

August 1, 2022

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 1st day of August 2022.

IN THE MATTER OF ROLL CALL)

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

Nate Marvin opened the meeting and Lyndon Haines led the Pledge of Allegiance. Kirk Chandler gave the invocation. Members of the public present were Rod Panike and John Hoff.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

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

Kirk Chandler reported that the Fair went well.

Lyndon Haines reported that he attended the Southwest District Health Board meeting last week. Haines stated the first case of Monkeypox was reported. CJ Strike Reservoir is listed as having algae bloom.

Kirk Chandler moved, seconded by Nate Marvin to allow Haines to sign documents today due to Nate Marvin participating via zoom.

Haines discussed the 2022 Secure Rural Schools Funding and the need for the County to file paperwork with the State Treasurer in order to receive the funding. Haines signed the form to be submitted to the State Treasurer's office.

The Board reviewed the Contact and Agreement from J.B.'s Roofing Inc. regarding the replacement of the roof on the Ambulance Hall.

Kirk Chandler moved, seconded by Nate Marvin to approve the Contract and Agreement with J.B.'s Roofing, Inc. Motion carried unanimous.

The Board discussed nominations to the Capital Crimes Defense Fund.

Kirk Chandler moved, seconded by Lyndon Haines to nominate Mark Rekow, Gem County Commissioner, to the Capital Crimes Defense Board. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve a demand warrant payable to DD Excavation in the amount of \$1,500.00 to be paid from Road & Bridge surplus property line. Motion carried unanimous.

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Kirk Chandler moved, seconded by Lyndon Haines to approve a demand warrant in the amount of \$1,320.65 to cover travel expenses for Robert Peterson while attending the NACO Conference. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve a demand warrant for proceeds from the tax deed sale in the amount of \$33,396.57 payable to State of Idaho, Estate Recovery. Motion carried unanimous.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of July 25, 2022 were approved as corrected and the minutes of July 28, 2022 were approved as written.

IN THE MATTER OF ELECTED OFFICIALS AND DEPARTMENT HEADS)

Those present were Washington County Sheriff, Matt Thomas; Juvenile Probation Supervisor, Dahlia Stender; Weed Superintendent, Bonnie Davis; Assessor, Debbie Moxley-Potter; Treasurer, Sabrina Young; Planning and Zoning Administrator, Bonnie Brent; Road and Bridge/Solid Waste Supervisor, Jerod Odoms; Information Technology Director, Robert Peterson and Clerk, Donna Atwood.

Clerk Atwood requested approval to publish the proposed 2023 County Budget as submitted during the Budget Workshop last week.

Nate Marvin moved seconded by Kirk Chandler to approve the proposed 2023 budget for publication. Motion carried unanimous

Bonnie Davis discussed repairs to the John Deere Gator that caught fire. Davis stated she has not heard from ICRMP regarding the claim.

Gordon Wilkerson entered the meeting.

Robert Peterson informed the Board he will be attending the MSISAC Conference this week. Peterson stated the conference is paid for, but there will be some additional expenses incurred.

Treasurer, Sabrina Young, reported the Treasurer's office has been working on Warrants of Distrain for properties that have not paid personal property. Young stated there are five properties remaining to collect.

Debbie Moxley stated that her offices were short staffed last week due to training and illness, but most of the staff is back to work this week.

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Marvin inquired on the status of cross training employees to help cover driver's license due to vacation and time off.

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 Placement of Culverts/Approaches submitted by LMAC Land and Cattle to be placed on Riley Butte Road. Odoms stated no culvert was needed.

Kirk Chandler moved, seconded by Lyndon Haines to approve the Application for Placement of Culverts/Approaches submitted by LMAC Land and Cattle to be placed on Riley Butte Road. Motion carried unanimous.

Odoms presented an Application for Placement of Culverts/Approaches submitted by Wilderness Falls Building LLC to be placed on Cove Road to the Board for approval.

Kirk Chandler moved, seconded by Lyndon Haines to approve the Application for Placement of Culverts submitted by Wilderness Falls Building, LLC to be placed on Cove Road. Motion carried unanimous.

