

August 22, 2022

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 22<sup>nd</sup> 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. Also present was Gordon Wilkerson, Kevin Kirby, Larry Boots, Chief Deputy, Brady Johnston and Emergency Manager, Sam Edwards.

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. Lyndon Haines discussed the EMS Task Force meeting he attended last week. Haines will attend the Southwest District Health Board meeting tomorrow.

The Board reviewed the Western Treasure Valley Electrical Plan Update and Invite. Lyndon Haines will attend the first meeting to be held September 13, 2022.

The Board signed the Washington County FY 2023 Indigent Defense Financial Assistance Agreement.

Nate Marvin reported interviews have been scheduled for the Extension Educator position in September.

Lyndon Haines moved seconded by Kirk Chandler to allow the Board to sign the Washington County/Canyon County Juvenile Detention Housing Agreement. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve the July 2022 Operation in Funds/Statement of Treasurer's Cash in the amount of \$18,366,995.60. Motion carried unanimous.

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

Kirk Chandler moved, seconded by Lyndon Haines to approve the Affidavit for Issuance of Duplicate Warrant payable to Kipton Hicks in the amount of \$14.30. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve Retail Alcoholic Beverage License No. 30 for Bus Bar Idaho LLC. Motion carried unanimous.

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

The Board reviewed a Tort Claim that was filed in the Clerk's Office for vehicle damage that occurred on Goodrich Road.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of August 15, 2022 were approved as written.

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 \$306,888.15 for general expenses by a motion of Lyndon Haines, seconded by Kirk Chandler. Motion carried.

The Auditor was authorized to issue warrants totaling \$795.00 for Social Services expenses by a motion of Lyndon Haines, seconded by Nate Marvin. Motion carried.

IN THE MATTER OF WATERWAYS)

Chief Deputy, Brady Johnston and Deputy, Sam Edwards, met with the Board. Johnston discussed the IDPR (Idaho Department of Parks and Recreation) funds. Johnston proposed funding be used to add a concrete floor in the boat shed at the Weiser Solid Waste site. Johnston presented quotes to the Board for review. Installing floating docks near the south beach at Mann Creek Reservoir was discussed.

Edwards discussed the proposed location of the docks. Edwards stated they hoped the installation of the docks would get swimmers away from the boat ramps.

Johnston discussed the purchase of dive equipment, life jackets, and repairs to the jet skis that have been paid out of the Waterways fund.

Marvin inquired about the proposed boat ramp in Midvale. Edwards stated a gravel ramp was put in several years ago.

Haines inquired on the length of time the ramp was usable. Edwards stated approximately two weeks. Chandler suggested cleaning it up and leave the ramp the way it is.

Johnston stated he had hoped to improve the infrastructure to locate the equipment in a central location. The concrete floor would help prevent mice and rodents from destroying wiring and

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equipment. Haines agreed to having the equipment in a central location would be a good idea. Chandler suggested a 16-foot concrete apron in front of the shed be poured as well.

There was discussion of improving access and parking at the reservoir.

Kirk Chandler moved, seconded by Lyndon Haines to approve the purchase of two floating docks at approximately \$8,800.00 each and quote on concrete floor for the Waterways building and Lux Construction in the amount of \$12,416.00 and an additional amount for the concrete slab in front of the Waterways building. Motion carried unanimous.

Johnston discussed the possibility of constructing a pole barn for the purpose of storing vehicles out of the elements.

There was discussion of the courthouse well. Five locations have been marked on the Courthouse property for a possible location of a new well. Johnston stated he will be attending the City Council meeting to request permission to drill a new well in the City right-of-way.

Chief Deputy, Brady Johnston, presented an amended quote to the Board from Lux Construction in the amount of \$20,177.25 for excavation and concrete work at the Waterways building.

Kirk Chandler moved, seconded by Lyndon Haines to amend the previous motion, and accept a revised quote from Lux Construction in the amount of \$20,177.25 for excavation and concrete work at the Waterways building. Motion carried unanimous.

#### IN THE MATTER OF INTRINSIC ORGANICS)

Larry Boots met with the Board. Boots discussed the odor at Intrinsic Organics. Boots proposed the Board prepare an ordinance similar to the Idaho Administrative Code 58.01.01.776 General Rules regarding odor and draft a second ordinance to prohibit the discharge of polluted water that could affect the local aquifer unless a permit issued by DEQ (Department of Environmental Quality) is in effect. Boots suggested the Board make the Ordinances effective January 1<sup>st</sup>.

Marvin stated DEQ had been on site at Intrinsic Organics on August 4, 2022 and reported that the (north) unlined pond is only receiving wash water. The water in the wash pond is not contaminated water. DEQ stated they had no control over wash water. Valerie Greer with DEQ informed Marvin that the plan was to drain the ponds and haul the sludge to the Clay Peak Landfill. Marvin stated Intrinsic Organics is to continue to work on their Land Application Permit.

Haines stated the water in the pond does not appear to be wash water.

Chandler stated the issue is the odor from the plant. Chandler suggested Prosecutor Walker or Sheriff Thomas address the issue.

