

September 7, 2021

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 7th day of September 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 Kirk Chandler 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 reported he viewed Heinrick Road with Road and Bridge Supervisor, Jerod Odoms, to see what changes a resident had requested Road and Bridge Supervisor, Jerod Odoms to make onto Heinrick Road.

Lyndon Haines discussed the Southwest District Health Board meeting and recommendations due to the COVID-19 and the Delta Variant. Haines also discussed the SREDA (Snake River Economic Development Alliance) meeting and pending projects. Haines stated there will be a 9-11 Memorial Ceremony on Saturday, September 11, 2021 on the front lawn at the courthouse.

Nate Marvin reported he attended the Fair Board meeting last week. Marvin discussed issues that arose during the fair.

The Board reviewed an email from Carolyn Kiesz regarding House Bill 1086 and an email from Dirk Mendive with Congressman Fulcher's office regarding a Drought Declaration.

Lyndon Haines moved, seconded by Kirk Chandler to approve the quote from Thorpe Fire Sprinkler Systems, Inc., for repairs at the Extension Office. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve a demand warrant payable to Allied Business Machines in the amount of \$129.55. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve a Liquor License transfer for Gateway Adventurers, LLC doing business as Gateway Store and Cafe. Motion carried unanimous.

There was discussion of approving a Drought Resolution. The Board agreed to not approve a drought resolution at this time.

September 7, 2021

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of August 23, 2021 were approved as written.

IN THE MATTER OF WEED AND RODENT CONTROL)

Bonnie Davis, Weed Superintendent, met with the Board. Davis reported the current rodent tail count is 13,866 with a budget balance of \$13,667.50. Davis discussed the USFS (United States Forest Service) Agreement Modification for 2021 spraying with the Board.

Lyndon Haines moved, seconded by Kirk Chandler to allow the Chairman to sign the USFS Agreement Modification. Motion carried unanimous.

Davis informed the Board that the department is down one staff member due to retirement. Davis has posted an opening for a seasonal position to finish out the season. Davis discussed comp time payouts for staff. Davis reported fall spray projects are scheduled to start September 10, 2021. Davis informed the Board that the Rodent and Weed Board meetings would be held September 14, 2021.

IN THE MATTER OF ELECTED OFFICIALS AND DEPARTMENT HEADS)

Those present were Road and Bridge Supervisor, Jerod Odoms; Emergency Manager, Tony Buthman; Information Technology Director, Robert Peterson; Sheriff, Matt Thomas; Treasurer, Sabrina Young; Assessor, Debbie Moxley-Potter; Weed Superintendent, Bonnie Davis and Clerk, Donna Atwood.

Road and Bridge/Solid Waste Supervisor, Jerod Odoms, discussed the possibility of a County Auction. Odoms will email department heads for a list of items to be considered for a fall auction.

Assessor, Debbie Moxley-Potter, requested to be able to request sick time donations for an employee. Moxley-Potter discussed having George Brown with the State Tax Commission meet with the Board to discuss Operating Property within the County. Moxley-Potter informed the Board that there might be consideration of counties losing the operating property value in the future.

Treasurer, Sabina Young, presented a flyer regarding the Employee Appreciation BBQ to the Board. Young reported that the office is currently working on pre-pending issues.

Sheriff, Matt Thomas, reported there are current cases of COVID in the jail as well as staff members.

September 7, 2021

Lisa Collini entered the meeting.

Tony Buthman, Emergency Manager, reported that COVID cases are on the rise. Buthman stated he is currently making sure county offices have a supply of Person Protective Equipment. Buthman provided an update of current outbreaks within the State to the Board. There was discussion regarding a proposed County Drought Declaration.

Clerk, Donna Atwood, reported the county offices have been placed on a rotation for fogging with disinfectant. Atwood also discussed a retirement party to be held October 1, 2021 for Attorney, Tim Felton, who has been a Public Defender for Washington County for over 20 years.

Nate Marvin discussed employees who transferred internally and requested that supervisors make sure employees are available to assist new staff members.

IN THE MATTER OF SECURE ENTRANCE)

Dion Zimmerman with Design West met with the Board. Zimmerman discussed the proposed secure entrance to the Courthouse. Zimmerman discussed the bidding process and the Construction Manager (CM) hiring process with the Board. Zimmerman also discussed the timeframe to receive materials for the project and encouraged the Board to move forward with the bidding process.

Kevin Kirby entered the meeting.

The Board agreed to have Zimmerman to move forward with the selection of a Construction Manager for the project.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Also present was Marv Williams, Bill Neddo, Stacy Walker, and Nancy Williams.

Walker informed the Board that Chris Meyer with the firm Givins Pursely may attend the 1:30 p.m. meeting this afternoon.

Marvin inquired on holding a hearing on the Entertainment Ordinance.

Walker discussed the Construction Manager position for the secure entrance to the courthouse with the Board.

Walker informed the Board an executive session is needed to discuss possible litigation regarding Curlew Hills and the possibility of Joe Kulp appealing a decision of the Planning and Zoning Administrator.

September 7, 2021

Nate Marvin moved, seconded by Lyndon Haines to go into executive session at 10:07 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 10:41 a.m.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Brent presented the weekly building permit report to the Board for review. Brent also presented the current proposed changes to County Code as of recent conversations/communications with Chris Meyer with the firm Givins Pursley.

Walker requested Brent forward information regarding Curlew Hills to the Board.

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. 21-39 for general expenses in the amount of \$1,755.64 and Order No. 21-0024 for payroll expenses in the amount of \$22,214.51 was presented to the Board for review.

Smith discussed an overpayment that was received. Smith presented documentation regarding the refund to the Board for review. The refund will be issued on the next payables cycle.

