

April 26, 2021

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 26th 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 Donna Atwood 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 reviewed a News Release from the U.S. Small Business Administration regarding Economic Injury Disaster Loans available to Small Businesses in Adams and Washington Counties.

Lyndon Haines moved, seconded by Nate Marvin to approve the quote from Floor Coverings International for floor covering for the Courthouse in the amount of \$44,071.00. Motion carried.

Lyndon Haines moved, seconded by Kirk Chandler to approve the Polling Place Agreement between Washington County and the Vendome Event Center. Motion carried.

Nate Marvin moved, seconded by Kirk Chandler to approve the issuance of a duplicate warrant payable to Alexa Crafts in the amount of \$1,380.00 for legal services. Motion carried.

Kirk Chandler moved, seconded by Lyndon Haines to approve the Agreement for Noxious Weed Control between the Idaho Transportation Department and Washington County. Motion carried.

The Board reviewed a suggested County-Wide Reserve Water project submitted by Emergency Manager, Tony Buthman.

The Board reviewed a letter from the Cambridge Midvale Senior Citizens thanking them for contributions made to the Senior Center and requesting consideration for contributions from the 2022 budget.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of April 19, 2021 were approved as amended.

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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 \$255,221.22 for general expenses by a motion of Nate Marvin, seconded by Kirk Chandler. Motion carried.

IN THE MATTER OF OPERATION OF FUNDS/STATEMENT OF TREASURER'S CASH)

Lyndon Haines moved, seconded by Kirk Chandler to approve the March 2021 Operation of Funds/Statement of Treasurer's Cash in the amount of \$12,392,337.52. Motion carried.

Kirk Chandler moved, seconded by Lyndon Haines to approve the Quarterly Operation of Funds/Statement of Treasurer's Cash for the period of January 1, 2021 through March 31, 2021 in the amount of \$12,392,337.52. Motion carried.

IN THE MATTER OF ENTERTAINMENT ORDINANCE DISCUSSION)

Sheriff, Matt Thomas, met with the Board. Thomas discussed the proposed changes to the Entertainment Assemblies Ordinance with the Board. Additional changes were noted and will be added to the draft of the Ordinance for future approval.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Also present was Mark and Joan Calfee, Kevin Kirby, Jay Langer, Mike Kaech, Sheriff Matt Thomas and Lisa Collini.

Brent discussed the Calfee rezone with the Board. Brent stated a hearing on the rezone was previously held by Weiser City Council.

Haines inquired if it would be appropriate to send the application to the County Planning and Zoning Commission.

Chandler stated the application does fit the Comprehensive Plan. The property is in the City Impact Area.

There was discussion of the possible need of the City of Weiser providing services to the homes on the subject property.

Marvin discussed access to the property. The Board agreed access would be addressed during the Subdivision process.

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Prosecuting Attorney, Delton Walker, addressed the Board. Walker stated that if the Board were to make a significant change that was presented by the City Council, an additional hearing would have to be held. If the intent were to change the recommendation per the Findings of Fact, then an additional hearing will need to be scheduled. Walker stated the Board would have to decide if they wanted the County Planning and Zoning Commission or the Commissioners to hold the additional hearing. Walker stated the application could be denied if there is a reasonable basis under the law. If information is provided that there is not sufficient water or other significant concerns brought forth, it would have to be determined if there was a reasonable basis for denial. It would not be taking away property rights because the law states there are protections put in place for development.

Allis Chandler entered the meeting.

Chandler stated if the owners apply for a rezone, the property fits the Comprehensive Plan as it is in the impact area. Through the subdivision process, the owners could be required to put in City water and sewer.

Walker stated if there is reasonable basis for denial, the Court would back that up.

Haines read the recommendation of denial from the Weiser City Council on the record.

Walker stated if the Board agreed with the decision of City Council, the Board could make the same decision. The applicant would then have the right to request a judicial review of the decision.

Haines discussed water quality, which was not addressed by City Council. Haines stated he would like to send the application to County Planning and Zoning for review.

Chandler stated the Board did not receive supporting information for the reason of denial, only the Findings of Fact.

Brent stated the testimony was included in the minutes of the hearing.

The Board agreed to send the application to the County Planning and Zoning Commission for review.

Haines inquired if the Board could submit specific direction to the Commission.

Walker stated that would be appropriate.

