

April 5, 2021

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 5th day of April 2021.

IN THE MATTER OF ROLL CALL)

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

Nate Marvin opened the meeting and Kirk Chandler led the Pledge of Allegiance. Nate Marvin 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 the following: a letter from the United States Department of the Interior, Bureau of Land Management addressed to Delbert Skeesick regarding Steck Park road access, boat ramp and boat trailer parking; and a letter from the United States Department of Agriculture regarding the 2021 Payette National Forest Wildfire Season.

Haines reported that Southwest District Health has opened up the COVID vaccinations to all persons 16 years of age or older.

Marvin stated that the Idaho Transportation Department will hold a meeting with the City of Midvale and the City of Cambridge on Thursday to discuss the Pine Creek Bridge project. The Commissioners are invited to attend as well.

Marvin plans to attend the Fair Board meeting on Wednesday.

Marvin stated the Idaho Association of Counties has sent out a survey requesting information on broadband coverage needs. There was discussion on the Federal funding to be disbursed to the Counties.

Kirk Chandler moved, seconded by Lyndon Haines to approve the signing of the Letter of Support for the Rangeland Fire Protection Agency. Motion carried.

The Board discussed extending the Disaster Emergency Pandemic Declaration as a continuance of Resolutions 20-05, 20-09, and 21-03. The Board decided not to extend the Declaration at this time.

Nate Marvin moved, seconded by Kirk Chandler to approve a duplicate warrant payable to William Wilson in the amount of \$25.36. Motion carried.

Kirk Chandler moved, seconded by Lyndon Haines to approve a demand warrant payable to Staples in the amount of \$192.83. Motion carried.

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Lyndon Haines moved seconded by Kirk Chandler to approve a demand warrant in the amount of \$34.58 payable to Staples. Motion carried.

Lyndon Haines moved seconded by Nate Marvin to approve the Ballot Order for the Weiser Valley Highway District Election. Motion carried.

Kirk Chandler moved, seconded by Lyndon Haines to approve the Certificate of Residency for Erika P. Tyree-Burton. Motion carried.

Nate Marvin moved, seconded by Kirk Chandler to approve a duplicate warrant payable to Jennifer Cinmars in the amount of \$38.00. Motion carried.

The Board discussed broadband issues and underserved areas in the County. The Board discussed the possibility of having a workshop with various providers to discuss the issue. Information Technology Director, Robert Peterson, will reach out to area providers and schedule a time to meet with the Board.

IN THE MATTER OF MINUTES)

Marvin stated the minutes of the Board not heretofore approved of March 22, 2021 were approved as written.

IN THE MATTER OF WEED AND RODENT CONTROL)

Bonnie Davis, Weed Superintendent, met with the Board. Also present was Marvin and Nancy Williams.

Davis reported the current rodent tail count is 4,503 with a budget balance of \$25,371.25. Davis reported 46 persons attended the Rodent Seminar on March 27, 2021.

Davis presented the Owner Responsibility and Maintenance Agreement of Noxious Weeds/Vegetation on Washington County Roadside Right of Way to the Board for review.

Nate Marvin moved, seconded by Lyndon Haines, to approve the Owner Responsibility and Maintenance Agreement of Noxious Weeds/Vegetation on Washington County Roadside Right of Way. Motion carried.

Davis discussed the acceptance of the Cost Share Grant Agreement in the amount of \$11,550.00 and the need of the Chairman to sign the Agreement. Davis informed the Board there was a 3 hour Zoom training that was required on management of the grant. After completion of the training, a final Award Letter will be sent to Davis that will require the chairman to sign. As the Agreement was previously approved, the Board agreed to allow the chairman sign the letter upon receipt.

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Davis informed the Board she will be attending the Executive Board meeting of the Idaho Association of Noxious Weed Control Superintendents in Salmon, Idaho this week.

Davis reported that the Weed Board will meet Tuesday, April 13 and will review this year's project schedule. Davis stated she might not be able to attend the May Commissioners meeting due to projects and being in the field that day.

Davis stated the Rule Making Workshops for the State Noxious Weed Advisory Committee will begin April 23rd. Davis encouraged the Board to submit comments.

Davis reported the new Gator is expected to be delivered in April.