Smith reported the Ambulance District had seventeen calls for service last week, which included eight refusals for care, and five transfers. Smith reported staff members who had tested positive for COVID were off work last week. Smith stated there are possibly three other variants of COVID-19. Smith discussed staffing issues with the Board. Smith informed the Board that some employees had been placed on Administrative Leave due to COVID. Smith stated he is researching funding that may be available to help with overtime costs. Preventative measures were discussed.

September 7, 2021

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 21-39 for general expenses in the amount of \$1,755.64. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 21-0024 for payroll expenses in the amount of \$22,214.51. 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.

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

IN THE MATTER OF WASHIINGTON COUNTY FAIR UPDATE)

Chris Braun met with the Board. Also present was Harvey Braun and Justin Mink.

Chris Braun inquired if the 2022 proposed budget for the fair had been approved as submitted.

Marvin stated the proposed budget was approved which included funding to assist with paving the parking lot at the fairgrounds.

Braun provided an overview of the fair to the Board. It was stated that auction proceeds were up with several new buyers in attendance. The Show Works program was discussed and Braun is hopeful that things will run much smoother next year. Braun informed the Board they are working on the 2021 yearbook.

Mink discussed plans for improvements to the fairgrounds with the Board.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Odoms reported that chip seal was completed last week and fogging is scheduled to begin tomorrow. Odoms informed the Board that there is a place in the asphalt on Goodrich Road that has failed. Odoms will be meeting with contractors next week to resolve the issue.

Odoms informed the Board that ITD (Idaho Transportation Department) and Union Pacific Rail Road officials have requested to meet with the County on September 23, 2021 at 9:00 a.m. to discuss the closing of the railroad crossing at River Dock Road.

Odoms informed the Board that a department safety meeting was held today. Personnel policies were also reviewed during the meeting. Odoms stated T2 classes with the Local

September 7, 2021

Highway Technical Assistance Council (LHTAC) are to begin soon and classes have been scheduled for staff members.

Odoms discussed calls received regarding a gate on Gentry Lane. Odoms inquired if permission had been given to place a gate on Gentry Lane. Odoms stated the county has provided maintenance to the road in the past and the gate will interfere with maintenance of the county road. The group discussed a possible turn around at the end of the county road in order to continue maintenance.

IN THE MATTER OF PROPOSED CODE CHANGES WORKSHOP)

Planning and Zoning Administrator, Bonnie Brent; Prosecuting Attorney, Delton Walker; and Chris Meyer with the firm Givins Pursley met with the Board. Members of the public present were Carolyn and Rick Kiesz, Mike and Cathy Kaech, Lisa Collini, Marv and Nancy Williams, and Kevin Kirby.

Marvin stated the Board would be reviewing proposed amendments to Title 5 and 6 dealing with property splits on A1 land.

Chandler stated the changes presented by Givins Pursley appear to be about changing the name or clarifying the original parcel rule. Chandler discussed the April 9, 1979 Commissioner Minutes. Chandler read portions of the 1979 minutes on the record. Chandler also reviewed the Planning and Zoning Minutes from March 13, 1979 where one person testified that the proposed ordinance was communist inspired. Chandler stated that if the government takes away property rights, persons are to be compensated. Chandler informed the group that in April 1979 development rights were taken away and that people in the County were not compensated under the Constitution. Chandler stated instead of clarifying and making it clear, County Code should be done away with. Chandler discussed the different types of zoning, the subdivision ordinance, and development agreements.

Haines discussed the Comprehensive Plan and read several excerpts from the Plan on the record. Haines stated that it is clear that throughout the Comprehensive Plan, the goal was to protect Ag ground.

Chandler stated the original parcel rule takes away development rights. Chandler indicated that the Land Use Planning Act states to protect property rights.

Haines read excerpts from Title 67, Chapter 65 of the Local Land Use Planning Act. Haines also stated per the U.S. Farmers and Ranchers in Action the United States loses 83.3 acres of farmland per hour to urban encroachment and low-density residential land use. Haines stated Washington County benefits from agriculture.

September 7, 2021

Chris Meyer with the firm Givins Pursley addressed the Board. Haines stated the existing code is constitutional. It is not what the Constitution allows you to do, but what is in the best interest of the people of the County? Chandler stated constitutionally, fairly strict limitations on development could be maintained. Chandler informed the Board they could not enact an ordinance stating a particular zone that has no viable economic value. That would be a taking of property rights and unconstitutional. Chandler stated that the code could go in the direction of protecting prime agricultural land per the Comprehensive Plan or make the decision that you do not want to protect prime agricultural land. Meyer stated it needs to be recognized that this cannot be blamed on the Constitution, and then enact an ordinance that spells it out clearly, so people can understand what the rules are. Meyer informed the Board that he could help draft an ordinance that would be clear and reduce the likelihood of having a challenge. If there were a challenge, it would increase the likelihood that the county would prevail.

Delton Walker requested that he not be quoted on the record in the future unless it is a direct quote for the audio recording. Walker stated there are too many statements being taken out of context that are not direct quotes.

Marvin stated the Lancaster decision did not guarantee building permits. The rezone application was denied. The Board discussed the previous decision. The zoning map was also discussed.

Brent stated the map was not done incorrectly. The proposed areas of growth are not legally described. The map indicates areas along the highway corridor as the preferred areas for growth. Brent stated she followed the process that is in place regarding the Lancaster rezone request. Brent informed the Board that she is consistent in the manner of which she enforces the code.

The group reviewed proposed amendments to Title 5 and 6 of County Code.

Motion by Nate Marvin, seconded by Kirk Chandler and unanimously carried to recess at 2:46 p.m. until September 13, 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.