The Board agreed to request the Commission review well logs, water quality, irrigation, access, and compatibility to the Comprehensive Plan.

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Walker stated the rezone could be subject to approval based on the development of the road, etc.

Brent discussed the concern of the City without curb and gutter and a possibility of city services to the subject property.

Kirk Chandler moved, seconded by Lyndon Haines to send the Calfee Rezone Application to the County Planning and Zoning Commission to gather additional information regarding well logs, water quality, irrigation, access and compatibility to the Comprehensive Plan. Motion carried.

Brent presented the Building Permit report to the Board for review.

Brent informed the Board that Mindy Sands has resigned from the Planning and Zoning Commission. Brent informed the Board she has received letters of interest from two citizens from the appropriate area.

Brent discussed complaints filed regarding Lance Hoch landing multiple planes on the property located on Cove Road.

Walker discussed balancing rights of the neighbors and the rights of the property owner. Walker stated a Special Use process should be followed by the property/airplane owner. Walker informed the Board that the neighbors should have the opportunity to express their concerns.

The Board instructed Brent to contact the property owner regarding a Special Use Permit.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Walker discussed materials he had provided to the Board regarding development and case law.

Chandler stated Gem County currently has approximately 650 building permit requests.

Walker informed the Board that expansion is coming this way. Walker stated that splits to original parcels are being depleted. Walker encouraged the Board to review the documentation he had provided. Walker discussed the Land Use Planning Act Handbook written by the firm Givins Pursley and mentioned by Mikel Smith when she met with the Board.

Nate Marvin moved, seconded by Lyndon Haines to go into executive session at 10:11 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.

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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 10:28 a.m.

IN THE MATTER OF CONSIDERATION OF CODE CONSULTANT)

Walker stated that during the drafting of rules for Oil and Gas, he was able to meet with a State attorney as well as a private attorney. Walker stated that he would be willing to meet with an outside attorney to review the County Code and consult with them on the proposed changes. Walker informed the Board that the outside attorney may charge approximately \$300-\$400 per hour. The process would take time to complete. Walker stated that some of the areas to consider for review may be CAFO's (Confined Animal Feeding Operation), property splits, original parcel, and rezoning.

Chandler stated he believed that would be a good place to start. Chandler stated he did not think the entire code needed to be revamped. Chandler discussed the definition of A1 and what is allowed on A1.

Haines agreed. There are areas that need to be cleaned up, but the code as a whole does not need to be re-done. Haines stated that there is some language that could be cleaned up.

Walker stated he would be willing to contact the firm Givins Pursley to get an opinion. Prime Ag is also an issue. Walker informed the Board that Taylor vs. Canyon County is good case law to review.

Marvin agreed that there are areas of County Code that need to be reviewed. Marvin agreed that an outside opinion is warranted.

Walker stated that if the outside attorney were to draft an opinion there would likely be an additional charge.

Marvin stated the focus of the County needs to be determined.

Chandler discussed the subdivision process and what is allowed under State Code versus County Code.

Haines questioned how one would define Prime Ag. We know we are going to have development and growth, but need to balance it with agriculture as that is the staple of the economy. We need to preserve Ag. Haines stated it would be good to identify areas for future use, to project ahead. Haines suggested having the outside attorney provide a written opinion.

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Walker requested the Board to provide a list of items that they would like to have addressed.

Haines read a list he had drafted that included splits, original parcel, zoning, CAFO, Prime Ag definition, and the code for the future. Haines inquired if there were other areas Marvin and Chandler would like added to the list. Haines discussed how originally the County was zoned A1.

Chandler stated that State code gives the authority to encourage growth by providing zones. Chandler stated that areas need to be zoned appropriately to allow for development.

Walker stated there have been areas designated for growth, but were not rezoned. Walker informed the Board that he did not believe they are that far off on what they would like to see as a County. There are some areas that need to be addressed. There needs to be more clarity within the code. Walker discussed how splits and other issues that may come forward. Walker informed the Board that they may want to consider hiring someone to clean up records for Planning and Zoning and assist with research.

Walker suggested the Board to consider consulting with an outside attorney regarding splits, original parcel, zoning, CAFO, Prime Ag definition, and the code for the future. Walker inquired if the Board wants information on the development of pivot corners. Walker stated the definition of Prime Agricultural Land has changed. Land with a pivot is the most productive agricultural land at this time.

