



ONEIDA COUNTY COMMISSIONERS

Bill Lewis, Chairman – Ken Eliason – Brian Jeppsen

459 South Main St, Malad, ID 83252

Commissioner's Meeting

08 JULY 2024

BUDGET – 8:00 AM

REGULAR – 10:30 AM

* RECORDING# 240628-0069 AND 240628-0072*

IN ATTENDANCE: County Commissioners Bill Lewis, Brian Jeppsen, and Ken Eliason.

Budget discussions included building inspector, annex, building/grounds, and event center.

The commissioners moved into the regular meeting. It was opened by Commissioner Lewis. The pledge and prayer were led by Commissioner Eliason.

Brian Stutzman with Business Phone Systems discussed the county's aging phone system, which costs \$1,319.15 per month for the two systems in place at the court house and extension office/event center. Mr. Stutzman presented a more affordable and flexible solution through GoTo Connect, a cloud-based phone company he researched for seven years prior to choosing to sell it to clients as a reliable alternative to their current phone systems. Mr. Stutzman's proposed upgrade includes 29 free phones and would only cost an estimated \$13 per user, per month. The plan includes updated features such as 24/7 support, texting, recording, reports, eFax, voicemail-to-email transcription (no busy signals), and a cloud-based setup. Mr. Stutzman said the only drawback is that local numbers are not portable and the county would need to convert to a new local number. The old lines would have a message directing callers to the new number. The plan gives three free months of service with a thirty-six-month contract thereafter. The board of commissioners would like an amended quote to include all county offices.

The board of commissioners reviewed a quote provided by Rytel, a phone service company. It included 50 lines at \$70 per phone.

The regular meeting was recessed and commissioners re-entered budget discussions for emergency services, commissioners, veterans service officer, data processing, elections, non-medical indigent, and more.

Commissioner Lewis motioned to recess for lunch and to reconvene at 1:00pm. Seconded by Commissioner Eliason. All ayes. Motion carried.

The board of commissioners reconvened as a Board of Equalization with all three commissioners present.

George Brown with the Idaho State Tax Commission was contacted previously by Commissioner Lewis and advised that the Presbyterian Church come before the Board of Equalization (BOE) in order to have the ability to appeal to the Board of Tax Appeals (BTA) or the district court if the request were to be denied by the Board of Equalization.

Mrs. Toni Werk appeared before the board of commissioners previously appeared before the board of equalization today. Mrs. Werk stated the Presbyterian church spoke with the attorney general and feel the home in question is still eligible for tax exemption and quoted from the state law regarding property that is exempt from taxation, "*Property belonging to any religious limited liability company, corporation, or society of this state of Idaho used exclusively for, and in connection of religious, educational, recreational or activities of such religious liability company corporation or society including any/all residences used for, or in furtherance, of such purposes.*" Mrs. Werk stated the renters in the pastoral home had no other place available to them at the time they needed housing and that their rent is donated to the church as a tithe and they also do upkeep of the property, as well as doing repairs and projects to help out.

Commissioners asked attorney Lyle Fuller if any other information was found while he read through the statutes and supreme court rulings, etc. Mr. Fuller's opinion was that the request did not fit the exemptions in the code and that the burden of proof is on the requestor. If the board of equalization denies the request, appeals can be made before the state Board of Tax Appeals (BTA). At that time, the Presbyterian church would have thirty days to file an appeal. The county clerk's office has information to assist with that process.

Assessor Kathleen Atkinson shared that the Board of Tax Appeals (BTA) is good to work with but has a lot of appeals to review so it may take some time.

Commissioner Lewis would like to approve, but cannot go against his interpretation of the Idaho Code. Commissioner Eliason would like to grant approval, but wants to follow legal counsel and the state code. Commissioner Jeppsen would like to give approval, but wants to follow the code and is interested in the appeal process.

Commissioner Lewis motioned, as part of the board of equalization, to deny the tax exemption on RP0005601A, the parsonage house for the Presbyterian church. Seconded by Commissioner Eliason. All ayes. Motion carried.

