

June 21, 2021

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 21st day of June 2021.

IN THE MATTER OF ROLL CALL)

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

Nate Marvin opened the meeting and 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.

Kirk Chandler moved, seconded by Lyndon Haines to approve a Catering Permit Application submitted by the Copper Lounge to be used June 25 and 26, 2021 at the Weiser Biker Rodeo. Motion carried unanimous.

Haines reported he attended the Southwest Health District Board meeting last week.

The Board discussed the recently declared Juneteenth holiday.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of June 14, 2021 were approved as written.

The minutes of the Board not heretofore approved of June 15, 2021 were approved as written.

The minutes of the Board not heretofore approved of June 16, 2021 were approved as written.

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

Lyndon Haines moved, seconded by Kirk Chandler to approve May 2021 Operation in Funds/Treasurer's Cash in the amount of \$12,105,907.13. Motion carried unanimous.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board.

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Walker informed the Board that he had further discussions with Chris Meyer regarding County Code. Walker inquired if the Board is in favor of having a compliance officer.

Chandler stated he believed that the Prosecuting Attorney should be the one to issue a letter to persons who are in violation of County Code.

Marvin stated that the compliance officer could assist with the workload on the Prosecutor.

Haines clarified that the Planning & Zoning Department currently issues a letter, then the Prosecuting Attorney issues a letter, the Sheriff's Office serves a complaint, then the landowner may need to go to court.

Walker stated that whenever there are code changes, a public hearing would be required.

Haines stated that issuing a citation should be the last step. The County is not trying to be heavy handed, but there needs to be a balance.

Nate Marvin moved, seconded by Kirk Chandler to go into executive session at 9:20 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, 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 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.

Nate Marvin stated they were out of executive session at 10:02 a.m.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Members of the public present were Marv Williams, Stacy Walker, _____ Walker, Lisa Collini, Diana Noe, Gene Shiver, Gene Wyss, Kay Wyss, Nancy Williams, Sam and Stefanie Lancaster, and Tanya Moye.

Marvin inquired if the members of the Board wanted to approve or deny the Lancaster Rezone request from A1 to A2.

Kirk Chandler moved, seconded by Lyndon Haines to deny the rezone based on 20 acres to be interpreted by County Code that 20 acres or more does not need to be rezoned and a

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single-family dwelling can be built on 20 acres. Kirk Chandler, Aye. Lyndon Haines, Aye. Nate Marvin, Aye.

Prosecuting Attorney, Delton Walker, stated the County has not received very many requests for a rezone when the parcels are 20 acres or larger. Walker stated that Lancaster has applied for divisions of 20 acres or greater and under County Code, section 5-4-1, states that “in Zone A1 no dwelling shall be sold, transferred or built with less than 20 acres of lot area except as provided in Section C.” Walker stated that the proposed lots are 20 acres or greater, that is allowed per code, but only one house would be allowed per 20 acres. Walker stated it is not Lancaster’s intent to have more than one home on each 20-acre parcel. Walker stated Lancaster would still have to meet the requirements of the Fire Code and Southwest District Health regulations. A building permit will need to be required on each 20-acre or larger parcel.

Chandler stated that if a new well dries up an existing well, the injured party could sue the new landowner. Chandler stated persons need to work with the Department of Water Resources to monitor wells for changes.

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. Smith reported the Ambulance District had thirty-one calls for service last week, which included eleven transfers and seven public assists/refusals for care. Order No. 21-30 for general expenses in the amount of \$434.34 and Order No. 20-0019 for payroll expenses in the amount of \$26,875.23 were presented to the Board for review.

Smith stated he is working on the budget with hopes of presenting a draft to the Board in the near future. Smith informed the Board that the District is accepting applications and has received a few completed applications.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-19 for payroll expenses in the amount of \$26,875.23. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 21-30 for general expenses in the amount of \$434.34. Motion carried unanimous.

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Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-19VAC in the amount of \$1,668.23. Motion carried unanimous.

Nate Marvin moved, seconded by Lyndon Haines 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 WEED SPRAY SIGNS)

Karl Greshover, 1232 Mann Creek Road, met with the Board. Also present was Washington County Weed Superintendent, Bonnie Davis.

Greshover requested approval of an Owner Responsibility and Maintenance Agreement of Noxious Weeds/Vegetation on Washington County Roadside Right of Way.

Marvin requested that Greshover provide a map with the Agreement.

Mr. Greshover was able to obtain a map and returned to the meeting. Greshover stated he was requesting the County to not spray a portion of the roadside in front of his property.

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.

IN THE MATTER OF IMPACT AREA DISCUSSION)

Sandra McKee, City of Cambridge Clerk, and Cambridge City Council met with the Board. Members of Cambridge City Council present were Corey Morgan, Levi Harrison, Mark Loveland, Jack Toothman and Delray Platt.

Sandra McKee presented copies of the current County Code relating to the Cambridge Area of City Impact. McKee reviewed 4-3-4 regarding jurisdiction with the Board. McKee discussed recent issue that had come before Cambridge City Council. McKee also discussed the boundaries of the area of impact as addressed in the Local Land Use Planning Act.

Haines clarified that the County could adopt the City's code for the impact area. The County could also adopt the City's Comprehensive Plan.

McKee stated that was correct, but the County would still have jurisdiction.

