

April 25, 2022

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 25th day of April 2022.

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 Jennifer Tate led the Pledge of Allegiance. Kirk Chandler gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

Correspondence received by the Board was reviewed and disseminated as required.

The Board discussed participating in a Drought Declaration covering counties south of the Salmon River. The Board agreed to participate and Kirk Chandler will notify the Governor's Office of the intent.

Lyndon moved, seconded by Kirk Chandler to submit a Letter of Support for the Weiser Valley Roundup. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to have the Chairman sign the Cooperative Law Enforcement Agreement between Washington County and the USDA, Forest Service Payette National Forest. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve a demand warrant payable to Columbia Bank in the amount of \$611.10. Motion carried unanimous.

IN THE MATTER OF MINUTES)

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

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 \$107,181.83 for general expenses by a motion of Nate Marvin, seconded by Kirk Chandler. Motion carried unanimous.

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IN THE MATTER OF PUBLIC DEFENSE COMMISSION)

Jennifer Roarke and Jared Ricks with the Public Defense Commission met with the Board. Roarke discussed the financial assistance application with the Board. Roarke also discussed training available to defending attorneys. Roarke informed the Board that the Indigent Defense Financial Assistance Application is due May 16, 2022. Roarke reviewed the application with the Board.

Gordon Wilkerson entered the meeting.

IN THE MATTER OF PROPERTY TAX EXEMPTIONS)

Washington County Assessor, Debbie Moxley-Potter, met with the Board. Moxley-Potter presented the Property Tax Exemption Applications per Idaho Code 63-602b, c, e, and 63-602nn to the Board for review.

Lyndon Haines moved, seconded by Kirk Chandler to approve the Property Tax Exemptions Applications per Idaho Code 63-602b, c, e, and 63-602nn as presented by Assessor Moxley-Potter. Motion carried unanimous.

IN THE MATTER OF INFORMATION TECHNOLOGY)

Robert Peterson, Information Technology Director, met with the Board. Peterson discussed the termination policy with the Board. Peterson discussed the upgrade to the Computer Arts server with the Board. Peterson provided an overview of the trip to Omaha to visit the E S & S (Election Service and Software) center regarding election security. Peterson provided the schedule of upcoming meetings and trainings he will be attending in the near future. Peterson informed the Board he was selected to attend MS/EI-ISAC Annual Meeting in August. The meeting will be totally funded and held in Baltimore. Peterson discussed the Infrastructure upgrade/realignment project with an anticipated start date for the end of April or first of May. Peterson informed the Board the upgrade would provide more security for the County.

Nate Marvin moved, seconded by Kirk Chandler to approve the Infrastructure upgrade/realignment. Motion carried unanimous.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Liability and the use of the crusher at Road and Bridge was discussed. There was discussion of the cost the county to crush rock versus the cost to purchase crushed rock. Walker will research the issue and report to the Board.

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The Board discussed the public defender contracts with Walker. Walker stated the requirement of filing an annual report with the Public Defense Commission is included in the current contracts. The group discussed possible changes to public defense.

There was discussion regarding a public hearing to gather information regarding what residents would like to see going forward with development.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Brent presented an application for membership to the Planning and Zoning Commission to the Board for review. Brent stated she anticipates additional applications to be submitted. The Board agreed to interview the applicants.

Brent informed the Board she is working with Chris Meyer with Givens Pursley on the proposed code changes.

Alex Chavarria and Diane Kenney entered the meeting.

Brent stated she had met with the Weiser Valley Highway District regarding concerns on maintaining/developing roads due to the development on the Weiser Flat. The district has inquired about implementing impact fees. There was continued discussion of the original parcel rule and possible adjustments to Washington County Code. Brent informed the Board the Highway District had requested a meeting with the Board and representatives from the City of Weiser.

IN THE MATTER OF VETERANS MEMORIAL COMMISSION)

Bob Barber and Alex Chavarria met with the Board. Barber addressed the Board regarding the Veterans' Hall and the Weiser Little Theater.

Chavarria addressed the Board. Chavarria informed the Board that there is a group of Veterans who would like to have regular/traditional meetings at the hall.

Barber stated telephone service is offered for the purpose of scheduling appointments.

