

February 7, 2022

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 7th day of February 2022.

IN THE MATTER OF ROLL CALL)

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

Lyndon Haines 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. The Board reviewed a request for funds from the Weiser River Soil Conservation District and a February 2, 2022 letter from the State of Idaho, Office of Emergency Management regarding the final closeout for the State Homeland Security Grant # EMW-2017-SS-00054.

Kirk Chandler moved, seconded by Lyndon Haines, to allow retiring Chief Deputy, Cody Strong, to receive his service weapon as a retirement gift per Idaho Code 31-830. Motion carried unanimous.

Lyndon Haines moved seconded by Kirk Chandler to approve the polling locations for the March 8, 2022 election. Motion carried unanimous.

Lyndon Haines moved seconded by Kirk Chandler to approve the ballot order for the March 8, 2022 election. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve Retail Alcoholic Beverage License No. 27 for Crescent Moon Bar LP doing business as Crescent Moon Bar at 328 State Street, Weiser, Idaho. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler, to approve an Affidavit for Issuance of Duplicate Warrant payable to Western First Aid and Safety LLC, in the amount of \$300.74. Motion carried unanimous.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of January 24, 2022 were approved as written.

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IN THE MATTER OF PRECINCT BOUNDARY APPROVAL)

Michelle Hagans, Elections Deputy Clerk, met with the Board. Also present was Lisa Collini.

Hagans reviewed the proposed changes to the precinct boundaries due to discrepancies to the legal descriptions of the election precinct boundaries. Hagans informed the Board she had been in contact with State offices regarding the proposed changes. Hagans reviewed a map indicating the proposed precinct boundary lines.

Kirk Chandler moved seconded by Lyndon Haines to approve the proposed precinct boundary adjustments as presented by Hagans. Motion carried unanimous.

IN THE MATTER OF ELECTED OFFICIALS AND DEPARTMENT HEADS)

Those present were Washington County Treasurer, Sabrina Young; Washington County Assessor, Debbie Moxley-Potter; Washington County Sheriff, Matt Thomas; Washington County Clerk, Donna Atwood; Information Technology Director, Robert Peterson; Road and Bridge/Solid Waste Supervisor, Jerod Odoms; and Washington County Weed Superintendent, Bonnie Davis. Also present was Kevin Kirby.

Young stated her office is currently working on pending issues for Tax Deeds. Young stated warrants of distraint on delinquent personal property have been turned over to the Sheriff's Office and reported the occupancy roll has been received from the Assessor's Office. Young informed the Board there would be more tax cancellations to come before the Board.

Moxley-Potter informed the Board her office has completed occupancy/sub-roll reports. Moxley-Potter stated a new appraiser started today.

Thomas stated that Chief Deputy, Cody Strong has retired.

Buthman reported there would be a meeting Thursday, February 10, 2022 at 12:30 p.m. with FEMA to discuss the new LiDAR (Light Detection and Ranging) mapping for the purpose of re-establishing the flood plain.

Davis informed the Board a recertification class would be held on February 17, 2022 at the fairgrounds in Cambridge. Davis stated she would be posting job openings in the near future.

The group discussed the possibility of posting notices on Living in the News. Haines stated that per code, the County would still be required to publish notices in the local paper.

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Young discussed the financial costs.

Odoms stated that he did not see the benefit of going on-line with public notices.

Debbie Moxley-Potter inquired if, at a time the statute were changed, would posting notices on the County Website be sufficient?

Chandler discussed budgeting for the additional expense, which was not planned for the current budget.

Thomas informed the group he believed that there was a benefit posting on-line. Thomas further stated he believed it was a good tool as on-line posting is getting more common.

Young stated she does publish due to statutory requirements.

The group discussed construction of the secure entrance.

Peterson inquired what the requirements would be for part-time positions to monitor the entrance.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Walker updated the Board on activities in his office. Walker stated he attended training last week in Boise. Walker will review the Findings of Fact/Conclusions of Law on the Heinrich Road Validation.