IN THE MATTER OF ELECTED OFFICIALS)

Treasurer, Sabrina Young, reported the Treasurer's office is working on collecting payments on possible tax deeded properties. Young stated she is also working with the Sheriff's Office on Warrants of Distraint.

Young thanked those who stopped by the Treasurer's Office to wish Jill Zeller well in her retirement. Young reported that Stephanie Butterfield has accepted the position opening in the Treasurer's office.

Prosecuting Attorney, Delton Walker, inquired on the current status of leave time due to COVID-19. Marvin stated the County will be following the County Personnel Policy.

Sheriff, Matt Thomas, reported he is preparing to submit requests for bids on the plumbing for the jail.

Clerk, Donna Atwood, reminded those in attendance of the meeting with Idaho Association of Counties regarding proposed legislation later today.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Also present was Carl Hagan with AFC Finishing. Members of the public present were Irv Lean, Harry Soulen, Viviane Van Duran, Tanya Moye, Mike Walker, Tim Walker, Gene Wyss, K. Wyss, Sam Lancaster, Stefanie Lancaster, and John Jensen.

Carl Hagan with AFC Finishing Systems addressed the Board. Hagan stated the sub-contractors have completed the work and that permits have been signed. Hagan stated the State had completed the inspections on the electrical and gas. Hagan informed the Board that the State Fire Marshall is to conduct the inspection on the fire suppression system on Thursday. Hagan requested, upon completion of the remaining inspections, that the County issue an occupancy permit.

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Marvin inquired if Hagan had made the request to the Planning and Zoning Office.

Hagan stated he had not.

Brent stated Steve Pierson should be contacted regarding issuance of the Occupancy Permit.

Hagan stated he did not have an all-encompassing permit for the entire project.

Chandler stated at the beginning of the project it was to be handled by the County and there seemed to be some confusion as to whether or not the State or the County were to issue the Occupancy Permit.

Marvin requested that Brent follow up and confirm that all items have been completed in order to proceed.

Brent stated that typically the State does sign off on the permits and after the State has signed off on all permits, the Building Inspector can conduct the final inspection. Brent informed that Board that the Building Inspector, Steve Pierson, would be in touch with Hagan.

Prosecuting Attorney Delton Walker joined the meeting.

Brent reported that the Southwest District Health has not signed off on the Crossley Subdivision. The decision will be re-scheduled for next week.

Brent discussed the Walker Rezone Application for property located on Goodrich Road. Brent stated once the rezone was approved, Walker would have to submit a Subdivision Application to the Planning and Zoning Commission.

Marvin confirmed that the subdivision lots would have to be one acre or larger in size.

Brent stated that was correct.

Chandler inquired if there were any splits left on the property.

Brent stated there are not.

Marvin inquired if there were well logs and if there were issues with water quality on the subject property.

Prosecutor Walker reminded the Board that they cannot consider additional information without holding an additional hearing.

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Marvin inquired of Road and Bridge Supervisor, Jerod Odoms, if there were issues concerning Goodrich Road.

Odoms stated that Goodrich Road is on the departments plan to do culvert improvements within the next two years.

Chandler inquired on the number of access points to the property. Chandler discussed concerns of additional divisions on the property.

Brent stated there would have to be an additional hearing with the Planning and Zoning Commission.

Chandler inquired why the entire property is to be re-zoned as A2. Chandler stated that it opens the property up for more homes than were presented on the re-zone application.

Brent stated it does open it up to more homes, but it would be one house per lot and would still be limited to 5 homes. To change the number of homes, an application would have to be presented to the Planning and Zoning Commission and the subdivision would have to be re-platted.

Haines clarified that if the three parcels were approved and then changed, the property would have to be re-platted.

Brent stated that was correct. Brent stated there is an easement on the property to provide access.

Marvin stated if there were an application for a subdivision presented, the Board could address access or a frontage road at that time.

Chandler discussed the Comprehensive Plan and grazing in A1 land.

Brent stated is it a very short period of time for grazing. There was discussion of the rating of the land.

Kirk Chandler moved, seconded by Lyndon Haines to approve the Walker Rezone Application from A1 to A2. Motion carried.

Brent discussed the Randy Ader Special Use Permit with the Board. This is a request to place a second home on the property in order to care for the applicants parents. The home is to be removed when it is no longer used for that purpose. Brent stated this is a Special Use as a hardship case as provided in an A1 zone.

