

November 27th, 2023

The Board of Garfield County Commissioners met in regular session on Monday November 27, 2023, at 9:00 a.m. in the Commissioners' Chambers at the Garfield County Courthouse.

Present were Chairman Justin Dixon, Member Larry Ledgerwood, Member Jim Nelson, Clerk of the Board McKenzie Lueck and the public.

The Board started the meeting with the Pledge of Allegiance.

Chairman Dixon called for public comment. Jeff Barnett asked the Board what percentage of funding for the wind tower project was privately funded and what is funded from public funds. Chairman Dixon stated that he didn't know off the top of his head but he would get back to Jeff with some numbers. Chairman Dixon clarified that Jeff was asking how much of the funding is private and how much of it is tax money or subsidies. Jeff confirmed that was what he was asking for. Chairman Dixon stated that there is private money that funds the project, but there is quite a bit of tax money that is paid, however, the company has the ability to request a refund of a certain percentage of tax funds for the first year of the project.

Road Supervisor, Steve Gormsen, gave the road report. The report was for 11/20 through 11/23. He stated that it was a short week due to the holiday and he was short staffed. The following roads were graded; Heaton Gulch and Tatman Mountain. There was spot rocking that took place on Washboard and Wildhorse. There were a couple of potholes on Sweeney Gulch the crew fixed. They also burned weeds in culvert heads, mowed on Casey Creek, and trimmed trees throughout the county. They finished tearing down the radio building. They will finish seeding the area the radio building was on and then they will work with Department of Natural Resources to get the lease released on that land. In the shop, they got plows installed on two trucks and also received the new air compressor. This week they are going to get the wing plows installed on the graders, so they are ready for snow. Steve will be working with Flynn's Electric to get the air compressor wired this week so it is ready to use. He will also take Kent up to the landfill to see about getting the new building wired. Steve informed the Board that new signs are backordered about six months, so he has Ollie going through the sign inventory to get those ordered before they run out. The crew is working on the bridge on Gieger Gulch this week to repair some guardrail that's been broken for a few years. Steve discussed with the Board that one of the operators has met his six-month probationary period and because of his abilities and work ethic, Steve requested to promote him to an Operator III. The Board agreed unanimously. Commissioner Ledgerwood asked if he has heard from the state regarding the guardrail on that was crushed. Steve is going to follow up on that and then get back to the Board.

Stan Warren joined the Board to discuss building permit exemptions for agriculture buildings. He stated that Oregon and Idaho have both passed state wide exemptions for building permits for agricultural buildings and, Washington has talked about it but hasn't done anything yet. He stated that Washington code states that the county's legislative authority can make exemptions to building permits. Stan stated that Clark County has instated an exemption for ag buildings. He provided the Board with a handout from Clark County which included the Agricultural Structure Permit Exemption for them to review. Stan stated that it is doable and he thinks it would be a

good thing for Garfield County. He stated that the reason he is proposing this was because he moved back to his homestead and there was a barn that burnt down, but there is still a retaining wall standing in good condition. He showed a picture of the retaining wall that was left from the previous structure. Stan stated that has done work to the retaining wall so he could rebuild the barn. He stated that once it went to the building inspector, the inspector found various things that he didn't like about it; the wall is 5 feet tall and because it's over 4 feet tall it has to be an engineered wall. Stan invited the inspector to stop by to view the retaining wall. After the building inspector viewed the wall in person, he stated that he would talk with Engineer Wege. Stan talked with local engineer Ray Watson about what they could do to meet the building inspector's requests. Stan didn't hear back from the building inspector so he called and was informed that the hill slope doesn't meet the requirements so Stan can't build there.

Commissioner Nelson asked about the slope requirements and Engineer Wege stated that the slope requirements are due to the safety risk of the ground soil moving under or around the structure. Commissioner Nelson asked if there are different standards for re-building historical buildings and Engineer Wege stated there were, however, once the building is gone it no longer applies and due to this building burning down previously those historical standards no longer apply here. Engineer Wege gave the Board a handout which included RCW's pertaining to exemptions for building permits as well as information from three other counties in Washington State that have incorporated exemptions to building permits for agricultural buildings; Thurston, Grays Harbor, and Clark County. Engineer Wege stated that this has been done in various counties and each county has done something a little different. He continued that there is no consensus with the counties on what is and is not required. Chairman Dixon asked how big the structure is that Stan would like to build and Stan replied that it will be 20 feet by 40 feet with 15 feet of clearance, so 800 square feet. Chairman Dixon asked what the typical building permit fee would be on this type and size of a structure but no one present knew off the top of their head. Chairman Dixon asked that if Garfield County made exemptions, if Stan would approach the City of Pomeroy about doing this same thing. Stan stated that he would potentially approach the city as well. There was discussion regarding the city's requirements for structures within the city limits. There was also discussion regarding the mechanical permits and electrical permits that are required even if the building permits are exempt, so the county would still know what is taking place in the county. Commissioner Ledgerwood stated that his only concern was liability to the county. Chairman Dixon asked if there was a waiver signed by the property owners stating that the county is not liable. Stan stated that the county wouldn't be liable as the permit issuer (or exemption issuer in this case), the owner/builder would assume the liability. Some counties require the disclosure of a farm building exemption when a property sells so the new buyer is aware that there is a building or buildings on the property that were exempt from having a building permit. Chairman Dixon clarified that Stan is asking the Board to approve a farm building exemption and Stan agreed that that was what he was requesting. There was discussion regarding what kind of fee would be charged for an exempt building if there was an inspection for the site plan and setbacks. Chairman Dixon stated that he thinks we should have an application fee or processing fee for a site visit. Engineer Wege stated that he would defend the building inspector in this situation because he is inspecting based upon the building code. Engineer Wege continued that the building inspector's response was the legal technically correct response. Commissioner Nelson stated that he likes local control whenever we can have it, but also likes what Engineer Wege stated that this doesn't open the door to just do whatever you want with little to no oversight. Commissioner Nelson asked what the potential drawbacks were

