



ONEIDA COUNTY COMMISSIONERS

Bill Lewis, Chairman – Ken Eliason – Brian Jepps

459 South Main St, Malad, ID 83252

Commissioner's Meeting
30 SEPTEMBER 2024 – 9:00 AM

REGULAR MEETING

* RECORDING #'S 240930-0084 & 240930-0085 *

IN ATTENDANCE: County Commissioner Chair Bill Lewis, Commissioner Brian Jepps, and Commissioner Ken Eliason.

Commissioner Lewis opened the meeting by leading all in the pledge and a prayer.

Commissioner Jepps motioned to accept the consent agenda as presented, which included the payment of claims, and approval of last meeting's minutes. Seconded by Commissioner Eliason. All ayes. Motion carried.

Oneida School Superintendent Jon Abrams shared an update on the exciting past twelve months for our school district. The new elementary school is nearing completion and a tentative move-in date is set for January 2025. There is money coming in from our online school, Idaho Home Learning Academy (IHLA), which is serving more than eight-thousand students from around the state of Idaho. Monies received from managing the online learning environment has helped Oneida School District fund much needed projects such as the elementary school and new sports arena. What was not anticipated was what happened on the last day of the most recent legislative session, where House Bill 722 was introduced, and unanimously passed the same day. The bill will retroactively take back funds that Oneida School District previously earned, totaling around eight-to-ten million dollars. These funds were earmarked for our building projects.

Oneida County School District has filed a law suit to protest the unfairness of taking money we earned two years ago instead of making the change effective with the current date. More updates will follow as information is available. In the meantime, Superintendent Abrams stressed that the goal of Oneida School District leaders is to keep Oneida County as one of the least

taxed counties in the state and to use funds responsibly. Mr. Abrams also promised that prior to his retirement at the end of the school year there will be a contingency plan in place to ensure the best possible outcome for Oneida County with regards to the effects of House Bill 722 and results of the court case.

In 2023, a Malad resident requested a second garbage can and paid for it with their 2023 taxes without ever receiving the can. The treasurer's office requested that the funds used to pay for the can in 2023 be moved to the bill for 2024 in order to make things right.

Commissioner Eliason moved to remove the fee for 2024 for William Charles on his taxes because he paid in 2023 and did not receive the service. Seconded by Commissioner Lewis. Ayes from Commissioner's Lewis and Eliason. Commissioner Jeppsen abstained. Motion carried.

AARP is sponsoring a webinar titled, "Building Disaster Preparedness in Southeast Idaho". The two-part webinar will be held at 1:00pm on both October 15 and October 29, 2024. This is separate from the upcoming Town Hall meeting on Emergency Preparedness being held on October 30, 2024 at 7:00pm at the Event Center. The goal of each is to improve county wide preparedness and communications in emergency situations.

The Sheriff's office is in need of a supply trailer that is more secure than the one currently being utilized by the search & rescue and sheriff's departments for storing training materials. The last trailer purchased used money from the parks & recreation fund, as the trailer was being shared with search & rescue. Commissioners requested the sheriff's office be put on a future agenda once a bid and description of the desired trailer was received, as well as confirmation that the purchase would be an appropriate use of the parks & recreation funds.

As a side-note, Chief Deputy Doug Williams applied for a School Resource Officer (SRO) grant and was approved for \$250,000. These funds would cover the wages and benefits for the school resource officer over the next three years.

NextGen 911's Tom Calton requests a meeting with the board of commissioners to discuss the future of NextGen and 911 services when it comes to networks, GIS data, and other core services. Commissioners set a meeting date of October 28, 2024 from 2-4pm at the event center.

Dianna Dredge with the road & bridge department is seeking clarification on placement and maintenance of approximately one-hundred existing cattleguards throughout the county, including those at Deep Creek Reservoir.

Ms. Dredge has been tasked with determining if what the county is doing with cattleguards matches current road standards. Commissioner Lewis invited Ms. Dredge to give her recommendations at a future meeting.

