

August 2, 2021

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 2nd day of August 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. Lyndon Haines gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

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

Haines reported he attended the Southwest District Health Board meeting last week. Haines will attend the SREDA (Snake River Economic Development Alliance) meeting this week.

Lyndon Haines moved, seconded by Kirk Chandler to approve a demand warrant payable to Floor Covering International of Boise in the amount of \$19,802.45 for the final payment of the courthouse carpeting. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve a demand warrant payable to Intermountain Gas in the amount of \$12.57. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve a Certificate of Residency for Isabel Sanchez. Motion carried unanimous.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of July 26, 2021 were approved as amended.

IN THE MATTER OF WEED AND RODENT CONTROL)

Bonnie Davis, Weed Superintendent, met with the Board. Also present was Nancy Williams and Lisa Collini.

Davis reported the current rodent tail count is 12,396 tails with a budget balance of \$15,505.00.

Davis reported a Bio Workshop was held at the Weed Department Office. Davis stated there was a request from those who needed credits for licensing. Davis stated it was a

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three-hour class that was presented very well. The instructor provide bio agents for Spotted Nap Weed, Rush Skelton Weed, and Leafy Spurge. Participants received three credits for attending the workshop. Davis informed the Board that Washington County has received approximately \$10,797.00 in Bio Agents to date at no charge to the County. Davis informed the Board that the Weed Board member Jerry Lunsford is very active in encouraging the use and disbursing the Bio Agents.

Davis reported the booth is up at the Fair. It will not be manned constantly.

Lonnie Huter with the BLM is heading up the Paddock Yellow Star Thistle Project. The contractor that had previously handled the work sold the business and the new owners are not continuing the service. Dave Bunker met Huter and hiked the area. Davis reported no chemical was applied.

Davis informed the Board that the department had received a call from an agency who no longer issues checks. Davis discussed taking credit card payments for chemical. Davis reported she had spoken with Road and Bridge/Solid Waste Supervisor, Jerod Odoms, and Road and Bridge/Solid Waste was able to take the credit card payment. Davis stated she also spoke with Treasurer, Sabrina Young, regarding setting up a credit card payment program for the department. The Board agreed to allow the Weed Department to move forward with the process.

Davis informed the Board that the Pine Creek Bridge contractor requested that Davis to conduct a weed assessment on the project area. The proposed area for treatment is contained to the equipment/parking area. The Weed Department staff treated the area last week and may need to do a follow-up treatment at a later date.

Chandler discussed the need for certified sand for septic systems and inquired if the County could certify the materials.

Davis stated the testing of sand would have to be conducted by an outside source.

Davis stated she will be working on the draft of the new calendar. Davis reported the Weed Board meeting will be August 10th. Newsletters will be prepared for mailing at 5:00 p.m. Project applications are now available for the 2022 year.

Marvin inquired if Purple Loose Strife is considered a noxious weed and who is responsible for the treatment of it on the Payette Ditch.

Davis stated it has to be treated with aquatically approve chemicals. Davis inquired if the weed control was the responsibility of the ditch company or the landowner.

Marvin inquired if Davis could draft a letter to the ditch company.

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Davis stated a formal complaint would need to be filed before the Weed Department can take action. Davis will follow up.

IN THE MATTER OF ELECTED OFFICIALS AND DEPARTMENT HEADS)

Assessor, Debbie Moxley-Potter; Sheriff, Matt Thomas; Road and Bridge Supervisor, Jerod Odoms; Weed Superintendent, Bonnie Davis; and Clerk, Donna Atwood met with the Board.

Clerk Atwood provided an update from Sabrina Young regarding the Treasurer's Office as Young is attending the Treasurer's Conference. It was reported that the Treasurer's office is continuing to work with property owners with 2018 delinquent property taxes. As of July 30, 2021, there were 62 parcels with delinquent 2018 taxes. Delinquencies will be turned over to the Sheriff on August 6, 2021 on a Warrant of Distrain. Atwood also reported the Treasurer's office is participating in the Four County Art Guild Artist Tour and has artwork on display in the office.

Clerk Atwood reported the 2022 proposed budget has been sent to the Signal American for publication. Atwood informed the Board that the current collection agency will be closing and the Administrative District Judge has approved entering into an Agreement with Bonneville Collections.

Sheriff Thomas requested permission to purchase a watch for Katie Williams as a retirement gift. The Board approved the request. Thomas reported that deputies would be patrolling at the fair this week.