The board then reconvened the regular meeting as a board of commissioners.

Commissioner Eliason motioned to accept the agenda as presented. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Commissioner Jeppsen motioned to approve the consent agenda made up of payment of claims and approval of meeting minutes. Seconded by Commissioner Eliason. All ayes. Motion carried.

The lease for the BLM building was revisited, in conjunction with the Radio Club Repeater. Attorney Lyle Fuller spoke with BLM Real Estate Specialist Danny Miller regarding the concerns Mr. Fuller had about the indemnification clauses in the proposed contract. Mr. Miller shared with Mr. Fuller the difficulty in altering the standard language in their contracts and also pointed out that Oneida County has previously signed contracts with the BLM that had indemnifications. Although it still gives Mr. Fuller "a little heartburn," he feels it would be acceptable to sign the agreement after updating the contract with provisions that have been discussed, such as the mitigation plans for fire and weed control, as well as the Racoon Radio Club becoming a non-profit entity in order to be able to sub-lease the building from the county. Mr. Miller said the county has other mitigation plans on file from other projects and felt like the mitigation plan in context with this lease was not something to worry about. Mr. Fuller confirmed with Mr. Miller that the lease will be for twenty years with no lease payments (zero-dollar lease because it is between governmental agencies). The county wishes to sub-lease the building to the ham radio club and Mr. Miller said it would likely be fine to place the mitigation plans on the sub-lessee (the

Racoon Club). The radio club shared their concerns for being able to have everything in place before the snow flies in the fall, which would eliminate access to the building until spring. Mr. Fuller will gather more information regarding the question of insurance in order to have the lease for the BLM and sublease for the radio club ready for commissioner signature at the next board of commissioners meeting.

The St. John irrigation company sent a letter to the board of commissioners regarding their concern about water with all of the new development in the area and desire for an environmental impact study to ensure the preservation and safety of the water source and ecological impact of development. Commissioner Lewis reached out to engineer Steve Freiburger who stated an environmental impact study is excessive for the minor subdivision...this development is likely in an ag zone and would have to have to meet current development code rules. The Department of Environmental Quality (DEQ) requires nutrient pathogen (NP) studies for subdivisions with lot sizes smaller than five acres that are in a nitrate-priority area. The location in question is outside the Malad Nutrient Pathogen Area (NPA).

Planning and Zoning has recommended to have a water study done and Commissioner Lewis feels like this would be helpful. The letter was sent to the commissioners in response to the upcoming public hearing scheduled for July 10th. The applicant is going through a conditional use permit process for the purpose of the church and cemetery. An impact report is part of the process. St. John Irrigation company's concerns will be addressed in the impact study that has to be done in the conditional use permit process.

A tax cancellation request on RP0252605, a parcel attached to the one that was cancelled at a previous board of commissioner meeting, was presented. It was inadvertently missed with the original request.

Commissioner Eliason motioned to cancel the taxes on RP0252605 for \$24.22 due to it being an invalid parcel. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

The contract for the assessor's office AS400 hardware and software program was discussed after more information about the lease was obtained. The state is developing a new UAD system, but it may not be ready by the time a 6-month contract with AS400 expires. A one-year lease would allow time for the assessor and treasurer offices to transition to the state UAD system and would cost \$3,694. The current lease is good until August 2024 and the new one would end August 2025. Assessor Atkinson will share the lease with Attorney Lyle Fuller for review.

The boat check station memorandum of agreement between the Oneida County Sheriff's office and Idaho Department of Agriculture was presented for commissioner signature after indemnification was removed and officer pay was reviewed. The contracted hourly amount was increased from \$50 to \$65 to allow the county's insurance and benefits.

Commissioner Jeppsen motioned to sign the Memorandum of Agreement (MOA) between the Idaho State Department of Agriculture (ISDA) and the Oneida County Sheriff's Office for the boat check station. Seconded by Commissioner Eliason. All ayes. Motion carried.

