

July 19, 2021

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 19th day of July 2021.

IN THE MATTER OF ROLL CALL)

Donna Atwood, Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present. Also present was Carolyn and Rick Kiesz.

Nate Marvin opened the meeting and led the Pledge of Allegiance. Robert Peterson gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

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

Kirk Chandler reported he attended the Magistrate Commission meeting last week. Chandler stated there are currently three open positions for Magistrate Judges.

Nate Marvin reported he attended the Planning and Zoning Commission training last week. Marvin stated Jerry Mason had agreed to assist with additional trainings.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of July 12, 2021 were approved as amended.

IN THE MATTER OF SECURE ENTRANCE)

Dion Zimmerman with Design West met with the Board. Also present was Lisa Collini and Nancy Williams.

Zimmerman presented copies of the proposed floor plan for the addition of the secure entrance to the courthouse to the Board. Zimmerman stated the site survey has been completed. Engineers have conducted a site visit. Zimmerman stated he had instructed the contractors he would like the project completed within 30 days. Zimmerman discussed a precast concrete finish versus stucco. Zimmerman expressed concerns of the cost of the precast concrete.

Marvin stated he was not in favor of a stucco finish. Marvin stated he did not believe it holds up well.

The group discussed a fire alarm system. Zimmerman reported the courthouse does not have an adequate system. Zimmerman inquired if the Board would like to request a variance from city fire.

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The Board stated they did not want to request a variance.

Zimmerman estimated the cost of an adequate fire alarm system at \$4.00 per square foot.

Zimmerman discussed the bidding process and inquired how the Board would prefer to move forward. Discussion regarding funding and budgeting.

Atwood stated the intent was to pay a portion of the cost from the 2021 budget and the remainder from the 2022 budget.

Chandler discussed the difficulty of finding contractors to complete the work. Chandler stated the project might need to be delayed.

Zimmerman discussed a general construction manager versus a hard bid process. Both processes would require going through the bidding process.

Zimmerman stated he would move forward with preparing the paperwork for the project.

IN THE MATTER OF INFORMATION TECHNOLOGY)

Robert Peterson, Information Technology Director, met with the Board. Peterson stated a ticketing program is being implemented to submit issues to the IT Department for support. Peterson informed the Board the new servers for Weed/Rodent, Road and Bridge and the Prosecutor's Offices have been received. Peterson stated that Emergency Manager, Tony Buthman, was able to order a firewall and switch to update the firewall at the Prosecutors Office. Through grant funding the expense will be paid.

Peterson stated he has been working on enhancing the security across the network. Local Admin Password Solutions (LAPS) will be implemented throughout the county network. Peterson informed the Board he has been working on updating support on the remote desktop programs. Peterson reported he has been assisting with moving/connecting computer equipment during the carpet installation.

There was discussion of a possible telephone upgrade. Per Brian Graham with MTE (Midvale Telephone Exchange), phones will be replaced once the conversion is complete.

IN THE MATTER OF BOARD OF EQUALIZATION)

There were no matters brought before the Board.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board.

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Marvin inquired on the status of the Salubria property. Marvin also inquired on the status of the Entertainment Ordinance. The Board will review the draft of the ordinance and consider a time to schedule a hearing on the ordinance.

Chandler discussed spot zoning and a statement made in last week's meeting.

Walker stated State Code does not allow spot zoning. Walker stated he would provide case law that addresses spot zoning.

Chandler discussed being confronted by a member of the Planning and Zoning Commission. Chandler stated the member was insubordinate, and as supervisors, the Board could fire an employee for that conduct. Chandler stated he felt the matter needs to be addressed.

Walker referred to County Code Title 1, Chapter 7-2 regarding termination of office. Walker stated members might be removed for cause by a majority vote of the Board.

Chandler inquired if ICRMP (Idaho Counties Risk Management Program) should be notified of the situation.

Marvin stated he was not interested in pursuing the matter.

Haines stated he was okay with persons confronting him on matters they may disagree on.

Chandler inquired if Walker had submitted concerns to the Attorney General regarding a conflict of interest and open meeting law violation complaint letters.

Walker stated Statute addresses what qualifies as a conflict of interest. Walker informed the group that he did not feel the complaint met the required qualifications. Walker stated he would need to have a legal basis in order to send the matter to the Attorney General. Walker stated he would review the code regarding the issue.

Walker stated that Chris Meyer with the firm Givins Pursley had requested a meeting with Walker to address code changes, specifically the 20-acre split portion of County Code. Walker informed the Board that Eugene and Niki Fisher have sent a letter inquiring about moving building permits on lots. Walker stated that it is not currently allowed under County Code to transfer building permits.

Chandler discussed a situation where a landowner had requested a building permit from Planning and Zoning. Chandler stated the landowner was told there was not a building permit on the subject property. Chandler stated that Bonnie Brent had moved the lot line so the landowner could get a building permit.