Chavarria stated there has been discussion of forming a local honor guard.

Barber thanked the Board for the financial support and requested continued support from the county budget.

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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.

Donna Atwood, 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. 22-0015 for payroll expenses in the amount of \$23,870.48 was presented to the Board for review.

Smith reported the Ambulance District had thirty-four calls for service last week, which included ten transfers and nine public assists/refusals for care. Smith reported equipment was assessed by Striker Maintenance last week. Smith discussed a meeting that he attended regarding distribution of narcan. Smith discussed employees repaying the District for the cost of EMT/paramedic programs. Some employees will be invoiced by the district.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 22-0015 for payroll expenses in the amount of \$23,870.48. Motion carried.

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; 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. Also present was Brian Dalton and Sarah Kenney.

Nate Marvin conducted the Bid Opening. Marvin opened the bid received from Valley Paving and Asphalt, Inc. The bid for asphalt mix, trucking, laydown equipment, labor and mobilization was submitted as follows: Goodrich Road, approximately 410 tons at \$112.98/ton; Loafer Lane, approximately 770 tons at \$102.05/ton; Cove Road, approximately 3,355 tons at \$92.05/ton; Crystal Road, approximately 230 tons at \$120.97/ton.

Marvin read the bid received from Thueson Construction as follows: Goodrich Road, approximately 413 tons at \$110.00/ton; Loafer Lane, approximately 780 tons at

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\$94.00/ton; Cove Road, approximately 3,399 tons at \$88.00/ton; Crystal Road, approximately 233 tons at \$106.00/ton.

Odoms requested the opportunity to review the bids before making a final decision.

Odoms discussed the Pickett pasture lease. Odoms informed the Board that no bids were submitted and it was offered back to Alan Pickett.

Kirk Chandler moved, seconded by Lyndon Haines to approve the pasture lease to Alan Pickett for a two-year lease at \$300.00 per year. Motion carried unanimous.

Odoms presented an Application for Placement of Culverts/Approaches submitted by Glen Carsten to be placed at 3093 Cemetery Road.

Kirk Chandler moved, seconded Lyndon Haines to approve the Application for Placement of Culverts/Approaches submitted by Glen Carsten to be placed at 3093 Cemetery Road. Motion carried unanimous.

Odoms discussed the cost of crushing rock with an average cost per yard of \$7.38 in 2019 9.54 in 2020 and \$13.12 in 2021. Odoms stated the County could purchase pit run from Lee at \$9.00 per yard and $\frac{3}{4}$ at \$12.00 per yard at the current time. Pricing could change due to cost of fuel, etc. Odoms informed the Board that Seubert Excavators, Inc. had quoted \$335,000.00 for 40,000 yards of rock. Odoms stated the crusher is an asset to the County and that he does not want to sell the crusher at this time. Odoms stated that the numbers indicate that the County is not at a point to sell the crusher. Odoms stated there might be a time in the future where the county could contract for crushing rock. Odoms discussed liability and stated there is liability in everything that is done at Solid Waste and Road and Bridge. Odoms stated is he not opposed to running the crusher. Odoms stated he hoped the numbers presented would prove that the crusher is needed. Odoms stated the department needs rock in order to complete upcoming projects. The department needs pit run for upcoming projects.

There was discussion of what was included in the total operating costs of the crusher presented to the Board.

Marvin stated he is concerned about the liability issue.

Odoms stated he still has concerns, but the county has covered the fines in the past. There is a risk to running any equipment.

Odoms suggested continuing to run the crusher and consider purchasing/contracting materials at a later date.

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Haines stated he felt that the county should either continue use of the crusher or decide to purchase/contract.