Assessor, Debbie Moxley-Potter, reported that assessments have been completed and values have been sent to the State Tax Commission. Moxley-Potter reported the department is fully staffed at this time.

Marvin inquired about cross training between Driver's License and Department of Motor Vehicles. Moxley-Potter stated cross training would continue once the new employee training is completed.

Emergency Management, Tony Buthman, stated that last week he received an invitation from Bonner County to attend their preparedness fair again this year. Buthman informed the Board that he assisted with the search of the missing child in Fruitland.

Juneteenth Holiday was discussed. Per Idaho Code 73-108 every day appointed by the President of the United States, or by the governor of this state will be recognized as a holiday. A possible floating holiday was discussed.

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Kirk Chandler moved seconded by Lyndon Haines to add June 19 as an observed county holiday as Emancipation Day. Motion carried unanimous. This will be effective June 19, 2022.

Weed Superintendent, Bonnie Davis, inquired if the Board has given permission to Alex Chavarria with Living in the News to interview Department Heads.

Chandler stated the Board had informed Alex Chavarria he could visit with Department Heads a few years ago.

Marvin stated that it would be on a volunteer basis, not required.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Walker presented Quitclaim Deeds to the Board for signature for properties sold at the Tax Deed Auction last week.

Kirk Chandler moved, seconded by Lyndon Haines to approve the Chairman to sign the Quitclaim Deeds for properties sold at the Tax Deed Auction last week. Motion carried unanimous.

Walker stated Chris Meyer had informed him that Chandler had requested the draft of the proposed amendments to Titles 5 and 6 of the County Code from Meyer. Walker stated he could email it to the Board, but Planning and Zoning Administrator, Bonnie Brent, and the Planning and Zoning Commission had not reviewed the suggested changes. Walker discussed the proposed amendments drafted by Meyer. Walker stated it is in draft form and informed the Board it would be best to wait to share it with the public until the draft is finalized as it could be changed.

Walker updated the Board regarding Public Defender Contracts and the process of appointing Public Defenders.

Lyndon Haines moved, seconded by Kirk Chandler to go into executive session at 10:18 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. 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 10:26 a.m.

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IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Also present was Joe Kulp, Chris Uebelhoer, Sandra McKee, and Brent McKee.

Brent presented a draft letter to Karen Wright regarding mileage reimbursement to Planning and Zoning Commission members. Marvin signed the letter.

Brent discussed the Freeman/Williams rezone application. The request was to rezone a parcel off of Highway 95 from A1 Agricultural to C1 Commercial to allow for a RV Park. Brent stated the Planning and Zoning Commission recommended denial of the request as zoning commercial to allow different uses of the property. The Commission also had concerns of the traffic in the area.

Commissioner Haines stated he is related to the Williams by marriage and will recuse himself from the discussion and the vote.

Chandler discussed access to the property. Chandler stated it was brought up in the hearing that that type of business would be under "Commercial" and it would also be a Special Use. If the property were rezoned, the applicant would have to apply for a Special Use Permit. Issues of access, noise, dust, etc., would be addressed under the Special Use process.

Marvin stated he had the same concerns regarding access and believed it was a good location for an RV park. Marvin inquired if those issues could be addressed in a development agreement.

Walker stated that could be part of the conditions of the Special Use or added to a development agreement.

Brent stated Idaho Department of Transportation would regulate access to the property.

Walker reminded the Board that if they did not want to follow the recommendation of the Planning and Zoning Commission, the Board would have to hold an additional hearing.

Chandler read from county code that "commercial zone shall include tracts devoted to small clusters of retail and personal service shops near residential zones, but not including tracts devoted to manufacturing or wholesaling and shall be designated as C1 zones. Permitted Uses are auditoriums and assembly halls, automobile parking areas, banks and savings institutions, bed and breakfasts, convenience stores/gas stations, drive-in establishments, medical and dental offices, motels and hotels, personal service shops, places serving food or beverages, professional offices, radio and appliance repair shops, restricted retail businesses not of an industrial manufacturing nature, studios,

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undertaking establishments. Other uses deemed similar to the uses above might be considered. Special Uses are dormitories, sorority and fraternity houses, emergency services, hospitals, rest homes, convalescent homes and nursing homes, mobile/manufactured home parks, recreational vehicle park, Residential dwellings, especially in combination with a mixed use of a site.” Chandler stated the property has to be rezoned to allow the Special Use for the RV Park.

Brent stated with a development agreement it could be zoned as C1 if it was used for the purpose proposed; if not, it would then revert to the original A1 zone.