Marvin stated the property is located in the City of Midvale impact area. Marvin inquired if the City of Midvale had addressed the matter.

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Brent stated per Code, the application was submitted to the County.

Lyndon Haines moved, seconded by Kirk Chandler to approve the Ader Special Use Permit request. Motion carried.

Brent discussed the Soulen Livestock Special Use Permit for three wind measurement devices to be placed near Upper Soulen Road.

Chandler stated that wind is not mentioned as a Special Use in an A1 Zone. Chandler questioned the lot size and if there were homes in the vicinity of the proposed locations of the devices.

Brent stated the lot size was determined from the map provided and the size of parcels in the area. A 20 acre parcel was the smallest with the size ranging up 640 acres.

Chandler inquired if the parcels were original lots and if building permits are available on those parcels.

Brent stated deed searches would have to be done to determine if building permits were available.

Harry Soulen stated he could answer some of the questions if it were appropriate.

Walker stated it is not appropriate to accept comment at this time. Walker informed the group that if additional information is needed, a separate hearing would have to be held per State and County Code.

Preston Weigel began to address the group.

Walker reiterated that additional comments could not be accepted. Walker instructed the Board that Weigel's comments cannot be considered in their decision. The only information to be considered at this time is what was provided to the Board from the Planning and Zoning Commission.

Kirk Chandler moved, seconded by Lyndon Haines to approve the Soulen Livestock Company Special Use Permit. Motion carried.

Nate Marvin moved, seconded by Lyndon Haines to go into executive session at 10:00 a.m. in accordance with I.C. 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. The mere presence of legal counsel at an executive session does not satisfy this requirement. Motion carried unanimous. Kirk Chandler, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

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Nate Marvin stated they were out of executive session at 10:27 a.m.

Chandler stated the comments from Weigel were not considered by the Board for their decision on the Soulen Livestock Company Special Use Permit request.

Lyndon Haines stated comments from Road & Bridge Supervisor, Jerod Odoms, regarding Goodrich Road were included in the packet provided by the Planning and Zoning Commission.

Marvin stated the decision on the Lancaster rezone will be postponed until Monday, April 12, 2021 after the Board has time to review the Findings of Fact presented by Brent at today's meeting.

Sam Lancaster inquired why the decision was delayed.

Prosecutor Walker stated he had requested Brent provide the Findings of Fact to the Board for review as well as listen to the audio from the Planning and Zoning Commission hearing. Walker stated the Board is not gathering outside information, but will be provided with more detail as was submitted to the Planning and Zoning Commission.

Walker stated Code allows 45 days for the Board to make a decision and the Board is entitled to hold an additional hearing.

Tanya Moyer inquired if she had agricultural information that was not provided at the Planning and Zoning hearing and when that information would be provided.

Walker stated additional information cannot be presented today. The information could be provided at an additional hearing of the Planning and Zoning Commission or the County Commissioners could hold their own hearing. Walker stated any comments during this time cannot be considered.

The Board discussed the appointment of a new member to the Planning and Zoning Commission. Marvin stated there are two persons who have expressed interest in the appointment.

Chandler stated Ron Jaeger was appointed to the Planning and Zoning Commission in 1996 and re-appointed in 2006. Chandler stated Jay Reiss expressed interest in becoming a Planning and Zoning member and is a business owner in Cambridge. Chandler believed Reiss would be the best candidate.

Haines stated he would be in favor of appointing Jaeger as he would bring experience to the Commission. Haines stated that Jaeger was on the Commission during some difficult times.

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Walker inquired if there were other Planning and Zoning members in this area whose term is near expiration.

Brent stated there is not.

Walker stated the Board could interview the applicants if they desire. Walker informed the Board that County Code 1-7-2 provides guidance to the Board for appointing members to the Planning and Zoning Commission.

Marvin believed that would be a good idea to interview the applicants. The Board requested Brent contact the applicants and have them meet with the Board next week.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Walker inquired if the Board had received any additional information from Ed Salvi regarding Herd Districts.

The Board stated they had not.