Comp time payout and PTO payout for the sheriff's office was discussed. Deputy Sheriff Doug Williams requested the 6-month payout of comp time (per the personnel manual) be paid out. Deputy Sheriff Williams also shared that many officers are at the max accrual amount with their PTO and that since the reserve officer availability is really low (shorthanded), many officers will not be able to take time off to reduce their accrued number of PTO hours. Instead of losing those hours, it was suggested the hours be paid out.

Commissioner Jeppsen motioned that for the next three months, the county would pay out any PTO that has exceeded the 500 hours allotment applicable to all county employees, to be paid on their regular check on the next pay period. Seconded by Commissioner Eliason. All ayes. Motion carried.

The annual contract for Computer Arts (CAI) was presented. The old Harris platform it was built on is outdated and the company is currently building a new one. The contract rate over a five-year period would increase incrementally each year, and would essentially be double by the end of the five years. Although the cost would be double, it is still significantly more cost effective than other systems. The Computer Arts contract renewal is for 1 year and is essentially the same as the previous contract. The expected rate increase for the next year would bring the total to \$32,910.74.

Commissioner Eliason motioned to accept Computer Arts, Inc (CAI) master of agreement and software support license for the next year in the amount of \$32,910.74. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Ben Naylor with Savvy Investments is in the process of obtaining a conditional use permit and would like to delay the public hearing currently scheduled for July 10, 2024. The commissioners agreed to delay until Wednesday, October 9, 2024 at 6:00 pm.

Chief Probation Officer Gabe Jimenez often uses a personal vehicle in order to have a vehicle that fits the various situations he encounters. Commissioners discussed ways to ensure all bases are covered with regards to insurance coverage with ICRMP and transporting people. Commissioners want to ensure there is adequate insurance coverage on the vehicle in the event of an accident or any other issues that may arise. It was suggested to update the county vehicle policy with an exception (and explanation) for the chief probation officer being allowed to use a personal vehicle and receive full per diem compensation for mileage.

Training for the county veterans service officer (VSO) was discussed. No training budget is currently needed since the VSO officer is unable to attend trainings until next fiscal year.

Local Assistance and Tribal Consistency Fund (LATCF) usage was reviewed and the tracking sheet was determined to be up-to-date.

The commissioners moved into a budget discussion on the general fund and airport fund.

The regular meeting was recessed until reconvening after the two scheduled public hearings for a zoning map and proposed amendment to the development code.

The board of county commissioners reconvened the regular meeting to discuss and make decisions on the two hearings.

The zoning map hearing was discussed and which of the four proposed districts might be adopted. Commissioner Eliason was in favor of the airport overlay district and the flood damage prevention overlay district. Commissioner Jeppsen was in favor of the airport overlay district and the flood damage prevention overlay district, as long as it does not expand the flood plain. Commissioner Jeppsen would also recommend more info be gathered on the Planned Unit Development (PUD) overlay districts and wildlife districts.

Commissioner Jeppsen motioned to approve the airport overlay district and flood damage prevention overlay district and reject as presented, and work on, the Wildland Urban Interface district and the Planned Urban Development (PUD) district. Seconded by Commissioner Eliason. All ayes. Motion carried.

The second hearing regarding the proposed amendment to the development code was discussed. Under the section for conditional use permits, the commissioners suggested implementing new verbiage that would read, *"The approved conditional use permit (CUP) shall be considered null and void if it is not started within a period of twelve months from the date of approval by the commission."*

Commissioner Jeppsen motioned to accept the amended verbiage to the development code to read, *"The approved conditional use permit (CUP) shall be considered null and void if it is not started within a period of twelve months from the date of approval by the commission."* Seconded by Commissioner Eliason. All ayes. Motion carried.

***** Meeting was adjourned by 8:15 pm*****



Bill Lewis, Chairman



Shanci Dorius, Deputy Clerk