Lyndon Haines moved, seconded by Kirk Chandler to go into executive session at 10:08 a.m. in accordance with I.C. 74-206(1)(a & b) to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office, (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Motion carried unanimous. Kirk Chandler, Aye; Lyndon Haines, Aye; Nate Marvin, Absent.

Lyndon Haines stated they were out of executive session at 10:32 a.m.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Also present was Kevin Kirby, Lisa Collini, Joe Kulp, Brad Pollock, Chuck Pollock, Peggy Woods, Cathy Pursifull, Heather Condon, Phil Condon and Tonya Capurro.

Brent presented the Holoboff Development Agreement to the Board for signature. The Board signed the Agreement.

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Brent discussed the Janet Forslof Rezone Application to rezone property located on Jackson Road, Weiser Idaho, from A1 to A2 with the Board. Brent stated the Planning and Zoning voted to deny the request submitted by Forslof as the applicant did not supply satisfactory information for the Commission to recommend approval.

Chandler stated one of the applicants had reached out to him. Chandler stated the Board needs to follow the code and the Comprehensive Plan. Chandler cautioned members of the Board when contacted by an applicant.

Haines discussed the Boards restricted ability to communicate with applicants.

Lyndon Haines moved, seconded by Kirk Chandler to deny the Rezone Application submitted by Janet Forslof. Motion carried unanimous.

Brent discussed the Brad Pollock Special Use Request to allow a dwelling on a non-conforming lot size of 5 acres with the Board. Brent stated that the Planning and Zoning Commission had recommended approving the request.

Kirk Chandler, moved, seconded by Lyndon Haines to approve Planning and Zoning Commission's recommendation to approve the Special Use Request for Brad Pollock. Motion carried unanimous.

Joe Kulp addressed the Board, Kulp stated he would like additional building permits as all the original splits have been used on property located on Heinrich Road. Kulp stated he believed he was entitled to the additional permits on the remaining 100-acres based on the previous Lancaster decision.

Brent informed the Board the Planning and Zoning had recommended denial of the appeal due to the current Washington County Code and the memo from the firm Givins Pursley submitted in the packet to the Board.

Haines inquired if the Board were to deny the appeal, Kulp would be able to request a rezone the property if he chooses to do so.

Brent stated that was correct.

Chandler discussed the previous decision regarding the Lancaster property rezone request and indicated that single-family dwellings are allowed on A1 Ag land. Chandler informed the group that he would be fine with the requested building permits under the current code.

Haines confirmed that Lancaster had gone through the rezone process.

Brent confirmed.

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Chandler stated the Lancaster rezone was denied.

Haines stated that was an error the Board made, but Lancaster had gone through the entire rezone process. The Planning and Zoning Commission had agreed that the Lancaster property was a good location to build homes and suggested the property be rezoned to A-2. Haines stated that Lancaster did not have to re-zone the property based on the Commissioner's decision even though Lancaster had completed the process for a rezone.

Chandler stated, based on individual interpretation, 20 acres or more does allow for a single-family dwelling under the current code. Chandler stated he would be in favor of allowing homes on 20-acres. Chandler suggested that the Board change the decision regarding the Lancaster property.

Haines stated he believed there were definite differences between the two properties based on location.

Kulp stated he believed the main corridor should be protected, not exploited.

Haines stated that is not how the Comprehensive Plan reads.

Chandler stated the Comprehensive Plan encourages rural growth and encourages subdivision type growth in the impact area. Chandler stated the city limits would never reach 3 or 4 miles out of town. Chandler stated that he would not want an A2 Zone ten miles out of Midvale. Chandler stated that one home on 20-acres fits the rural setting and can still be grazed or hayed. Chandler further stated that if the Board did not change the Lancaster motion, and it creates a situation where it could be brought to court.

Haines stated every decision could be taken to court.

Chandler stated the previous motion should be changed, correct the mistake or stand with what was done.

Haines stated the decision today would be divided. The matter will need to be addressed before the entire three member Board.

Chandler stated there was a need of legal counsel on the two different interpretations of the code.