Chandler discussed meeting procedures. Chandler stated that a 48-hour regularly scheduled meeting of the Board is a “no comment” meeting. Chandler stated that during a regular meeting of the Board public comment should not be accepted. Public comment is allowed at a hearing. Chandler stated that to keep order in the Commissioner meetings they should adhere to those guidelines. Meetings that are not scheduled as a hearing are a “Spectator Sport”.

There was discussion of the proper way to handle meetings versus a public hearing. Walker stated pending issues cannot be discussed with the public at a regular Board meeting.

Haines clarified that if a member of the Board were to receive a call from a citizen, the citizen could not give information to a Commissioner on pending issues.

Walker stated that was correct. Information provided before a hearing should be forwarded to Planning and Zoning to be part of the record.

Nate Marvin moved, seconded by Kirk Chandler to go into executive session at 11:54 a.m. in accordance with I.C. 74-206(1) (a) 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, and I.C. 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options Vfor pending litigation, or controversies not yet being litigated but imminently likely to

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be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. Motion carried unanimous. Kirk Chandler, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Nate Marvin stated they were out of executive session at 11:07 a.m.

IN THE MATTER OF AMBULANCE)

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.

Debbie Warren, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

Luke Smith, Ambulance District Director, met with the Board.

Order No. 21-20 for general expenses in the amount of \$6,521.20 and Order No. 21-0013 for payroll expenses in the amount of \$26,180.84 was presented to the Board for review.

Smith reported the Ambulance District had twenty-one calls for service last week which included five transfers, two lift assists, and two refusals for care.

Smith presented billing information for Washington and Oregon State. Marvin signed the documentation for billing purposes. Smith will provide the signed documents to Systems Design West.

Smith informed the Board that the generator for the Ambulance Hall is in and should be installed in the near future.

Marvin requested an update on employees participating in the paramedic training. It was suggested the employee meet with the Board.

Smith inquired if the Board would like to meet with employees who are in the EMT (Emergency Medical Technician) program as well.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-0013 for payroll expenses in the amount of \$26,180.84. Motion carried.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 21-20 for general expenses in the amount of \$6,521.20. Motion carried.

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Smith informed the Board that the week of May 16 is National EMS week. Smith stated he would like to hold a community barbeque for Emergency Responders. Smith will provide additional information at a later date.

Smith discussed training for staff. Smith reported that Weiser Memorial Hospital had submitted a Letter of Approval recommending the District receive the grant for the ambulance.

Nate Marvin moved, seconded by Lyndon Haines to go into executive session at 11:24 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, Aye.

Nate Marvin stated they were out of executive session at 11:29 a.m.

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.

Debbie Warren, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Odoms reported he met with ITD (Idaho Transportation Department) last week regarding construction on Pine Creek Bridge south of Cambridge. At this time, ITD had not proposed a detour route during the construction period.

Marvin discussed a meeting to be held at Midvale City Hall Thursday from 1:00 –1:30 p.m. Marvin encouraged that Odoms attend.

Odoms reported that he will meet with Harvey Braun on Wednesday regarding work at the Fair Grounds. Odoms informed the Board that he will be meeting with the Forest Service on Friday via Zoom regarding snowmobile parking and turnaround.

Odoms reported that no applications for part-time seasonal help have been received. The mower operator from last year will be returning.

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Odoms informed the Board the City of Cambridge has requested a container to be used during Hells Canyon Days.

Marvin stated Hardin Sanitation provides that type of service and the City should contact Hardin.

Odoms reported that the Request for Qualifications on Unity Bridge have been sent out. Scott Wood with LHTAC (Local Highway Technical Assistance Council) is willing to assist with the scoring process. The ad for asphalt will also be sent out.

Odoms stated the new backhoe has been delivered. Odoms presented paperwork to the Board for signature on the purchase of a 2021 Caterpillar 420 Backhoe Loader in the amount of \$106,265.00. Marvin signed the paperwork.

Odoms reported mine opening paperwork was submitted to MSHA (Mine Safety Health Association) regarding the rock pit.

Nate Marvin moved seconded by Lyndon Haines to approve a demand warrant in the amount of \$49,210.44 payable to Caterpillar Financial Services for the purchase of an Excavator. Motion carried.

Odoms presented an Application for Placement of Culverts/Approaches submitted by OTR Construction for property located on Weiser River Road.