IN THE MATTER OF CRUSHER)

Kelly Erickson met with the Board. Erickson stated he appreciated the information Odoms had presented regarding the crusher to the Board. Erickson requested the opportunity to provide some history on the crusher. Erickson stated the crusher was purchased in the 1980's and there is a significant cost savings to the taxpayers. Erickson stated he was requested to look into the cost savings of crushing rock when he was working at Road and Bridge. Erickson said there seems to be an underlying concern, which has been expressed by the Board of the safety issues and running the crusher. Erickson stated the equipment needs to be respected by those who run it and those employees need to be trained. Erickson informed the Board that training is in place. Erickson discussed ICRMP (Idaho Counties Risk Management Program) and what they will cover. Erickson informed the Board that this is not a new situation. Supervisors are subject to making sure personnel are trained. Erickson informed the Board gross negligence on the part of the supervisor has to be proven. Erickson stated the crushers are inspected every year for the purpose of preventing injury. Erickson stated fines are imposed by Mine, Safety and Health Administration (MSHA) to bring attention to an issue and have it addressed in a timely manner. Erickson informed the Board he had inquired what Shirts are selling rock at \$10.50/ton or \$15.75 per yard for $\frac{3}{4}$. Erickson stated clean $\frac{3}{4}$ is currently at \$16.50/ ton or \$24.75 per yard or a total cost of \$742,500.00 to the County for 30,000 yards of clean $\frac{3}{4}$ rock. Erickson informed the Board that Shirts expects the cost to crush from Suebert's to double next year. Erickson discussed the cost to move equipment from one pit to another with an expected cost to be around \$30,000. Erickson stated the County should continue to pay the incidental fines as they are a part of doing business.

IN THE MATTER OF PUBLIC HEARING/ PENDING ISSUE FOR TAX DEED)

Nate Marvin opened the hearing at 1:00 p.m.

Washington County Treasurer Sabrina Young met with the Board. Also present was Planning and Zoning Administrator Bonnie Brent, and Road and Bridge Supervisor Jerod Odoms.

Young informed the Board there are two parcels to be considered for Tax Deed. Young stated an Affidavit of Compliance was filed and recorded on April 14th on parcel RPM64000172440. Young reminded the Board the subject properties have 2018 property tax delinquencies. Young stated she had received certified mailing signatures from the owner of record on the property. Young stated the owner of record of parcel PRW0300000043A is deceased. Young informed the Board the State of Idaho,

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Department of Health & Welfare has paid the taxes previously, but has declined to continue to pay the taxes on the property. Young stated she is confident that her office had done the due diligence on the subject properties. Young inquired if the Board would like her to proceed and file a Tax Deed on the properties.

Hearing closed at 1:06 p.m.

Lyndon Haines moved, seconded by Kirk Chandler to have Treasurer Young file the tax deed on parcel RPM64000172440 and parcel PRW0300000043A. Motion carried unanimous.

Young stated the tax deeds would be recorded later today. Young confirmed that the date of the Tax Deed Auction would be scheduled for July 25, 2022 at 1:00 p.m. Young also confirmed that the Board would like to conduct the Auction as a live, in-person auction at the courthouse.

The Board instructed Young to proceed with a live, in-person auction at the courthouse.

Young reminded the Board that a Redemption Deed could be filed that might cancel the auction.

IN MATTER OF PUBLIC HEARING – BRIAN HELLER, ANGEL HOMES, LLC (REZONE)

Members of the public present were Brian Heller, Bonnie Butera, Carolyn Kiesz, Rick Kiesz, Dan Leuthold, Jay Langer, Mary Lundin, Larry Lundin, Joe Kulp, Todd Davies, Darin Baltrusch, Lisa Collini, Angela Gustin, Cathy Kaech, Mike Kaech, Jay Border, Hal Harris, Kevin Kirby, Jordan Marques, Matt Gabica via zoom and Brian Ratcliff via zoom.

Nate Marvin opened the hearing at 1:32 p.m. and read the notice as follows on the record.

LEGAL NOTICE IS HEREBY GIVEN that the Washington County Board of County Commissioners will hold a public hearing on the 25th day of April, 2022 at 1:30 p.m. in the Commissioner meeting room, in the basement of the Washington County Courthouse, 256 East Court Street, Weiser, Idaho.

The purpose of the hearing is to gather additional information on the following matter: Angel Homes, LLC Brian Heller Rezone Request.

The applicants are requesting approval of a rezone of their property off US Highway 95 south of Weiser. The applicants wish to rezone parcel RP10N05W42036A from the current A1 (Agricultural) to C1 (Commercial) to allow for a rustic themed village of small retail vendors and event venue.

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Marvin inquired if the Board members had a conflict of interest or any ex-parte communications regarding the application.