Deep Creek Reservoir safety was discussed. John Falk, the Dam Safety Program Manager with Idaho Department of Water Resources, has previously noted the safety issue of the dam at Deep Creek not having a crown. The road across the dam leads to forest service ground. When water puddles there or when there is heavy traffic, it jeopardizes the integrity of the dam. Road maintenance across the dam is not available in winter as the county road and bridge department has been told they are not to be on the dams. There was discussion about clearing areas for parking during the winter and whether the cattleguard should be converted to a gate or moved higher on the hill to avoid getting clogged, as it frequently does in the current location. The goal with clearing areas for parking and moving the cattleguard/gate is to keep parked vehicles and animals off the road, causing safety issues. Commissioner Jeppsen will review house bill 185 to see if funds are available to help the road & bridge and parks & recreation departments to maintain roads.

Commissioner Jeppsen motioned to table the Deep Creek Irrigation / Forest Service agreement discussion pending further information. Seconded by Commissioner Eliason. All ayes. Motion carried.

Discussion regarding a county ordinance to enable the county to collect funds owed was revisited. After reviewing options, Attorney Lyle Fuller recommended strengthening current county ordinances and penalty clauses and suggested one possibility for collecting funds owed being small claims court. One question that was asked was being able to add unpaid bills to the tax roll, but Mr. Fuller isn't sure the county has the ability to do that.

The board of commissioners previously signed a drone agreement with the FAA but the form was returned with the request to amend the name from "Oneida County" to "Oneida County Noxious Weeds Department".

Commissioner Eliason motioned to ratify the signature on the document along with the name "Oneida County Noxious Weed Department". Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Tools, fuel, and equipment are stored at the road and bridge building in Holbrook and it was suggested that cameras be put on the building, as well as the emergency services building, in a proactive effort to monitor assets. No decision was made during the meeting.

Several months ago, a citizen requested increased safety measures at the intersection at 2000 N 3400 W. Dianna Dredge with Road & Bridge shared the results of a traffic study that was completed this year, and reminded the commissioners that we are now obligated to comply with the findings of the traffic study, where results may not always be what was hoped for or expected. Ms. Dredge also reminded commissioners it is not allowed to have a yield and a stop sign at the same intersection and that those signs shall not be used for speed control.

Local Highway Technical Assistance Council (LHTAC) recommends reducing the speed to 45mph and putting up intersection signs. Additionally, the stop sign at 2000 N will be removed and the road will become a through-road. A stop-sign will be placed at 3400 N.

Commissioner Lewis called the railroad regarding the poor condition of the Woodruff crossing. Since the contact at the railroad said this was the first information they had received about the condition of the crossing, Commissioner Lewis filed a complaint.

SMJ Consulting's owner, Sharon Jutila, joined the commissioner meeting via phone. She previously worked for AmeriBen and started SMJ Consulting to offer some of the services no longer being covered by AmeriBen. Commissioners previously signed a request to transfer client file information to SMJ in order to meet a deadline. Today, Ms. Jutila shared available packages and offered to customize a package for the county if none fit, such as something on a monthly basis for human resources. Ms. Jutila recommended the intro package for now and then discuss what to do moving forward and reminded commissioners that, as a public entity, the county would receive a twenty-percent discount on pricing as follows:

- Intro Package - \$2,000 a year: Webinars, employee hotline, monthly newsletter, call with questions
- Specialist Package - \$2,400 a year: Includes everything in the intro package plus access to a human resource portal for forms, policy, laws, etcetera, and a recorded webinar.
- Professional Package - \$3,840 a year: This is the closest package to what the county had with AmeriBen and includes fifty salary surveys and an annual \$1,500 service project.

Commissioner Jeppsen motioned that Oneida County contract with the introductory package with SMJ Consulting for the amount of \$2,000 which is the

\$2,500 normal price, less the twenty-percent discount. Seconded by Commissioner Eliason. All ayes. Motion carried.

