does have an easement to access her respective property. The County cannot require anyone else to grant an easement.

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Walker stated the Development Agreement has to ensure that there is access to a public road.

Ericson stated the easement does provides access to any and all lots that would be created through the Development Agreement. The easement currently in place will provide access to the Holoboff lots. If there were any additional lots beyond the Holoboff property, that property owner would have to secure their own ingress and egress easement. The current easement does provide ingress/egress to the Holoboff property.

Walker inquired if the easement provides access to a public road.

Ericson stated it is not a requirement of the Development Agreement that the easement connect to a public road.

Holoboff stated that West Central Boulevard is the nearest public access road.

Ericson stated the easement might not connect to West Central Boulevard.

Walker suggested the matter be researched further.

Cuellar stated it is her understanding that West Central Boulevard extends to the north. Cuellar indicated to the Board that different homeowners have access from West Central Boulevard. Cuellar stated the Holoboff address is off of West Central Boulevard.

Walker inquired what would happen if a gate were installed.

Cuellar stated there is an access easement in place. If a gate were installed everyone would have to be allowed access through the gate.

Ericson stated if an easement agreement is recorded against a property, it may not be addressed in a deed and is not required to be in the deed.

Walker stated if an easement is not recorded, Holoboff is taking the risk. The parties have stated the easement is in place.

Marvin stated after the new legal is received the Board will re-address the issue.

IN THE MATTER OF AMBULANCE)

Nate Marvin moved, seconded by Kirk Chandler to recess as the Board of Washington County Commissioners and convene as the Board of the Weiser Ambulance District. Motion carried unanimous.

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Donna Atwood, Clerk, called roll call: Kirk Chandler, present via zoom; Lyndon Haines, present; and Nate Marvin, present.

Luke Smith, Ambulance District Director, met with the Board. Order No. 22-17 for general expenses in the amount of \$6,195.00 and Order No. 22-008.1 for payroll expenses in the amount of \$1,275.82 was presented to the Board for review.

Smith reported the Ambulance District had twenty-six calls for service last week, which included six transfers, and seven public assists/refusals for care. Smith discussed overtime that was incurred due to illnesses.

Smith presented a wage increase request for Ben Thomason to \$14.50 as PRN (as needed) EMT.

The Board signed the request.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 22-008.1 for payroll claims in the amount of \$1,275.82. Motion carried unanimous.

Lyndon Haines moved, Kirk Chandler seconded by to approve Order No. 22-17 for general expenses in the amount of \$6,195.00. Motion carried unanimous.

Nate Marvin moved, seconded by Kirk Chandler to recess as the Board of the Weiser Ambulance District and reconvene as Board of Washington County Commissioners. Motion carried unanimous.

Donna Atwood, Clerk, called roll call: Kirk Chandler, present via zoom; Lyndon Haines, present; and Nate Marvin, present.

IN THE MATTER OF NO SPRAY ZONES)

Peggy Tiedeman and Joy (Adams) Evans met with the Board. Also present was Weed Superintendent, Bonnie Davis.

Tiedeman and Evans presented Owner Responsibility and Maintenance Agreements of Noxious Weeds/Vegetation on the Washington County Roadside Right of Way to the Board for approval.

Weed Superintendent Bonnie Davis stated that by signing the Agreement the landowner assumes all responsibility for the vegetation control of all Idaho listed noxious weeds. If the landowner should fail to follow through with weed control, the Weed Department can spray without notifying the landowner.

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Peggy Tiedeman addressed to Board. Tiedeman stated that they hope to restore the soil to maintain a natural weed barrier. Tiedeman provided pictures to the Board for review.

Davis inquired what species of weeds were in the photos Tiedeman provided. Tiedeman stated Kosha weed is not a noxious weed and would not be treated by the department.

Kirk Chandler moved seconded by Lyndon Haines to approve the Owner Responsibility and Maintenance Agreements of Noxious Weeds/Vegetation on the Washington County Roadside Right of Way No Spray Applications submitted by Peggy Tiedeman and Joy Evans. Motion carried unanimous.

Chandler complimented Tiedeman and Evans for wanting to keep their right of way clean.

IN THE MATTER OF JAIL INSPECTION)

The Board conducted the Quarterly Jail Inspection.

IN THE MATTER OF AMBULANCE DISTRICT ANNUAL AUDIT)

Nate Marvin moved, seconded by Lyndon Haines to recess as the Board of Washington County Commissioners and convene as the Board of the Weiser Ambulance District. Motion carried unanimous.

Donna Atwood, Clerk, called roll call: Kirk Chandler, present via zoom; Lyndon Haines, present; and Nate Marvin, present.

Kurt Folke and Dan Coleman with Quest CPA's met with the Board. Also present was Weiser Ambulance Director, Luke Smith; Washington County Treasurer, Sabrina Young; and Sheriff, Matt Thomas.

Dan Coleman provided an overview of the 2021 Ambulance District Annual Audit.

Nate Marvin moved, seconded by Kirk Chandler to recess as the Board of the Weiser Ambulance District and reconvene as Board of Washington County Commissioners. Motion carried unanimous.

Donna Atwood, Clerk, called roll call: Kirk Chandler, present via zoom; Lyndon Haines, present; and Nate Marvin, present.

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IN THE MATTER OF ANNUAL AUDIT)

Kurt Folke and Dan Coleman with Quest CPA's met with the Board. Also present was Weiser Ambulance Director, Luke Smith; Washington County Treasurer, Sabrina Young; and Sheriff, Matt Thomas.

Kurt Folke with Quest CPA's provided an overview of the 2021 County Audit to the Board.

Motion by Nate Marvin, seconded by Kirk Chandler and unanimously carried to recess at 1:19 p.m. until February 7, 2022 at 8:45 a.m.

Chairman, Board of County Commissioners

ATTEST:

Clerk

A full audio recording of the Commissioner Meeting is available at the Clerk's Office upon request.