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IN THE MATTER OF PUBLIC DEFENSE COMMISSION)

Jennifer Roark with the Public Defense Commission met with the Board. Also present was Public Defender, Heidi Koonce. Roark provided an update on the Public Defense Commission to the Board. Roark discussed the assistance applications that have been awarded to counties. Roark informed the Board that the Attorney Annual Reports are due to the Commission by November 1, 2022.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Marvin discussed the meeting with Larry Boots earlier today regarding Intrinsic Organics. Marvin stated that DEQ had conducted a site visit to Intrinsic Organics. There was discussion of enforcement of Administrative Code. Walker will research the matter of enforcement.

Walker reported the City Council will make a decision regarding the contract for prosecution services with his office at tonight's Council meeting. Walker stated he has reached out to neighboring counties regarding budgeting processes when contracting for services. Walker stated the Adams County Prosecutor does have a contract with the City of Midvale.

Marvin discussed the cost of benefits for an additional attorney.

Chandler discussed the potential increases to the budget. Chandler discussed the cost of contracted attorney services over the past year.

Haines stated the City contract needs to pay for itself. Haines expressed concern of the County having to cover a portion of the costs to provide services to the City. Haines discussed the possible increase in administrative costs.

Walker stated he anticipates a contract approval with the City in the amount of \$60,000.00. Walker stated the City contract has to be trackable to justify the amount the City of Weiser pays to the County. There was discussion of tracking work and time allocated to the City contract. Walker stated there was never any intent of being dishonest with the Board. Walker stated he has provided information to the Board as it has been received.

Chandler stated he believed that the matter brought to the Board has changed from week to week. Chandler discussed the upcoming murder trial and Walker's involvement in the case.

Marvin stated there have been many unknown factors regarding an additional attorney.

Walker discussed meetings that have been conducted with other prosecutors regarding the upcoming murder trial. There was discussion of contracted attorney's who have been assisting Planning and Zoning with changes to County Code.

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A Special meeting was scheduled for Friday, August 26<sup>th</sup> at 9:00 a.m. to discuss the matter further.

Kevin Kirby left the meeting.

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. 22-41 for general expenses in the amount of \$1,467.10 was presented to the Board for review.

Smith reported the Ambulance District had twenty-eight calls for service last week which included nine transfers and six public assists/refusals for care. Smith reported there have been increased calls assisting neighboring counties and calling in Medic 3.

Smith reported the new roof is being installed on the Ambulance Hall this week. The District will be billed for the work in October.

Haines provided an update to Smith regarding meetings of the EMS Task Force.

Smith reported he is planning an EMT class this fall. Smith stated 10 to 15 people have expressed interest in participating in the class. Smith stated he would work with Weiser Memorial Hospital and the Fire Department on the class. Smith stated he hopes to schedule the class to begin in October and completion in January 2023.

Haines inquired on an AED class for the County. Smith stated awareness training could be scheduled at any time.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 22-41 for general expenses in the amount of \$1,467.10. Motion carried.

Nate Marvin moved, seconded by Kirk Chandler 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

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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 11:33 a.m.

Smith discussed the possibility of hiring an additional full-time paramedic.

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 waste irrigation water that was flooding an orchard on Mann Creek Road.

Odoms stated he has been on site and work is being done on the drainage. Odoms discussed the Roadway Agreement with the Forest Service. Odoms informed the Board there were no changes to the agreement.

Marvin signed the Washington County/Payette National Forest Agreement No. 17-RO1141200-010.

Odoms discussed a Tort Claim received last week for vehicle damage that occurred on Goodrich Road.

Odoms reported the smaller asphalt projects have been completed. Crews are currently working on Cove Road and will move to Unity Road. The condition of Weiser River Road was discussed.

There was discussion of payments made for rock purchases and chip seal.

Odoms discussed bridge funding through LHTAC (Local Highway Technology Assistance Council). Odoms stated that all bridges submitted by the County were accepted on the program. Three County bridges have been listed to be funded the first year. Odoms stated the Burton Lane bridge, Old Highway bridge and Crane Creek Reservoir bridge are scheduled for the engineering process. Odoms informed the Board he had met with Justin Walker from Keller and Associates. Odoms stated that the Unity Bridge did not meet the criteria for funding. Odoms stated there may be Federal Funding available. The grant application is due in September. Odoms stated that he did not feel Unity Bridge would qualify for the Federal funding. Odoms informed the Board that he hopes there will be additional funding available through the State this fall.

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Odoms discussed the fall conference to be held in Coeur d'Alene and requested permission to attend.

Odoms discussed improvements to the Waterways building at the Weiser Solid Waste site.

Odoms informed the Board he plans to repair the roadway to the Solid Waste site later this year.

Odoms informed the Board improvements in the area of the Solid Waste site will need to be approved by Southwest District Health.

Marvin inquired on the status of turn lanes at Solid Waste from Highway 95. There was discussion of work that was done on River Dock Road last week.

Odoms discussed the part-time position and the review of applications.

Nate Marvin moved, seconded by Kirk Chandler to go into executive session at 12:02 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 unanimously. Kirk Chandler, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Nate Marvin stated they were out of executive session at 12:20 p.m.

Motion by Lyndon Haines, seconded by Kirk Chandler and unanimously carried to recess at 12:26 p.m. until August 26, 2022 at 9:00 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.