Building Maintenance Manager Tory Richardson presented an updated quote from Beazer Lock & Key for the courthouse doors. The updated quote is for the entire court house with a cloud-based system. There will be one small change to the quote because Beazer charges per door now. This will lower the annual cloud subscription portion of the quote from \$670 to somewhere around \$500 and will be further reduced when removing sales tax, as Oneida County is a government entity. The final billed amount will be \$18,628.54.

Commissioner Eliason motioned to accept the Beazer Lock & Key proposal minus the taxes for a total of \$18,628.54 which includes 13 total doors. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

The agreement with Fuller and Fuller was discussed after questions about particulars were answered. One question was how Fuller & Fuller would be paid if Oneida County were to have a high-profile (high-cost) case. The wording in the agreement allows for discussion if additional compensation is needed due to exigent circumstances.

Commissioner Jeppsen motioned to accept the legal services agreement between Fuller & Fuller and Oneida County for legal services for fiscal year 2025. Seconded by Commissioner Eliason. All ayes. Motion carried.

Planning & Zoning Administrator Rhonda Neal appeared before the board of commissioners to discuss the Agriculture Protection Area (APA) Model that was recently passed by the legislature and must be in place by January 1, 2025. The Oneida County P&Z board became aware of the APA during a meeting in April 2024. Since that time, the P&Z board has communicated with other counties to gauge the best way to implement the agriculture protection area model in Oneida County. The P&Z board recommended that a new chapter be added to the development code (chapter 8) and to form a three-member APA Commission, following state guidelines. Mrs. Neal has a fee proposal under the development code that will be presented and noted the agriculture protection area model will add a line to that proposal.

Mrs. Neal also provided a tentative timeline for completing everything in a timely manner, beginning with a meeting on October 2 to discuss the verbiage on the added chapter to the development code. Results will be published and hearings with both P&Z and the Board of Commissioners should be complete by December 9, 2024.

Oneida County's Veterans Service Officer has requested \$449 per year to pay for VetraSpec, a software-as-a-service system that offers reporting capabilities and facilitates electronic submission of claims to the Department of Veterans Affairs. Having access to this software would allow the Veterans Service Officer to do his job and serve the county's veterans more efficiently.

Commissioner Jeppsen motioned to approve the expenditure of \$450 for the VetraSpec online management system to be used by our veteran service officer. Seconded by Commissioner Eliason. All ayes. Motion carried.

Duties and roles are being clarified and questions and concerns are being resolved with the Deep Creek Irrigation / Forest Service Agreement that has been discussed recently. The state has agreed to plow the pullout area, facilities will be maintained by fish and game, and the contract has been amended to allow Oneida County to take care of the weeds without having to ask permission each time. Commissioner Jeppsen stated the county is very close to being able to move forward with the agreement.

Bill Drury with the Racoon Radio Club shared an update with commissioners regarding the BLM agreement for the surplus communications building that has been discussed for the past several months. The Idaho Military Division owns the building and is willing to give it to Oneida County. Contracts and discussions were had, but it was never mentioned that the Idaho Military Division would require the building to be moved to another site and away from the main communications building to avoid spurious transmissions from the abandoned building that has been the center of discussion in recent months. This shut down negotiations. When the Bureau of Land Management learned about the requirement to move the building, they met with the Idaho Military Division.

As a result of that meeting, the building will be moved by October 7th at the Idaho Military Division's cost. The move includes the building, poles, and the tower. The building will be relocated near the Oneida County TV translator building. This opens the door for the county to re-visit the contract with the Bureau of Land Management for the lease of the land and for the deed to the building to be turned over to the county from the Idaho Military Division.

Mr. Drury shared that the local radio clubs are meeting with the BLM and Rocky Mountain Power on October 1 at the building site to discuss options to renew the discussion about the Racoon Club leasing the building from Oneida County. Once moved, if the building is close enough to the TV translator building there

may be options for getting power that are cheaper than previously quoted. More information to follow.

The commissioners have been hoping to schedule an educational training to discuss Firewise areas next to forest service land, like on the Summit. Commissioner Jeppsen reported that his contact, Doug Adams, indicated the necessary parties are unavailable to do a training until Spring.