Odoms informed the Board that he had drafted a resolution regarding the increase to Solid Waste fees. Odoms stated he had also drafted language to amend the Washington County Code 9-1-2 Cattle Guards.

Odoms stated that staff has started chip seal today on Cove Road and Hill Road. Odoms stated they plan to chip seal Glascock Road on Wednesday. Odoms informed the Board they plan to chip seal in the Midvale and Cambridge areas next week. Odoms stated paving on Goodrich and Loafer Lane was completed last week and paving on Crystal will begin today but crews will have to stop paving before the railroad tracks.

Haines discussed a call received from Idaho Power regarding a request for streetlights near Champion Homes. Marvin stated he would like to consider LED lights to be installed.

Chandler cautioned the Board on installing streetlights on private property/roads.

Nate Marvin moved, seconded by Kirk Chandler to go into executive session at 9:42 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.

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Nate Marvin stated they were out of executive session at 9:58 a.m.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Also present was Valerie Greear, Adam Buffan, and Jessie Sherburne with the Department of Environmental Quality (DEQ), Frank and Wendy Martell, Lary Walker and Larry Boots and Treasurer Sabrina Young.

Valerie Greear with DEQ discussed issues with Intrinsic Organics and the odor from the wastewater lagoons. Greear informed the Board that the previous owner of Intrinsic Organics had originally met with DEQ in 2018. At that time Intrinsic Organics had gone through the engineering process to get the wastewater lagoons approved. Intrinsic had also met with DEQ to potentially apply for a wastewater re-use permit in order to apply the wastewater to land for irrigation purposes. Greear stated Intrinsic Organics did not complete the permitting process. Greear stated DEQ did meet with Intrinsic Organics in June and discussed the process to apply for a re-use permit. Greear informed the Board that they have been in contact with engineers from Intrinsic Organics and it sounds like they are making progress on the permitting process. Greear stated that it sounds like DEQ will get an application for the re-use permit in the next month or two. It will take DEQ six to eight months to write the permit according to Greear. Greear informed the Board that hopefully by next year the wastewater could be applied to the land. Greear stated to the Board she believed that Intrinsic had been trying to control the odors through chemical means. Greear stated that if the issue were to get out of hand, DEQ could move to another step of Compliance Agreement Schedules or take enforcement action to force the company to make changes. Greear stated that it is a slow process. Greear stated Intrinsic could end up with the permit that will manage the entire wastewater flow.

Marvin inquired if there was anything the County could do.

Greear discussed the County nuisance ordinance.

Walker stated a letter had been sent to Intrinsic Organic as well as verbal contact regarding the issue. Marvin stated the County has informed Intrinsic of the ordinance. Walker stated Intrinsic had been notified of the Ordinance.

Chandler stated Planning and Zoning has sent letters to Intrinsic Organics regarding the odor from the plant. Chandler informed the group that Intrinsic had led the County to believe they had applied for the permit with DEQ. Chandler discussed the overflow of the lagoons. Chandler stated that if the lagoons are not big enough or are leaking, that is a significant problem that needs to be addressed.

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Haines stated he agreed with Chandler. Haines informed the group that the lagoon along River Dock Road is leaking out on to farm ground. Haines stated he believed that the lagoon is lined.

Chandler stated it could be contaminating the ground water in the area since the ground water is not very deep in that area.

Walker stated the County will have to rely on DEQ since the ordinance only goes so far. Walker stated the County cannot make Intrinsic do what a permit from DEQ would require.

Greear stated there is no permit at this time. Greear informed the Board that DEQ's odor policy is limited. Greear indicated that this is to the point that a re-use permit is needed. Greear informed the Board that Intrinsic appears to be working with DEQ at this time, but DEQ will move forward with a more authoritative document. Greear stated it would likely be a Compliance Agreement drafted by an attorney. The Agreement may require the company to do more facility planning as necessary to address the issue.

Chandler inquired on the timeline for the permitting process.

Greear stated it could be six to eight months to write the permit. Greear hoped that intrinsic would be able to apply the wastewater to the land by sometime next spring.