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Walker stated a lot line adjustment is allowed and the property owner likely owned the adjacent property.

Walker stated that if the Administrator denies or allows a request, people have the right to appeal to the Planning and Zoning Commission. Walker stated the code sets forth a process for an appeal, which is to be presented to the Planning and Zoning Commission, then to the Board of County Commissioners, and then to the Courts. If the process is not followed correctly, it is likely that the Courts will dismiss the case.

Walker discussed the appointment of Matt Roker to District Judge. Roker has suggested Tyler Rounds fill the position as Public Defender that was previously held by Roker. Walker stated that Attorney, Heidi Koonce, might be interested in obtaining a contract for services as well.

Nate Marvin moved, seconded by Lyndon Haines, to enter into a Public Defender Contract with Tyler Rounds. Motion carried unanimous.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Also present was Administrative Assistant, Charlie Downey.

Brent presented the current building permit report to the Board. Brent stated there would be a Planning and Zoning hearing tomorrow night.

Marvin inquired on the status addressing tiny homes within the county.

Brent stated she and the Building Inspector, Steve Pierson, are in the process of drafting definition and code addressing tiny homes. Brent stated she has discussed the building permit that was issued on the Stewart property with Pierson. Engineered buildings do not have a standard footing, so the footings have to be engineered.

Brent inquired of Chandler about the previously mentioned lot line adjustment. Brent stated that lot line adjustments are handled by the title companies, not by Planning and Zoning. Brent will research the issue and report to the Board.

Marvin discussed the matter of handling complaints through the Planning and Zoning Office. Marvin inquired if there was a way to implement a process for the Planning and Zoning office to handle complaints brought forward. The process would be complaint driven. Marvin stated he had requested Downey to provide some information to the Board.

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Chandler stated enforcing the code on complaints would put the county inconsistent with the code. The code would have to be enforced on all, not just those who are complained against.

Downey stated he is a former police officer as well as compliance officer. Downey stated being complaint driven is being consistent. The County does not have the financial or logistic ability to have a Code Enforcement Officer. Downey stated the code is the code, if you are in violation, you are in violation. Downey informed the Board when a complaint is received, the Planning and Zoning Office do their best to investigate to determine if it is a legitimate complaint. Downey explained the process that is followed to notify the person of the violation, the penalty, and the time in which they are to respond to the notification. Downey stated he disagreed with the statement from Chandler. Downey stated that the process is fair. Although there may be many violations in the county that are not reported or prosecuted, the office does their best to address every complaint that is brought to them. It is no different from the State Trooper not being able to address every driver who violates the speed limit. Downey informed the group that it is defensible if someone were to say the County was not being fair. If a person had a complaint, they would need to bring it forward so it could be addressed. Downey stated that the Planning and Zoning Office does not have the ability to go door to door to catch violations. Downey stated that if there were a code enforcement officer, that officer could not catch every violation within the County.

Downey reviewed the process that is currently followed by the office: after complaints are received, it would be investigated by the office. If the complaint had merit and is a violation of County Code, a Letter of Notification would be issued. The letter would spell out the violation, state the code section violated, penalty for the violation, and gives the person 10 days to respond in writing with a plan to mitigate the violation. If no response is received at the end of the 10 days, a second letter is issued as a final notice. The letter would state that at the end of 10 days they had not contacted the Planning and Zoning office, a summons would be issued to go to court. Downey stated he did not want to issue citations, but there needs to be a process to get people to come into compliance. Downey requested that the Board give the Planning and Zoning Office the ability to enforce the code that we have. Downey indicated to the Board that he wanted to work with people to help them be compliant without going to court. Downey stated that if the code is not enforced, it is no good.

Walker stated it has been handled in a similar matter by the Prosecutor's office. Walker stated it is not part of the Prosecutor's statutory duties, but he addresses the issues as best as he can. Walker stated that in the past the county did have a Planning and Zoning attorney.

Marvin inquired if the code was adequate to address complaints.

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Walker stated the code is adequate. The county should do their best to be fair. Walker stated the Police Department is complaint driven as well.

Walker stated the code would have to be amended to allow Planning and Zoning to issue citations.

Downey inquired if the code enforcement officer would have to be a certified police officer.

Walker stated he would have to research the matter.

Chandler stated the commissioners are a legislative branch. The Sheriff is the enforcement in the county.

Haines inquired why that would be different from the building inspector and his ability to enforce code.

Walker stated code violations are not a violation of criminal code. Walker stated that the Sheriff enforces criminal code not civil code. The Building Inspector enforces civil code.

Downey stated that he has spoken to the Sheriff, and he does not have an issue with the proposed process.

Marvin discussed the process that would be followed to implement the process.

Walker stated it is based on civil code. Walker stated the Sheriff is not obligated by Statute to enforce County Code. The Sheriff could be authorized to enforce County Code, but it is not his statutory duty.