Chandler stated pivot corners have been addressed by other counties. Chandler stated that zoning and definitions of different types on land should be addressed.

Marvin expressed concerns regarding wells and problems with septic systems and questioned if those items should be addressed.

Haines stated the Code needs to be clear and consistent.

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.

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Luke Smith, Ambulance District Director, met with the Board. Smith reported the Ambulance District had seventeen calls for service last week which included four transfers and five refusals for care/public assists.

Smith discussed the "I Am Responding" contract which is up for renewal. Smith inquired if the Board would like to renew the contract for one, three or five years.

Marvin stated the contract will need to be kept at an annual renewal.

Order No. 21-23 for general expenses in the amount of \$8,501.52 and Order No. 21-0015 for payroll expenses in the amount of \$24,184.00 was presented to the Board for review.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 21-23 for general expenses in the amount of \$8,501.52. Motion carried.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-0015 for payroll expenses in the amount of \$24,184.00. Motion carried.

Nate Marvin moved, seconded Kirk Chandler by to go into executive session at 11:17 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 11:27 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. Also present was Dan Leuthold.

Odoms reported that the Weed Superintendent provided weed education for the road crew last week.

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The group discussed providing a dumpster at the Fairgrounds during Hells Canyon Days. Marvin stated he had talked with Chris Braun regarding the issue. Hardin is not charging for the service and Marvin requested Odoms provide an additional dumpster during Hells Canyon Days.

Chandler discussed dumping of dead animals near Hoover Extension on private property. The matter was addressed by the Sheriff's Department and the landowner.

Tire disposal was discussed. Marvin stated he would like to designate a day to encourage used tires to be taken at Solid Waste sites.

Bids for asphalt were submitted by Sunroc Corporation, Thueson Construction, Inc., and Valley Paving and Asphalt, Inc. Bids were opened by the Board.

Marvin stated Valley Paving did not submit a Bid Bond so the packet is incomplete.

Sonroc Corporation submitted a bid at a price per ton of \$80.50 plus mobilization costs of \$6,500.00, for a total bid in the amount of \$259,753.00.

Thueson Construction, Inc. submitted a bid at a price per ton of \$95.00 per ton for 3" thick pavement and \$96.00 per ton for 2.5" thick pavement for a total bid in the amount of \$303,667.00.

Kirk Chandler moved seconded by Lyndon Haines to accept the bid submitted by Sonroc at a total cost of \$259,753.00. Motion carried.

Odoms discussed rock blasting. Odoms informed the Board that he hopes to start blasting at Fox Pit for the Goodrich Road project. Odoms stated he received the best quote for blasting from Subert Construction for a total cost of \$40,000.00.

Nate Marvin moved, seconded by Lyndon Haines to approve the quote from Subert Construction for rock blasting in the amount of \$40,000.00. Motion carried.

Nate Marvin moved, seconded Kirk Chandler by to go into executive session at 12:01 p.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 12:47 p.m.

Kirk Chandler left the meeting for the day.

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IN THE MATTER OF JAIL INSPECTION)

The Board conducted the quarterly jail inspection. Officers present were Sheriff Matt Thomas and Lieutenant Johnny Biddinger. There were no issues to report.

IN THE MATTER OF PENDING ISSUES FOR TAX DEED – PUBLIC HEARING)

There were no members from the public present.

Washington County Treasurer, Sabrina Young, presented pending issues on the 2017 taxes to the Board for review. Young reported several parcels have paid, but there are three remaining. Young stated that the Flynn property and one listed as “Unknown Owner” are subject to Tax Deed. Young reported that taxes were previously paid by the State of Idaho. The Treasurer’s Office has been notified that the State does not intend to pay the taxes this year.

Young discussed the Villaneuva property and stated she had been notified by the State of Idaho today confirming that the State will be processing payment of the 2017 taxes due on the property.

Young explained the process that is being followed by the Treasurer’s Office regarding Tax Deeded properties.

Hearing closed at 2:38 p.m.

Lyndon Haines moved to file tax deed on parcel RPW0900002009A and parcel RPW0900002010A. The motion was seconded by Nate Marvin. Motion carried.

Young informed the Board that there is still a redemption period on the properties. The Tax Deed Auction is scheduled for July 26, 2021 at 2:30 p.m.

Motion by Nate Marvin, seconded by Lyndon Haines and unanimously carried to recess at 2:44 p.m. until May 3, 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.