Commissioners recently attended a quarterly four-county commissioner meeting and briefly re-capped some of the discussion points from the meeting. Some topics were cell phone towers tying up land without compensation to the landowner as well solar power ordinances (Franklin County is in the middle of a 180-day moratorium to make a decision on solar power in their county). Another topic was county contribution amounts to senior citizen centers since costs have risen and the centers are feeding a lot of people. Funds given to senior centers from Southeast Idaho Council of Governments (SICOG) have been helpful. One last item for discussion was building a penalty clause behind every county ordinance that is passed.

The commissioners recessed the meeting to attend a benefits meeting at 1:00pm. The meeting reconvened at 2:00pm.

Mandi Armstrong in the clerk's office gathered an updated list of excess county property. The updated list included items that were previously approved but did not sell on the auction site. This time it was requested to list the smaller items on local classified and county pages while larger items might be listed on the online auction site. Items on the list are:

- (1) 4-drawer horizontal filing cabinet
- (1) 3-drawer horizontal filing cabinet
- (7) 18x40" 3-drawer legal size filing cabinets
- (4) 18x52" 4-drawer filing cabinets
- (3) 15x52" 4-drawer filing cabinet
- (1) Pull-behind grass catcher
- (2) Metal desks
- (1) Wood bookshelf
- (1) 2004 Black Saturn Ion
- (1) Extra-large office desk with drawers
- (1) Supply Trailer
- (1) 2007 Blue Ford Fusion

Commissioner Lewis motioned to move forward with listing the items discussed and delegate the clerk's office to list the items by any method in order to get them sold and take any unsold items to the landfill. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Some items that were listed with excess property were re-distributed within the county offices and are not included on the list above. One of the desks that sold previously was purchased by someone from Murtaugh, Idaho. After the buyer picked up the desk, county clerk Lon Colton realized the desk was a three-piece set and suggested we offer the other piece(s) to the same buyer at the same price he originally purchased the other piece(s) in the set. A few items on the list are not ready to be sold, but it was requested that commissioners give approval today, so the items can be sold without coming before the commissioners again.

Commissioner Lewis motioned to get rid of the filing cabinets, the two metal desks, the grass catcher, and the wood bookshelf and to dispose of them however the clerk's office seems fit. Seconded by Commissioner Eliason. All ayes. Motion carried.

Commissioner Lewis motioned to sell the 2004 Black Saturn Ion on the government surplus site "Public Surplus" along with the sheriff's trailer once a replacement has been purchased. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Commissioner Lewis motioned to offer the large office desk to the buyer from Murtaugh, Idaho and allow the county clerk to negotiate the price and dispose of it. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

It was reported that the commissioner chairs in the event center conference room have been tightened and one seemed to have been broken at one point.

Commissioner Lewis motioned that if building maintenance manager Tory Richardson and Commissioner Jeppsen determine the commissioner chair is broken that they will replace it. Seconded by Commissioner Eliason. All ayes. Motion carried.

The bulk fuel tank with the FuelCloud system has been in use for the past three months and an update was given at the last commissioner meeting. A motion was made that was later rescinded because it was listed on the agenda as a discussion topic only. In summary, monthly reports will be run to allow each

department to pay for their fuel usage. Commissioners determined that it would be necessary to reach out to at least three companies for refueling once the tank reached 25% capacity.

The clerk's office also informed the commissioners that the monthly FuelCloud fee that was double billed previously (through FuelCloud and Valley Wide) has been corrected and that Valley Wide will cover the \$75 monthly charge from now on. After the motion was made, commissioners discussed contingency plans to obtain fuel in the event of an emergency (trucker strikes, calamity, etcetera). It was determined that if something ever happened, the commissioners could call an emergency meeting and be able to use a sole-source bid at that time.

Commissioner Eliason motioned to give the clerk's office the authority to make calls to at least three companies to get pricing on mid-grad, ethanol free (88-octane) fuel and to have the authority to make the purchase when the bulk fuel tank level is at 25%. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Idaho Independent Intergovernmental Authority (iiiA) was contracted earlier this year for mental health counseling services for Oneida County's first responders. The cost was \$15/month per enrollee, but will increase to \$17/month per enrollee beginning October 1, 2024. This will bring the total cost to \$238 per month.