to passing an exemption to agricultural buildings and Engineer Wege stated that you could get subquality buildings or a buildings that fall down. There was discussion regarding the standard of trusses. Engineer Wege stated that if you are having trusses manufactured then the company that is manufacturing them has an engineer on staff that does that. There was discussion regarding personal engineering of trusses. Stan spoke with Ray Watson and he didn't think there was a way to design trusses for Stan's building that would meet the standards. Engineer Wege stated that he spoke with Stan prior to the building inspector getting involved and he didn't object to anything Stan had planned. Chairman Dixon questioned that without a building permit would all permits go out the window. Engineer Wege stated that there are other codes that require permits including mechanical permits, fire permits, and electrical permits. Chairman Dixon stated that he would like to run this by the prosecutor, but he is not against it. Commissioner Ledgerwood and Commissioner Nelson both agreed that they are also not against it but had concerns about liability. Engineer Wege stated that he would talk with the prosecutor and then come back to the board with a proposal. Chairman Dixon informed Stan that he would like an avenue to resolve this issue quickly, but unfortunately these things take some time and the County will work on it. Stan stated that he called Prosecuting Attorney, Matt Newberg, regarding what the fine would be to put up a building up without the permit but hasn't heard back. Chairman Dixon asked that Stan give the Board a week before Stan does anything moving forward. Jeff Barnett requested to comment on the subject, stating that he would like the Board to be as liberal as possible with the exemption because it's a right of the people. The Board thanked Stan for his time.

Chairman Dixon asked Engineer Wege for an update on Nick Waldher's situation regarding a piece of land the County owns but was previously Nick's family's. There was not an update at this time, but Chairman Dixon stated said he didn't need an update but would like to get that situation moving forward and resolved. Commissioner Ledgerwood agreed and stated that sometimes it seems like things don't get taken care of fast enough. Chairman Dixon stated that it is a complicated situation. Engineer Wege stated that he spoke with the County Road Administration Board (CRAB), specifically Drew and Derek, and they only saw two different options; either vacate the right-of-way or do a surplus property sale. Engineer Wege stated that either way, there is not a direct way for Nick to end up with the property. There was discussion regarding if the county vacated the property, then the property gets split depending on the landowners surrounding the property. Engineer Wege stated that he will discuss this with the Prosecutor again. Chairman Dixon asked that this situation be moved up on the priority list.

Katie Magill, President of the Employees Group, joined the Board to inform them that she was here to graciously accept the Board's response to the Employees Group request for salaries, wages, and benefits. The Board thanked Katie and asked that she tell the employees that the Board appreciates all of their work.

The Board was in executive session from 10 until 10:18 a.m. to discuss employee negotiations.

The Board went back into regular session at 10:20 a.m.

Clerk of the Board McKenzie Lueck presented the Board with a CivicPlus Quote. The quote was for the county's DNS and website migration. There was discussion regarding how this would be

paid, and McKenzie stated that her office was submitting a request for this to be paid through an election security grant, but was not sure if it would be approved or not. Chairman Dixon stated that whether or not this is paid by the election security grant or not the county will be paying it because it is needed. Commissioner Nelson made a motion to sign the quote and Commissioner Ledgerwood seconded it. The motion passed unanimously.

Commissioner Ledgerwood stated that the fair's request for the Capital Improvement Grant in the amount of \$66,589.60 was granted. He stated that this request was to purchase and install new, safer grandstands. There will be a 30% match of county funds, which will be provided by labor of employees of Public Works to tear down the old grandstands and then putting together and installing the new grandstands. The grant is from the Washington State Department of Agriculture. There was discussion regarding who the grant administrator would be and it was decided upon that Engineer Wege would be the grant administrator. McKenzie asked where the county's matching funds would be paid out of, but it was not decided at this time. Commissioner Ledgerwood is working with Shaniece, County Maintenance Person, on finding vendors. Engineer Wege stated that he would also work with Shaniece on this grant.

