

February 5, 2024

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 5th day of February 2024.

IN THE MATTER OF ROLL CALL)

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

Lyndon Haines opened the meeting and Gordon Wilkerson 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. The Board reviewed topics that were discussed at the Idaho Association of Counties Midwinter Conference last week.

The Board reviewed a November 12, 2023, letter from Judy Berry regarding Gentry Lane that was submitted to the Clerk's Office on January 26, 2024, and the Annual Report regarding the Washington County Board of Community Guardians submitted by Steve Penner.

Lyndon Haines moved, seconded by Gordon Wilkerson, to approve Retail Alcoholic Beverage License #31 for Oles Tavern, Motion carried.

Nate Marvin moved, seconded by Gordon Wilkerson, to approve a demand warrant payable to Beniton Construction in the amount of \$95,721.97 for work completed on the secure entry. Motion carried.

Robert Peterson presented quotes from CompuNet for VMware support in the amount of \$10,804.80 for a one-year and three-year time frame to the Board.

Nate Marvin moved, seconded by Gordon Wilkerson, to approve the quote from CompuNet in the amount of \$10,804.80 for VMWare support for a three-year period. Motion carried.

Nate Marvin moved, seconded by Gordon Wilkerson, to approve the amendment to the Professional Services Agreement between Washington County and Schlager Zimmerman Architects, LLC. Motion carried.

Lyndon Haines moved, seconded by Gordon Wilkerson, to approve the Operation in Funds/Statement of Treasurer's Cash for November 2023 in the amount of \$16,551,580.42. Motion carried.

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Lyndon Haines moved, seconded by Gordon Wilkerson, to approve the Operation in Funds/Statement of Treasurer's Cash for the month of December 2023 in the amount of \$15,497,910.73. Motion carried.

Nate Marvin moved, seconded by Lyndon Haines, to approve the Quarterly Operation in Funds/Statement of Treasurer's Cash for October 1, 2023, through December 31, 2023, in the amount of \$15,497,910.73. Motion carried.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of January 22, 2024, were approved as written.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Odoms discussed the Agreement for Professional Services with Keller and Associates for Solid Waste Engineering with the Board.

Nate Marvin moved, seconded by Gordon Wilkerson, to approve the Agreement for Professional Services between Keller and Associates and Washington County for Solid Waste Engineering support services. Motion carried.

Odoms discussed changing the tire disposal process with the Board.

Odoms presented a quote from MetroQuip for a new crack seal machine in the amount of \$79,763.08 to the Board for consideration.

Lyndon Haines moved, seconded by Gordon Wilkerson, to approve the purchase of a crack seal machine from MetroQuip in the amount of \$79,763.08. Motion carried.

Odoms reported he will be meeting with LHTAC (Local Highway Technical Assistance Council) to discuss work on the Dixie Creek Bridge. Odoms provided a department update to the Board. Odoms stated the department does not have the proper tools to use for air conditioning repairs and that he would like to purchase those tools.

Wilkerson discussed the cost and replacement of cattle guards in a herd district.

Lyndon Haines moved, seconded by Nate Marvin, to go into executive session at 9:24 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

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member or individual agent, or public school student. Motion carried unanimous. Gordon Wilkerson, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Lyndon Haines stated they were out of executive session at 9:30 a.m.

IN THE MATTER OF ELECTED OFFICIALS & DEPARTMENT HEADS)

Sabrina Young, Treasurer, reported the Treasurer's Office is working on delinquent personal property and will send warrants of distraint to the Sheriff by the end of the month. The Treasurer's Office is also working on pending issues for tax deed sale and certified mailings will be sent to all parties of interest.

Bonnie Davis, Weed Superintendent, stated that the cooperator dinner was held last week. Davis informed the Board that the Recertification Class will be held February 15, 2024, at the exhibit hall in Cambridge from 6:00 to 9:15 p.m. Davis further stated that winter repairs for the department are almost complete. Davis stated that the resolution for records destruction will be presented for approval in the upcoming weeks. The Gopher Trapping Seminar to be held March 16, 2024, at 10:00 a.m. The Weed Board meeting will be February 17, 2024, at 7:00 p.m.

Robert Peterson, Information Technology (IT) Director, informed the Board that he has been working with the Supreme Court to move court staff to a separate network. Peterson stated that he attended the IT portion of last week's conference. Peterson discussed a buyback program through Dell with the Board.