Members of the Board stated they did not have a conflict of interest or any ex-parte communications regarding the application.

Brian Heller presented a Power Point presentation of the proposed venue to be placed at 1617 Crystal Lane, Weiser, Idaho. Heller stated the project is a themed village called "Last Outpost" with low impact to the neighborhood and the property. Heller stated the project would mirror the existing property across the street (Second Chance). Heller provided a background on himself. Heller stated that Highway 95 is considered the main corridor in Washington County. Heller told the Board he is looking for a place to grow and develop for himself and his children. Heller stated downtown Weiser is declining due to lack of traffic flow. Heller stated the venue would fit well with the business conducted by Second Chance. Heller presented an aerial view of the subject property. Heller stated the venue would include a dog park, miniature golf, walking area with outdoor exercise equipment, food vendors, various games, events and agricultural use, for things such as a petting zoo, community gardens and community farming. Heller stated this would be a western themed village that would draw people to the area and encourage tourism. Heller informed the Board this would be similar to a venue in downtown Kuna. Heller stated events to be held there would include an antique farm equipment show, and car shows. Heller informed the Board that event tents would be set up and vendors would set up their display in the tents. Heller stated there would be an outdoor stage, outdoor seating and possibly a fire pit. Heller stated that there would be room for grazing small animals.

Heller discussed the Comprehensive Plan and stated the venue would encourage tourism. Heller stated the goal is to help the local artisans, and craftsmen to give them a place to sell their products in a high traffic area.

Heller discussed traffic in the area and stated that was a concern to the Planning and Zoning Commission. Heller discussed issues on Highway 95 including the speed limit, lack of patrol, and improper turnout lengths. Heller said Second Chance had stated the State had agreed to put in turnout lanes.

Heller informed the Board the subject property is not productive farmland even though it is zoned A1. Heller stated the property is not ideal for a home and could be easily converted to retail space. Heller stated there are no water rights, does have an irrigation well, but there are currently no water rights to the property per the State. Heller is currently applying for the water rights with the State.

Lyndon Haines stated he believed the proposal is a great idea. Haines stated he believed the project could be done under the current A1 zone or as a Special Use. He stated he had concerns that if rezoned, the project may not be completed.

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Heller stated he purchased the property at a premium price and is a hobby farm at best. Heller stated the highest and best use is commercial in his opinion. Heller stated is was unable to secure a loan on the property as Ag land. Heller stated that there is a need for commercial properties in the County.

Haines inquired if the property was rezoned to Commercial, Heller would be willing to enter into a development agreement with the County.

Heller stated that lenders would lend on Commercial property. Heller indicated he needed the property zoned Commercial in order to develop.

Haines stated the property is located on a dangerous road. Haines stated he thought the plan brings something to the community, and fits the area. Haines questioned the parking area. Haines stated he thought there was a standard set in code.

Heller discussed phase 1 and phase 2 parking with the Board and the intent of expanding the parking to the east as the need arises. Heller informed the Board he intends to hire bus drivers to shuttle people from Fruitland and Payette for bigger events.

Chandler stated the County could not do anything regarding Highway 95, as it is a State highway.

Phillip Anthony inquired if Second Chance customers would be able to access the parking area.

Heller stated he has spoken with Second Chance, and they are willing to allow use to the parking area.

Dan Leuthold, Midvale, stated he is in favor of the change of venue zoned Commercial. He stated a person could not make a living on a 3-acre piece of property.

Mary Lundin, Midvale, stated she was in favor of the project. Lundin stated she has made a living on this type of venue. Lundin stated it would be a good wholesome venue for a family. Lundin informed the Board Brian does a class act and this will be top notch.

Lisa Collini stated she is in favor. Collini stated she believed it would be good for Weiser and would be good for the community. Collini stated the decision should not be made on a futuristic possibility. Collini stated the property is not being used as prime Ag now and the land does not resemble what the code intends it to be.

Jay Border stated he is in favor of moving forward with the project. Border stated there is already Commercial property in the area.

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Hal Harris stated he was in favor to allow Brian to do the project. Harris stated he had lived in Kuna for years. He told the Board changes are hard. Harris told the Board this is a good business. Agri-tourism is a big business. Harris said this will help get families out and would be good thing for the community to help stimulate money for businesses.