Brent stated all the lots on the Lancaster property have been sold.

Haines stated the packet Brent presented does include an opinion from the attorney at the firm Givins Pursley.

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Haines stated that not every decision is precedent setting. There was continued discussion of the Lancaster decision and the rezone request submitted by Kulp. Haines stated he was not willing to go forward and make the same wrong decision. Decisions can only be made based on information received.

It was agreed to schedule an appeal hearing regarding the Joe Kulp denial.

Brent stated it was brought to the County's attention that the Code could be interpreted differently than it had been in the past.

IN THE MATTER OF AMBULANCE)

Lyndon Haines 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.

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

Luke Smith, Ambulance District Director, met with the Board. Order No. 22-18 for general expenses in the amount of \$3,852.44 and Order No. 22-19 in the amount of \$2,290.50 for general expenses was presented to the Board. Order No. 22-0009 for payroll expenses in the amount of \$23,894.51 was also presented to the Board for review.

Smith reported the Ambulance District had thirty-one calls for service two weeks ago which included nine transfers and four public assists/refusal for care. Smith stated the District had nineteen calls for service last week with five transfers and four public assists/refusals for care. Smith informed the Board that he is scheduling training to keep certifications current. Dr. Donahue will assist with training on February 19, 2022. Smith informed the Board he met with the Southwest District Health Care Coalition last week to discuss other revenue sources and training opportunities. Smith informed the Board that he had sent letters to State Representatives regarding rural EMS (Emergency Medical Service) in Idaho,

Smith informed the Board that Nate Lafollette has accepted a full-time position with Nampa Fire and will now be a PRN (as needed) paramedic with the District. Lance Barfuss may be accepting the Deputy Director position.

Smith discussed the purchase of a command vehicle due to liability issues. Smith discussed possible lease/purchase options. Smith requested input from the Board.

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The Board agreed to allow Smith to continue to pursue the command vehicle. There was suggestion of looking at fleet pricing and possible grant funds for the purchase.

Smith discussed expected grant funding to be used to purchase additional backboard and other equipment.

Smith discussed other staffing possibilities with the Board.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 22-18 for general expenses in the amount of \$3,852.44. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 22-19 for general expenses in the amount of \$2,290.50. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 22-0009 for payroll expenses in the amount of \$23,894.51. Motion carried unanimous.

Lyndon Haines 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; Lyndon Haines, present; and Nate Marvin, absent.

IN THE MATTER OF FOREST SERVICE UPDATE)

Jeff Jones met with the Board. Jones informed the Board he has accepted the position of District Ranger for the Weiser/Council area. Jones stated that Dave Vining is the new Fire Staff Officer for the Payette National Forest.

Jones reported funding had been requested for maintenance work at Mann Creek. Fuel treatment and prescribed burning will be conducted in the Mann Creek area as well beginning in March. Jones informed the Board that Ray Bilboa is the new Assistant Fire Management Officer at the Weiser office. Jones discussed the difficulty in hiring employees to fill vacant positions in the district.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Odoms discussed the lease of the grader with the Board.

Kirk Chandler moved, seconded by Lyndon Haines to approve the Lease Agreement with Western States Cat on a 2022 150 AWD Motor Grader serial number EB500717 with 7 hours currently on the meter. Motion carried unanimous.

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There was discussion of possible funding to be available to Road and Bridge.

Odoms discussed the possible leasing of an additional backhoe for the department. Odoms discussed the Road Agreement with the Forest Service with the Board. Odoms stated the monthly safety meeting was held last week. Odoms stated training meetings that will be held. Odoms informed the Board he will be taking the re-certification test in order to continue to offer flagger training to area agencies.

Odoms stated he has received a request from Western States to install a drop box for Road and Bridge.

Odoms discussed the possible purchase of water tanks for the water truck. Odoms discussed the possible need of employee responding to emergency calls with the fire or ambulance during business hours.

Motion by Kirk Chandler seconded by Lyndon Haines and unanimously carried to recess at 12:20 p.m. until February 14, 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.