Walker stated he believed that the applicant was open to go through the correct process.

Assessor Moxley-Potter questioned the CC&R’s of the neighboring subdivision.

Walker stated the subject property is not part of the subdivision.

Brent stated that access to the subject property would be through the subdivision. Brent stated the access to Highway 95 is shared between lots 1 and 2.

Walker questioned adding a second access to the property.

Marvin requested that Brent speak to the applicants and inquire if they would be willing to enter into a development agreement. No decision was made on the Freeman/Williams Rezone.

Brent discussed the McKee Special Use Request for a temporary residence. Brent informed the Board that the Planning and Zoning Commission had sent a favorable recommendation to approve the request.

Kirk Chandler moved, seconded by Lyndon Haines to approve the McKee Special Use Request. Motion carried unanimous.

Joe Kulp addressed the Board. Kulp stated he owns property outside of Midvale on Heinrich Road. Kulp stated he had exercised all of his splits last fall. Kulp informed the Board that he had 160-acres and divided off three 20-acre pieces and one 100-acre piece. Kulp stated he lives on one 20-acre piece and had sold the other two 20-acre pieces. Kulp requested to have an additional four splits on the 100-acre parcel. Kulp informed the Board that the Planning and Zoning Administrator, Bonnie Brent, had denied the request.

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Marvin stated the recent property split is being reviewed by an outside attorney firm and there has not been a final decision at this time.

Walker stated Kulp could appeal the decision of the Planning and Zoning Administrator, to the Planning and Zoning Commission.

Haines stated Kulp would have to go to the Planning and Zoning Commission before coming to the County Commissioners. Haines reiterated that if Kulp disagreed with Brent, he could submit his request to the Planning and Zoning Commission, and then to the Board of County Commissioners.

Kulp stated he believed if he had more than 20 acres, he was entitled. Kulp stated he has four 25-acre lots.

Marvin stated it is an interpretation of the existing code.

Chandler stated that when the Board approved the six lots for Lancaster, Lancaster was informed that anything over 20-acres was approved for a building permit.

Marvin stated he understood that in A1, one building permit was allowed on 20 acres or more.

Kulp informed the Board that he would split the 100-acres into four 25-acre pieces.

Haines stated the process is to appeal Brent's decision to the Planning and Zoning Commission and then the Board.

Kulp inquired what he could appeal if it is already granted.

Walker and Haines stated it is not granted as it was denied by Planning and Zoning Administrator Brent.

Walker stated Brent did not grant the Lancaster request. Walker stated that the Board denied the application submitted by Lancaster.

Chandler stated the Lancaster rezone was denied because it was not needed. Chandler stated that 20-acres or more gets a building permit.

Kulp suggested that Lancaster had recorded multiple 20-acre lots.

Chandler stated it is in the minutes.

Walker stated he did not know if documents have been recorded. Walker inquired if Lancaster had sold any lots.

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Brent stated she was not aware that Lancaster had sold any lots.

Walker stated an Ag split can be done at any time, but that does not guarantee a building permit. In the Woodcock decision, the county was ordered by the court to allow building permits on 20 acres or more.

Kulp inquired if we were back to the 40-year-old policy.

Marvin stated an outside law firm is reviewing the current county code and he hopes to have an answer in 60 days.

Kulp inquired if there would be a firm agreement in 60 days.

Walker stated that is an estimate of the time it would take to get the proposed code changes from the outside firm.

Chandler stated he thought they had agreed that 20-acres or more remaining A1 was approved for single-family dwellings. Chandler stated he believed that applied to all, not just Lancaster. Chandler stated he believed single-family dwellings, farm, and ranch houses are allowed on A1.

Walker stated the “farm and ranch houses” provision of the code is different. Each person would have to apply for the building permit. Walker stated the request for a building permit could be denied.

Haines stated the opinion from the firm Givins Pursley was tentative and upon completion of the review of the code, it may be determined that what has been done in the past is correct.

Walker stated the code is being re-evaluated by outside counsel in order to adjust the code. Walker informed the group that Planning and Zoning is continuing to interpret the code in the same manner as it has been in the past. Walker stated the recourse for Kulp after being denied a building permit, is to appeal it to the Planning and Zoning Commission.

Chandler stated Lancaster was informed that he did not have to apply for building permits.

Walker stated Lancaster would have to apply for building permits in order to have a house. Walker stated Lancaster has not applied for building permits and has not sold any lots at this time. Walker stated that at the hearing, the Board denied the Lancaster rezone request.