Chandler inquired if DEQ was actively working with Intrinsic Organics or if they were waiting for Intrinsic to get back to DEQ.

Greear stated a warning letter was sent in the spring. A follow up letter was sent with a list of needs to be provided to DEQ within 180 days.

Chandler inquired if it is correct that it could be next year before Intrinsic would comply.

Greear stated that was correct. Greear informed the Board that DEQ does not have the authority to make people do much in this sort of situation. Greear further informed the Board that Intrinsic had contacted one of the cities and Clay Peak to check if the wastewater could be dumped at either location. Greear stated the waste was not hauled to either location.

Chandler inquired if the wastewater was hauled to a ranch, would DEQ address the matter.

Greear stated DEQ could address that if dumping of the material were illegal.

Marvin stated he had reached out to Clay Peak regarding taking the wastewater. Clay Peak is expected to reduce the amount of wastewater they will receive.

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Chandler inquired if there was a way to expedite the permit process with DEQ.

Greear stated that DEQ could “probably” work with Intrinsic on the permitting process.

Marvin referred to a previous conversation with Greear where she discussed the “use had changed” and another avenue to address the issue.

Greear stated that if Intrinsic was doing something other than originally planned, that would give DEQ a legal angle.

Chandler inquired of Greear if DEQ had been to the plant.

Greear stated DEQ was at the site two years ago. Intrinsic was not producing anything at that time.

Chandler discussed citing Intrinsic Organics. Chandler inquired if DEQ could address the issue of the lagoons leaking on to the land.

Greear stated it was being addressing by requiring Intrinsic to apply for the re-use permit. Greear stated they could try to come up with a solution so that the wastewater can be discharged from the lagoons in a safe way and not cause ground water contamination

Haines stated this is becoming an emergency and not needed to add and make the ground water worse. The Board thought Intrinsic had applied for permits a year ago. Haines stated to Greear that it is frustrating to learn that Intrinsic Organics has not yet applied for a permit. The Board was of the understanding that the permit had already been applied for.

Chandler inquires if DEQ could come over and check on the water and the lagoons.

Greear stated they could visit the site.

Chandler stated the Board would appreciate DEQ working with Intrinsic Organics to resolve the issue.

Walker stated he had talked with Odoms regarding the Salubria Pit property. Odoms will meet with the landowner. Walker informed the Board he will be meeting with the City of Weiser today to discuss a contract for criminal work.

Kirk Chandler moved, seconded by Nate Marvin to approve the Quitclaim Deed that were prepared by the Prosecutor’s office for the tax deed sale for property located at 1290 W. 13th Street, Weiser, Idaho. Motion carried unanimous.

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Lyndon Haines moved, seconded by Kirk Chandler to approve the Quitclaim Deed prepared by the Prosecutor's office for property located at 525 E. Bridge Street, Midvale, Idaho. Motion carried unanimous.

Young inquired if the Board would like her to process the Title Application on the mobile home that was included in the Tax Deed Auction.

The Board instructed Young to process the application.

Larry Boots, 1437 Ross Road, addressed the Board. Boots discussed the odor from Intrinsic Organics. Boots stated he had been in contact with DEQ since 2020 and has had lots of correspondence with DEQ. Boots stated he also has pictures of the site. DEQ had informed Boots that the odor control was the County responsibility. Boots stated the State Administrative Code that fits the situation. Boots had emailed the Attorney General who stated the odor control is the responsibility of DEQ. Boots informed the Board that the odor seems to be worse since the new owner took over. Boots presented a copy of State Code to the Board for review.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Also present was Lary Walker, Scott Wyke, John Hoff, and Sheriff, Matt Thomas.

Brent discussed the Lary Walker Rezone Request with the Board. Brent stated the Planning and Zoning Commission recommended approval of the rezone request based on Idaho Transportation Department (ITD's) approval of using the existing access from Highway 95.

Chandler stated the original parcel split has allowed the property in the area to be divided. The area is now rural residential. Chandler stated that water access is limited in the area. Chandler stated he was okay with the rezone.

Haines stated the subject property is not farmable land.

Marvin inquired about access.