Kirk Chandler moved seconded by Lyndon Haines to approve the Application for Placement of Culverts/Approaches submitted by OTR Construction for property located on Weiser River Road (RP11N04W327520). Motion carried.

Odoms presented an Application for Buried Cable or Pipe Line submitted by Track Utilities for Michelle Smith to be placed at 1616 Crystal Lane, Weiser, Idaho to the Board for review.

Kirk Chandler moved, seconded by Lyndon Hines to approve the Application for Buried Cable or Pipe Line submitted by Track Utilities for Michelle Smith to be placed at 1616 Crystal Lane, Weiser, Idaho. Motion carried.

Odoms reviewed quotes on chip seal oil received from Idaho Asphalt and Ergon Asphalt and Emulsions with the Board. Odoms stated Idaho Asphalt is a piggyback quote with Power County and the quote from Ergon Asphalt and Emulsions is a piggyback quote with the Nampa Highway District No. 1.

Lyndon Haines moved seconded by Nate Marvin to accept the quote submitted by Ergon Asphalt and Emulsions for CRS-2R at \$370.00 per ton, CMS-2P at \$370.00 per ton, CRS-2 at \$350.00 per ton, Quickseal Fog at \$260.00 per ton. Motion carried.

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Odoms informed the Board the hours are up on the Road Grader. The need for repairs on a cylinder leak that will be covered under warranty. Odoms reported that Cat has a new

2019 140M3 All-Wheel Drive road grader with a ripper included. There is a buy-back on the 2016 grader. Cat will give the County credit of \$185,000.00 on the buy-back giving

the final cost of the 2019 grader \$134,226.00. Odoms stated hours of use will be increased to 3,500 hours.

Nate Marvin moved, seconded by Kirk Chandler to approve the purchase of the 2019 140M3 All-Wheel Drive road grader in the amount of \$319,226.00 with buy back of \$185,000.00 for a balance due of \$134,226.00. Motion carried.

IN THE MATTER OF FOREST SERVICE)

Ronda Bishop, Sean Johnson, Linda Jackson, and Christian Ramirez met with the Board. Also present was Sheriff, Matt Thomas, and Chief Deputy, Cody Strong.

Sean Johnson, Fire, Fuels, and Aviation Officer for the Payette National Forest, addressed the Board. Johnson reviewed the Letter of Intent from 2020. Johnson stated that there are expected changes for the 2021 fire season. Johnson discussed strategies for the upcoming fire season. Staffing was discussed and Johnson stated all positions were filled but two.

Marvin inquired if the SEAT (Single Engine Air Tanker) that crashed last year had an effect on the program.

Johnson stated there are no specific SEAT's on the Payette National Forest. There are State Sponsored SEAT's with the anticipation of two being housed in McCall this year. Johns discussed the use of "Surge" type helicopters that are to be provided for the 2021 fire season.

Christian Ramirez reviewed the equipment staging for the area. Ramirez discussed the prevention program and the Wildland Fire Module/Hells Canyon, which is a 10-person hand crew.

Johnson discussed Risk Management, Safety, and Life First programs implemented by the Forest Service. People, Workforce and Work Environment programs were reviewed. Relationships, Accelerated Restoration, Cohesive Strategy, and Shared Stewardship programs have been incorporated into the Forest Service practices.

Ronda Bishop stated approximately 1000 acres have been designated as a prescribed burn in the Robinson Project Area. Thinning is planned on 4th of July Creek. Bishop reported

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they are still gathering data on Woodhead South. Bishop informed the Board that Ramirez had scheduled a Cooperators meeting for April 26, 2021.

Johnson discussed anticipated response crews available for the upcoming fire season. Johnson discussed the Statewide agreement with the BLM (Bureau of Land Management) and the Forest Service. Negotiations for the agreement are being done outside the regional office. The current agreement expires in June of 2021, but will stay in place through December 31, 2021. Johnson stated local agreements might need to be updated next year.

Johnson discussed fire responses in 2021 relating to COVID-19. If there is another outbreak, each zone has a plan in place.

Bishop stated there has been an increase of vandalism at the Mann Creek area to signage and other items. Bishop requested assistance from the Sheriff Department.

Motion by Nate Marvin, seconded by Kirk Chandler and unanimously carried to recess at 2:14 p.m. until April 12, 2021 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.