Haines stated he felt it is worth looking into the matter.

Chandler stated they need to be careful.

Downey stated writing a letter has not produced any results.

Marvin stated the discussion would continue next week.

Walker stated it would most likely be a funding issue. An attorney would be an estimated cost of \$30,000.00 to \$40,000.00 per year.

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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.

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. 21-33 for general expenses in the amount of \$8,014.84 and Order No. 21-0031 for payroll expenses in the amount of \$ 28,076.07 was presented to the Board for review.

Smith reported the Ambulance District had twenty calls for service last week, including eight transfers and five public assists/refusals for care.

Smith informed the Board he would submit quotes for new computers, a server and website next week. Smith reported Canyon County would provide FTO (Field Training) for some of the employees in order to get call experience. Smith stated the shifts would be 12 hours per day. Smith will provide more information next week. Smith stated he is reviewing the on-call roster. Smith stated there are approximately 32 people on the list, but some have not been active for quite some time.

Smith reported that an Ambulance has problems with the air-conditioning. The Ambulance is currently in the shop. Smith stated he had spoken with Chief Atwood and discussed the need for Ambulances to respond to wildfires to assist fire crews. Smith stated he would look into the possibility of sending a truck and staff to a fire line if available. Smith stated he would not do it if the District were not able to recoup the cost.

Marvin stated he would be concerned about covering the County needs.

Smith informed the Board that interviews were conducted last week. Smith had submitted two salary requests to the Board for review. Smith recommended adding Ashley Lynn to the roster as a PRN (as needed) paramedic. Smith presented a salary request for Nate LaFollette at the rate of \$25.00 per hour.

The Board approved the salary requests as submitted by Smith.

Smith submitted a preliminary budget to the Board for review.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-33 for general expenses in the amount of \$8,014.84. Motion carried unanimous.

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Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-0021 for payroll expenses in the amount of \$ 28,076.07. Motion carried unanimous.

Smith reported that Corey Patocka has officially resigned from the Ambulance District. Patoka indicated he is willing to work as a PRN Paramedic, but would only be available in the winter months.

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 MIDVALE AIRPORT)

Karson Craig met with the Board. Craig stated the runway at the Midvale Airport needs to be repaved at a total cost of \$492,000.00 with an estimated cost of \$125,000.00 for their share. Craig discussed going through state aeronautics who would fund approximately 75% of the cost and engineering would not be required. Craig informed the Board the FAA (Federal Aviation Association) would require the runway be re-engineered. Craig requested an additional \$30,000.00 in county funding in order to build up funding to cover the matching cost. Craig stated the request would be reduced to the current level once the project is complete. Craig presented a copy of the proposed budget.

Craig discussed possible grant funding that may be available.

The group discussed increasing the levy for the airport. There was discussion of consideration of working with County Road and Bridge to reduce the cost of the paving. The Board will consider the request.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Odoms presented an application for a driveway approach to be placed between 251 and 257 Glascock Road.

Kirk Chandler moved, seconded by Lyndon Haines to approve a driveway approach to be placed between 251 and 257 Glasscock Road. Motion carried unanimous.

Odoms informed the Board that the Solid Waste position has been filled internally. No applications have been received for the opening at the Midvale Transfer site.



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Odoms discussed the PAWG (Payette, Adams, Washington, Gem) Intergovernmental Agreement renewal with the Board. Odoms discussed changes to the agreement. Odoms stated the Agreement has been reviewed by Prosecutor Walker.

Nate Marvin moved, seconded by Kirk Chandler to sign the PAWG agreement. Motion carried unanimous.

Odoms discussed the Scope of Work documentation from Keller Associates, Inc. regarding Unity Bridge.

Lyndon Haines moved, seconded by Kirk Chandler to allow the Chairman to sign the Scope of Work Agreement with Keller Associates, Inc., for work on Unity Bridge. Motion carried unanimous.

Odoms discussed damages to Jackson and Mann Creek Roads. Odoms stated that a complaint was filed with the Sheriff's Department. Odoms stated the estimated cost of repairs to the roads would be approximately \$10,000.00.

The Board stated the responsible party should pay the cost of repairs.

Chandler discussed paving the Midvale Airport runway and requested Odoms contact Karson Craig regarding the possibility of piggybacking from a county asphalt bid.

Odoms reminded the Board of the public hearing to be held next week regarding the Solid Waste fees.

Marvin inquired on the status of the Salubria property.

Odoms stated the appraisal has not been completed at this time.

Motion by Nate Marvin, seconded by Lyndon Haines and unanimously carried to recess at 12:15 p.m. until July 26, 2021 at 8:45 a.m.

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Chairman, Board of County Commissioners

ATTEST:

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Clerk

A full audio recording of the Commissioner Meeting is available at the Clerk's Office upon request.