Brent stated the fire department would have to approve a driveway access.

Lyndon Haines moved, seconded by Kirk Chandler to approve the Lary Walker Rezone Request from A-1 to A-2. Motion carried unanimous.

Brent discussed the Wyke Special Use Request with the Board. Brent stated that the Planning and Zoning Commission had recommended denial of the request based on standard applicable to Special Use from Code, specifically 5-9-2 C, D, F and G. Brent

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stated the Commission did not feel the Special Use would (C) fit with the essential character of the area, (D) potentially hazardous to adjoining neighbors, (F) be detrimental to the economic welfare of the community, and (G) will involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, specifically firing bullets. Brent presented Exhibit A to the Board for review that was submitted by one of the people who testified at the hearing.

Chandler stated persons had contacted him regarding the request. Chandler stated this does not apply to the 2nd amendment, but it does apply to safety. Chandler stated there was information presented at the hearing that the area is not a safe place to have a rifle range.

Lyndon Haines stated he was in favor of having persons being able to shoot on their own property, but this is not a safe place to shoot.

Nate Marvin stated this is not the best location due to safety.

Lyndon Haines moved, seconded by Kirk Chandler, to deny the Special Use Request submitted by Scott Wyke. Motion carried unanimous.

Nate Marvin moved, seconded by Lyndon Haines to go into executive session at 10:46 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 10:57 a.m.

Kirk Chandler moved, seconded by Lyndon Haines to appoint John Hoff to the Planning and Zoning Commission for the Weiser area. Motion carried unanimous.

IN THE MATTER OF AMBULANCE)

Nate Marvin moved, seconded by Kirk Chandler 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 via zoom.

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Luke Smith, Ambulance District Director, met with the Board. Smith reviewed the proposed 2023 budget request with the Board.

Kirk Chandler moved, seconded by Lyndon Haines to approve the 2023 proposed Ambulance District budget for publication. Motion carried unanimous.

Robert Peterson addressed the Board. Peterson informed the Board there was a presentation at the NACO Conference regarding Opioid overdose. Peterson provided information to Smith for review.

Order No. 22-39 for general expenses in the amount of \$2,658.72 and Order No. 22-0022 for payroll expenses in the amount of \$25,537.03 was presented to the Board for review.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 22-39 for general expenses in the amount of \$2,658.72. Motion carried.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 22-0022 for payroll expenses in the amount of \$25,537.03. Motion carried.

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.

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

IN THE MATTER OF FOREST SERVICE)

Jeff Jones met with the Board. Jones reported the Johnson/Goodrich project will be initiated in October as an environmental analysis and travel management. Jones discussed access to/from the Cuddy Mountain side for ATV's. Jones stated there are access issues from Cow Creek and Goodrich areas. Jones stated the Forest Service will be working with BLM and landowners on access issues.

Chandler discussed a turnaround for snowmobiles on Seid Creek on Forest Service ground. Persons have been parking on private ground. Chandler stated that the County would blade the turnaround in the winter months.

Jones will check on the status on the project.

Judy Boyle and David Wright entered the meeting.

Chandler requested Jones to check if public access is available on Cow Creek Road as previously agreed to near the Adams County line.

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Jones stated that SRV Chiefs and USF Fire Agreement is expiring this year. The agreement will be discussed/reviewed in the coming months. Jones informed the Board that the Forest Service is still seeking GOWA funding for the purpose of replace, upgrade and add toilets in the Mann Creek area. Funding has not been received at this time.

Chandler inquired if there had been work on the Forest Service roads in the Mann Creek area. Chandler suggested additional campgrounds be added in the Mann Creek area. Chandler discussed grant funding to allow for additional paving to the county road in Mann Creek.

Jones stated firewood permits are no longer available at the Cenex in Weiser per their requests. Persons can purchase permits at the Forest Service Office or Ridley's in Weiser. Hiring issues within the Forest Service were discussed.

Chandler discussed closures of public roads by the Forest Service.

Motion by Nate Marvin, seconded by Lyndon Haines and unanimously carried to recess at 11:50 a.m. until August 8, 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.