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Marvin reiterated that Brent has the authority to deny the request for a building permit from Kulp. Kulp has the option to appeal Brent's decision to the Planning and Zoning Commission. Walker stated there is another group of people that are assembling to bring this issue before the courts.

Kulp stated the 100 acres has been listed for sale, but is has not sold. Kulp inquired if the county was pro-growth or anti-growth.

Marvin stated growth is coming this way, but the intent is to preserve prime Ag land as much as possible.

Walker encouraged Kulp to attend the hearings and provide input.

Haines stated he is not opposed to growth, but felt agricultural land should be protected. Haines stated that he knows the county will need to grow, but believed it should be done in the most wise and smart way as possible. Haines does not want to see all the A1 ground disappear. Farming and ranching is one and two in the counties economy. Haines stated that through the code changes he hopes to zone better and with purpose.

There was discussion of the process to follow regarding the proposed changes to the code.

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. 21-0022 for general expenses in the amount of \$25,381.33 and Order No. 21-35 for payroll expenses in the amount of \$23,180.84 was presented to the Board for review.

Smith reported the Ambulance District had nineteen calls for service last week, which included five transfers and four refusals for care. Smith stated they are working on orientation of new hires. Smith informed the Board that several colleagues have reached out requesting assistance with the fires in the State. They are requesting Paramedics, EMT's and trucks.

Haines stated it is an opportunity to generate additional revenue for the District. The group discussed the need to cover the district before sending staff to assist. Haines stated it would be additional revenue for the District.

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Smith informed the Board that personnel would earn approximately \$500.00 to \$700.00 per day.

Chandler stated it might be an option to keep the fourth ambulance for extra revenue.

Smith stated the District has been awarded a partial equipment grant from the State. Smith informed the Board that he had requested funding for a command vehicle, cardiac monitor, and new backboards. Smith reported the request for the command vehicle was denied. Smith stated \$22,500.00 was awarded for a cardiac monitor before receipt of the CEDA grant. The District also received \$2,500.00 to be used for backboards. Smith stated final guidance regarding the grant funds is expected in September.

Smith presented a letter for Change of Administrators regarding Medicaid billing to the Board for signature.

Lyndon Haines moved, seconded by Kirk Chandler to sign the letter for Change of Administrators from Priscilla Soliz to Nicole Jones concerning Medicaid billing. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-0022 for general expenses in the amount of \$25,381.33. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-35 for payroll expenses in the amount of \$23,180.84. Motion carried unanimous.

The group discussed mutual aid agreements.

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.

Chandler discussed the condition of the roadway to the Weiser Solid Waste site.

Odoms reported that the Cove Road Bridge is on the Idaho Department of Transportation 5-year plan but has been pushed out to 2025. Other projects in 2025 are Highway 95 from

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Stagecoach Road to Burton. Odoms will research the possibility of adding turn lanes at the Midvale Solid Waste site at that time. Odoms stated that in 2027 there are plans in place to seal coat from north of Payette to Devil's Elbow Road.

Marvin requested Odoms check on the status of a possible turn lane by Ridley's on Highway 95.

Odoms discussed the Resolution 21-10 regarding the Solid Waste Fee Assessment increases.

Haines read Resolution 21-10 regarding the Solid Waste Fee Assessment on the record.

Lyndon Haines moved, seconded by Kirk Chandler to approve Resolution 21-10 adopting the Solid Waste Assessment Fee increases as read. Motion carried unanimous.

The group discussed the Agreement for Professional Services between Washington County and Keller Associates, Inc. Marvin signed the Agreement.

Odoms informed the Board that a department Safety Meeting was held this morning. Odoms provided an update to the Board on items that were addressed at the meeting. Odoms reported he has been in contact with the new representative from MSHA. Odoms informed the Board that work on Goodrich Road is on track and expects to begin paving next week.

Marvin stated when he was the Rural Fire Chief; there was an agreement to use county trucks to supply water during a fire if needed. Marvin requested Odoms to reach out to the fire chiefs on the matter.

Marvin discussed Couper Road and stated the patchwork was done poorly. Marvin questioned if a bond should be required.

Odoms stated paperwork is set up for a bond, but has not been implemented in the past.

Haines discussed water standing on Cove Road. Haines questioned if a culvert should be put in place.

Odoms will look in to the matter and report back.

Chandler discussed a video called the Survival Project. Chandler stated property was purchased on Cove Road for the project.

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Motion by Nate Marvin, seconded by Kirk Chandler and unanimously carried to recess at 12:13 p.m. until August 2, 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.