Joe Kulp, Midvale, stated he is against changing Ag-1 to Commercial ground. Kulp stated allowing the change to Commercial is not protecting the County. Kulp stated there is not an area designated as Commercial. Kulp inquired what would be allowed for the next person who may want to put in a mini mall. Kulp stated the corridor should be protected.

Bonnie Butera informed the Board that she lives across the street from the subject property where the parking area would be. Butera stated Crystal is not a two-lane road. Butera stated that buses would have to come on her property to get in and out.

Matt Gabica, 228 Highway 95, addressed the Board. Gabica stated he shares 700 foot of frontage with the subject property. Gabica stated he had moved to Washington County thinking he would not have to put up with this type of stuff. Gabica stated it does worry him to allow commercial, unrestricted access to properties four or five miles from town. Gabica stated he has seen many accidents in the area. That will increase with people entering Highway 95 from Crystal. Gabica stated that he thought the point of Planning and Zoning was to dictate what happens in the future. Gabica reiterated that the Board has no control over the speed limit on Highway 95. Gabica stated that the Idaho Transportation Department had promised to put in a turn lane in for Second Chance. Gabica stated the proposed project would take 40 acres. Gabica suggested a strict proposal be put together with a Special Use Permit, zoned as Ag-1 with very specific guidelines of what Heller can and cannot do with the property.

Brian Ratcliff, 1629 Crystal Lane, addressed the Board against the proposal Ratcliff stated he does not live in the country to be in the City. Ratcliff stated this type of venue needs to be in town. Ratcliff informed the Board they do not need the extra traffic, extra noise. Ratcliff stated those who have testified in favor do not live near the location. Ratcliff inquired how they would like it if this were to be in their back yard.

Marvin inquired if the subject property is in the flood plain.

Brent stated Heller would have to do elevation certificates on each building on the property.

Marvin stated he had concerns regarding parking for the venue. Marvin discussed a development agreement to ensure the project was not infringing on neighbors.

Heller stated the venue would grow over time and the parking would depend on the amount of use. Heller stated he would be fine with a development agreement.

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Chandler stated the county could require a barrier fence so the neighbors do not have to look at the project. A fence would keep dogs out of surrounding properties.

Heller stated fencing would impede the concept of an open area. Heller stated they would want the views from the property. Heller stated that he was not in favor of a privacy fence, as it would take away from the appearance of an Outpost.

Chandler stated he is in favor of property rights but each person's property right ends at the fence or property line.

Haines stated the property of the neighbors has to be protected as well.

Heller stated the intention is to make it a park like setting. Heller stated it would be a small village. Heller stated that street lights, road, curb and gutter would not be put in place. Heller stated that it would be a rustic themed area for people to enjoy. Heller stated it is a small parcel and had chosen it because it is next to a Commercial property and because of the narrowest bottleneck in Washington County where there is a major road. It is the narrowest corridor with the least amount of population. Heller informed the Board moving to town destroys the rustic appeal.

Hearing closed at 2:24 p.m.

The Board discussed drafting a Development agreement and asked Planning and Zoning Administrator Bonnie Brent to assist in drafting a Development Agreement.

Chandler stated the agreement should include that the rezone to Commercial was approved with the proposed development. Chandler stated the Board could not control what may happen in the future, but can guide it in a manner that goes with Heller's proposal. There is Commercial property across the street. Chandler told the group that years ago there was a store at the location. Chandler stated access and parking would need to be addressed. Chandler stated it has come up before that the taxpayer should not have to pay for development. Chandler said a stipulation on a dog park, road, and parking can be addressed in a development agreement. Chandler stated the property is in the area of preferred growth.

Brent stated a Development Agreement would require an additional hearing.

Chandler and Haines agreed it was a good idea for the area.

Lyndon Haines moved to approve the rezone for Brian Heller from A-1 to Commercial with the Development Agreement. The motion was seconded by Kirk Chandler. Motion carried.

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

Motion by Nate Marvin, seconded by Lyndon Haines and unanimously carried to recess at 2:39 p.m. until May 2, 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.