Debbie Moxley-Potter, Assessor, stated the appraisers are currently reviewing property splits that were recorded. Industrial and personal property is also being reviewed as well as the farm manual. Moxley-Potter stated that the ratio study looks good, but there may be an increase on mobile homes and commercial values. Moxley-Potter informed the Board that she believed that residential values should not see a significant increase this year.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Walker discussed the agreement regarding a lot line adjustment between the Weiser Ambulance District and the Weiser Valley Memorial Hospital with the Board.

Nate Marvin moved, seconded by Gordon Wilkerson, to allow the chairman to sign an agreement between the Weiser Ambulance District and the Weiser Valley Hospital for a lot line adjustment. Motion carried. Haines signed the agreement.

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Walker discussed the additional parking at the fairgrounds in Cambridge. Walker will contact Sandra McKee with the City of Cambridge before drafting the addendum to the contract.

Walker reviewed the Conclusions of Law regarding the Validation of Gentry Lane with the Board. Walker also discussed items that are required per code to be included in the Conclusions of Law. A public interest discussion will need to be held.

Nate Marvin moved, seconded by Gordon Wilkerson, that the following items determine whether the Validation of Gentry Lane is in the public interest:

- 1)Maintenance Records: Documentation shows consistent maintenance of Gentry Lane since at least 1980, indicating its importance for public use.
- 2)Highway User Funds: Gentry Lane receives Highway User funds for maintenance, signifying recognition by authorities for its public utility.
- 3)Emergency Services Dependence: Testimonies highlight the critical reliance on Gentry Lane for emergency services such as law enforcement, fire department, and ambulance, indicating its importance to public safety.
- 4)Utility Access: Idaho Power Company emphasizes the necessity of Gentry Lane for accessing power lines and facilities, preventing potential power outages and infrastructure challenges.
- 5)Water Access: Property owners relying on Gentry Lane to access water pumps for stock watering, dating back to 1915, emphasizes its historical and ongoing significance.
- 6)Weiser Post Office Support: The Officer in Charge at the Weiser Post Office supports Gentry Lane Validation, noting challenges faced by employees due to locked gates.
- 7)Public Accessibility: Suggestions for road relocation are opposed, reinforcing the importance of Gentry Lane in its current location for public access.
- 8)Historical Significance: Recognition that a section of Gentry Lane was part of the old north-south highway before Highway 95 was constructed highlights its historical importance.
- 9)Public Testimony: Of those who testified, 19 individuals expressed support for Gentry Lane Validation, suggesting a significant portion of the public favors its validation.
- 10)County Expenditure: The County has invested substantial time and tax dollars responding to complaints, addressing concerns, and dealing with administrative matters related to Gentry Lane, indicating its importance to the public and local government.

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Motion carried.

Lyndon Haines moved, seconded by Nate Marvin, to go into executive session at 10:19 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, and (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. Gordon Wilkerson, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Lyndon Haines stated they were out of executive session at 10:41 a.m.

IN THE MATTER OF AMBULANCE)

Lyndon Haines moved, seconded by Gordon Wilkerson, 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: Gordon Wilkerson, present; Lyndon Haines, present; and Nate Marvin, present.

Luke Smith, Ambulance District Director, met with the Board. Order No. 24-15 for payroll expenses in the amount of \$21,067.72 was presented to the Board for review.

Smith reported the Ambulance District had thirty-eight calls for service last week which included seven transfers and eleven public assists/refusals for care. Smith introduced employees Alan Foster and Leslie Walker to the Board.

Nate Marvin moved, seconded by Gordon Wilkerson, to approve Order No. 24-15 for payroll expenses in the amount of \$21,067.72. Motion carried.

Lyndon Haines moved, seconded by Nate, to go into executive session at 11:04 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 unanimous. Gordon Wilkerson, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Lyndon Haines stated they were out of executive session at 11:27 a.m.

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Lyndon Haines moved, seconded by Gordon Wilkerson, to recess as the Board of the Weiser Ambulance District and reconvene as Board of Washington County Commissioners. Motion carried unanimous.

Donna Atwood, Clerk, roll call: Gordon Wilkerson, present; Lyndon Haines, present; and Nate Marvin, present.