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McKee read from the Idaho Association of Cities Handbook, which states, “Because cities lack jurisdiction outside their corporate limits, if a county wants to enforce a city’s

comprehensive plan, zoning ordinance and/or subdivision ordinance in the area of impact, the county commissioners must formally adopt the city’s policies for the area of impact.” McKee continued reading “once enacted the area of city impact map, regulations remain in place until both city, and county governing boards agree to renegotiate. Prior to renegotiation, the city and county governing boards must submit the issue to the respective planning and zoning commissions for recommendations, renegotiation must begin not more than 30 days after a request by the city or county governing board”. McKee stated she was not aware if this has happened in the past. McKee discussed areas of city impact as stated in chapter 10 of County Code and areas that need to be addressed. McKee provided a Future Land Use Map of the City of Cambridge. McKee stated the map indicates four defined zones.

Haines inquired about some of the major differences that are between the city and county ordinances.

McKee stated the intent of both the City and County Comprehensive Plan is to protect agriculture. McKee informed the Board that in order for the city to expand, a developer’s agreement would need to be in place so infrastructure can be put in place for the development. Neighboring cities are requiring a development agreement.

Haines discussed the designation of zones within the City of Cambridge code.

Chandler discussed zoning, the Comprehensive Plan, and the need for the two to “mirror” each other.

Jack Toothman, Mayor, Levi Harrison, Mark Loveland, and Delray Platt, Councilmen, addressed the Board.

Loveland inquired of the Board what concerns they have. The group agreed that City Council needs to meet with the County Planning and Zoning to address areas that need to be changed or updated.

Chandler stated private property rights need to be protected. Chandler discussed the Land Use Planning Act and what can be regulated through the Act. Chandler stated that it could be spelled out in the development agreement.

Chandler stated the County had previously met with the City of Cambridge regarding these issues.

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Haines stated that it is a balancing act. How do we preserve agricultural land and balance property rights? Haines stated he believes a development agreement is the best idea. Haines stated growth needs to pay for itself.

McKee stated that the City is between 60 to 70 percent of capacity for water and sewer.

Marvin discussed ideas of what would need to be done to allow for additional growth.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Also present was Justin Walker from Keller Associates as the Project Manager for Unity Bridge, and Nathan Cleaver, Transportation Division Manager. Members of the public present were Tim Wrightman, Cheri Clausen, Dennis Lance and Tony Edmondson.

Walker addressed the Board and discussed the preliminary design for Unity Bridge. Walker discussed funding that may be available to assist with the project. Walker stated it would be between five to ten years before the bridge could be constructed with funding from the State.

Marvin stated he believed the County needed to move forward with a plan and a design.

Walker discussed compliance with ITD (Idaho Transportation Department).

Chandler discussed the size of the bridge. Chandler stated it would have to clear ice during spring runoff. Chandler inquired if the bridge could be shortened.

Nathan Cleaver addressed the Board. Cleaver discussed funding and other projects within the State. Cleaver also discussed requirements for Federal funding including archeological, biological species of concern, public involvement, including a public hearing.

Haines discussed the current weight restriction to the bridge. Haines inquired if the design would allow eliminating the width and loading restrictions.

There was discussion of a one-lane bridge. Walker stated Federal Highways is not allowing one-lane bridges.

Marvin inquired when a public hearing would be needed.

The Historical Preservation Committee is interested in retaining the bridge. It was questioned if the bridge could be donated to a private group or individual.

Wrightman discussed moving the bridge and the maintenance of the bridge.

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Cleaver addressed the rules and procedures of maintaining the bridge and the possible move of a portion of or all of the bridge.

Road and Bridge Supervisor, Jerod Odoms, met with the Board. Also present was Assessor, Debbie Moxley-Potter. Odoms stated he had hired two new seasonal workers.

Odoms discussed the condition of Loafer Lane.

Odoms discussed the Juneteenth holiday. The Board stated it was not budgeted for and has not been adopted or included in the Personnel Policy.

Odoms presented documentation on the Special Assessment fees for Solid Waste. Odoms stated a 4% increase would generate an approximately \$11,000.00 in additional revenue. An increase of 7.1% increase or approximately \$4.00 would generate approximately \$21,000.00 revenue. Odoms stated there has not been an increase to the Special Assessment since 2000. Odoms informed the Board that an increase of \$21.00, or one dollar per year since the last increase, would generate approximately \$111,000.00 in revenue for Solid Waste. Odoms stated an increase of over 5% would require a public hearing to be held. Odoms discussed the need to fund the 2022 proposed budget.

Chandler inquired as to what amount would be needed in order for Solid Waste to pay for itself.

Odoms stated he estimated revenue for the 2021 year to be approximately \$552,000.00. This includes the amount levied, Special Assessment fees and User fees charged at the site. Odoms stated the 2022 proposed budget is \$608,000.00.

The Board inquired if the current levy limit is for Solid Waste.

Treasurer, Sabrina Young, stated the State levy limit rate is .0004 and the County is currently at a .000245 levy rate. Young reminded the Board they would also have to take into account the overall budget increase allowed to be funded by tax dollars.

The Board requested that Odoms to report back with additional information before deciding to hold a public hearing to increase the assessed fee.

Odoms discussed the cost of fuel for Solid Waste. Moving forward, Solid Waste will be fueling at Road and Bridge and will reimburse Road and Bridge for the cost of the fuel. This would be a savings of .45 per gallon.

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Motion by Nate Marvin, seconded by Kirk Chandler and unanimously carried to recess at 2:33 p.m. until June 28, 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.