Commissioners previously gave approval for an extension for the county's districts to complete the L2 process, which has now been done. To be compliant, the budget process for local districts is to hold public hearings and turn in projected budgets to the county clerk who will then print the L2 worksheet. This worksheet will show what each district's increase or new construction eligibility is. The clerk is required to submit the L2 paperwork with documentation of the budget, published notice, and public hearing. The Holbrook Recreation District did not initially publish in the paper due to a misunderstanding of the cost involved. Now that they have done this, all districts in the county are compliant and the L2's are complete.

Commissioner Eliason motioned to approve the L2 for the Holbrook Recreation District. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Public Defender contract termination letters were prepared for commissioner approval and may be sent out after the commissioner meeting, if approved.

Commissioner Eliason motioned to terminate the conflict public defender attorney contracts with Craig Parrish, Jason Brown, John Bulger, S. Criss James, and Patrick J. Davis. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

A hanger lease agreement application was received for review and approval. The application is for a land lease agreement for a future hanger. Commissioners discussed the hanger lessee's responsibility to do a concrete or asphalt ramp outside the hanger (section 12.3 in the agreement) and that the county's responsibility appears to be picking up the coverage from the ramp to the runway (labeled as the "taxi lane" in the agreement). Attorney Lyle Fuller suggested that prior to signing, clarifying verbiage could be added to section 12.1 in the agreement. Mr. Fuller was willing to set up a call with the airport board at the meeting scheduled for 10/1 at 4:00pm to discuss agreement particulars regarding the taxi lane.

Commissioner Lewis motioned to table the hanger lease agreement pending more information. Seconded by Commissioner Eliason. All ayes. Motion carried.

A previously approved invoice for Bennett Landscaping was discussed. The motion approving maintenance on trees, the drip system, and checking sprinklers at the Event Center did not identify the fund the payment would come from. Commissioners and the county clerk discussed a plan for next year that would include clarifying which fund will pay for things at the Event Center grounds to eliminate confusion. Additional discussion was had regarding spending capital without commissioner approval. Commissioners would like a plan for the future.

Commissioner Eliason motioned to pay the Bennett Landscaping invoice out of the event center contractual services line item. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

A sage grouse ordinance was discussed. According to Commissioner Eliason, in early 2004 there was a sage grouse working group that met monthly in Malad. This included people from many counties in Idaho. Commissioner Eliason spoke with Dallin Nalder, who shared what information he had on the topic with Commissioner Eliason. Commissioner Jeppsen mentioned that the greater sage grouse range covers a significant portion of Oneida County and suggested finding out what the driving force behind the ordinance is, learn what is expected, and what the renewal time frame for the ordinance is. Discussion will continue once additional information is gathered.

A pathology services agreement between Ada and Oneida counties was presented to commissioners. Attorney Lyle Fuller contributed to the discussion by noting that in paragraph twelve it shows Ada County being self-insured while Oneida county is insured through Idaho Counties Risk Management Program (ICRMP). Mr. Fuller also suggested asking if Ada County would be willing to have sub paragraph 7A mirror 7B mirror one another in order to equally balance the two counties. The current agreement ends on 11/1/2024.

Commissioner Jeppsen motioned to table the pathology services agreement between Oneida and Ada Counties pending additional information. Seconded by Commissioner Eliason. All ayes. Motion carried.

Commissioner Lewis motioned to move out of the regular session and into an executive session per Idaho Code 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.* Seconded by Commissioner Jeppsen. Roll call vote was taken: Commissioner Lewis, Aye; Commissioner Jeppsen, Aye; Commissioner Eliason, Aye. Motion carried.

Commissioners moved out of executive session and back into the regular session.

Commissioner Eliason motioned to adjourn. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

***** Meeting adjourned by 4:30 pm*****



Bill Lewis, Chairman



Shanci Dorius, Deputy Clerk