IN THE MATTER OF FOREST SERVICE)

Jeff Jones, District Ranger with the Payette National Forest, and Andy Bumgarner, Rangeland Management Specialist, met with the Board. Jones introduced Deputy District Ranger, Noe Reyes, to the Board. Jones provided an update regarding prescribed fires and thinning practices by the Forest Service. Jones stated that the culverts at the Spring Creek Campground will be replaced.

Andy Bumgarner addressed the Board. Bumgarner discussed livestock permittees and landowner issues in Adams County. Bumgarner stated that the landowner has filed a lawsuit against two of the permittees that run cattle adjacent to the property for trespassing. Bumgarner informed the Board that the landowner wants the permittees to supply the materials and build a fence. Bumgarner stated that he has discouraged the lawsuit. Bumgarner stated that Idaho is an open range/fence out state. Private boundary fences are the responsibility of the private landowner. Bumgarner provided handouts to the Board for review.

Reyes stated that the Taylor Grazing Act preempts the Idaho Open Range Law. Fences are not permittees ownership; they are Federal ownership. The permittees do maintain the fences, but the interior fences belong to the forest service.

Bumgarner discussed the status of the Adams County case with the Board. Bumgarner stated that there has been an issue with the property since 2011. Bumgarner stated he had spoke with the president of the Idaho Cattlemen's Association regarding the matter. The case is expected to go to court this month in Adams County.

The group discussed Herd Districts and if the ones in the county are valid/legal. Bumgarner discussed virtual fencing projects and the use of battery powered collars on cattle.

Wilkerson inquired on upcoming prescribed burns.

Jones stated he did not have information to share at this time.

Wilkerson inquired if the NEPA (National Environmental Policy Act) Study on Pine Creek had been completed.

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Jones stated it was not.

Wilkerson stated that the landowners on Seid Creek would be in support of validating the road for the purpose of a snow mobile parking lot. Wilkerson inquired on the involvement of the forest service regarding the mining project on Highway 71.

Jones provided an update on the of the forest service's involvement in the mining project.

Marvin inquired if timber sales would be handled through the Department of Lands. Jones stated that the Forest Service is working with the Department of Lands.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent-Dowell, Planning and Zoning Administrator, met with the Board.

The Board discussed the Christine and Anthony Spencer Special Use Request. Marvin inquired if Spencer would have the right to have three one-acre building rights and if the remaining land would remain as Ag land if the Board were to deny the request.

Haines stated that if there were conditions placed on the Special Use, he believed it would help preserve Ag land.

Lyndon Haines moved, seconded by Gordon Wilkerson, to approve the Christine and Anthony Spencer Special Use Request with the condition that the homes are built within the building envelope, and the irrigation water remains available to each parcel for agricultural purposes. Motion carried.

The Board discussed the Idaho Land Offers LLC (Alexander Johnson as sole member) on behalf of Linda Hackett and Tony Hackett Variance Request.

Nate Marvin moved, seconded by Gordon Wilkerson, to deny the Idaho Land Offers LLC (Alexander Johnson as sole member) on behalf of Linda Hackett and Tony Hackett Variance Request. Motion carried.

The Board discussed the proposed Setback requirements. Marvin expressed concerns about having a uniform right-of-way.

Haines inquired how often the road standards change.

Odoms stated they are generally set by the state and updated approximately every ten years. Standards may be altered via ordinance. Odoms stated that if the proposed setback were put in place, the county would be planning for the future with the hope of not having to purchase buildings that had been placed in the right-of-way. Odoms reminded

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the Board that the county does not own the right-of-way. The purpose is to set design setbacks for the future.

Haines stated that the more ground you take up from the road the harder it is to build on one acre of land. There was discussion of a non-conforming use.

Discussion was tabled.

Lyndon Haines moved, seconded by Gordon Wilkerson, to go into executive session at 1:49 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 unanimous. Gordon Wilkerson, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Lyndon Haines stated they were out of executive session at 2:05 p.m.

IN THE MATTER OF JAIL INSPECTION)

The Board conducted the quarterly jail inspection for October 2023 through December 2023. There were no issues reported.

Motion by Lyndon Haines, seconded by Gordon Wilkerson and unanimously carried to recess at 2:10 p.m. until February 12, 2024, 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.