Engineer Wege joined the Board to give them his weekly update. He spoke with Steve about burning culvert heads and got a feel for that from a safety perspective. Chairman Dixon stated that the Department of Ecology (DOE) sets burn days for counties, and that there's a hot line you can call to see if it is a burn day or not. He continued that there are exemptions to burn days; inside the urban growth area you cannot burn, but outside you can burn wind blow materials any day of the week. Engineer Wege stated that he knows that the state is divided into multiple areas that are categorized by air quality not by fire prevention, by DOE. Engineer Wege asked if DOE has a start burn date and end burn date subject to the fire marshal. Commissioner Ledgerwood stated that Asotin County is like that. Engineer Wege stated that he was in the process of reviewing the Statement of Qualifications for the engineering consultants. He stated that one of the candidates is a subcontractor, not a consultant, so they do not qualify, however they are a great contact as some of the other consultants sub jobs out to them and they do a great job. He stated that he consulted with Mark Storey, Whitman County Public Works Director/Engineer, and County Auditor McKenzie Lueck to be on the interview panel. Commissioner Nelson asked if the advertisement was for one project or multiple projects and Engineer Wege stated that it was for one project and that he will have to advertise again if future projects meet a certain dollar amount threshold. Commissioner Nelson asked how soon he plans to advertise for the next projects and Engineer Wege stated that with the new rules that came out in October he would like to get through the start of the process for this first project and have the consultant working before he advertises again. He plans to advertise again tentatively in March. He stated that one of the projects that is funded by the state will be delayed until 2025-2026 for construction per the state's request due to juggle funding for other projects. Engineer Wege informed the Board that he was fine with the delay because the design of the project will take the coming year anyways. Engineer Wege stated that the budget of the delayed project is probably shot due to inflation and because the initial request included doing a lot of the engineering in house but the state understands that. He continued that additionally last week he spoke with Stan and researched that situation. He also directed his administrative staff to update the fleet with new insurance cards and to create a phone list for binders for each vehicle. He also instructed them to put first aid kits in all vehicles. He has been going through an audit that required a meeting for the bridge load

rating. He discussed doing personnel performance reviews with the administrative staff and Steve after the first of the year. This process will also allow the staff an opportunity to provide feedback of Engineer Wege as well. He informed the Board that he rejoined the Pacific Northwest Bridge Conference Committee. He stated that every year this committee has either a bridge maintenance or a bridge design conference. He continued that there's continuing education requirements of 40 hours every 60 months. The conference provides 16 credits of continuing education. The conference will be in April. The committee meets for a couple of hours monthly. He previously served on the committee for multiple years when he was with the state. If you are on the committee the attendance for the conference is free, if you are not a part of the committee it is around \$350. He stated that he doesn't know that he will attend the conference this year but will probably go in two years. He mentioned that a new operator started last week, and that another operator met his six-month probationary period and is doing great. He also informed the Board that there was an incident report from last week due to an injury that was obtained on the job, but the employee was cleared by the doctor and is healthy. Commissioner Nelson stated that he appreciated Engineer Wege doing the digging regarding Stan Warren's request. Engineer Wege stated that he spoke with County Assessor Brian Bartels and asked for his opinion on the permit exemption. Assessor Bartels was concerned about how his office would assess values without knowing building materials. This will continue to be discussed at a later time.

There was discussion regarding a claim from Century Link due to the damage done to a phone line. Engineer Wege stated that he would discuss this with Steve and Prosecutor Newberg and then get back to the Board. He stated that he looked at Public Works policy but will continue to research it. Commissioner Nelson stated that if Steve had some pictures that would be great. Engineer Wege will work to resolve this.

There was discussion that there would be a CTA executive session with the Mayor on December 4th at 11:00 a.m.

Chairman Dixon stated that he is going to Walla Walla on Thursday for a meeting regarding the jail. He also informed the Board that December 12th is the next Snake River Salmon Recovery Board. Commissioner Nelson has an ALTC next week. Chairman Dixon stated that he was going to a meeting on December 7th for infrastructure planning and that 12 other counties are going. Commissioner Ledgerwood stated that there is an Eastern Washington Development meeting on the 14th but he isn't available to attend. Commissioner Nelson isn't available, but Chairman Dixon stated that he might be able to attend.

There was a brief discussion about the search and rescue meeting on the 6th. Commissioner Ledgerwood stated that he is excited about Deputy Taylor taking the lead on Search and Rescue and thinks he is doing a good job.

Chairman Dixon stated that he is requesting an executive session regarding the performance of an employee. The Board went into executive session from 11:05-11:25.

The following voucher payments were approved for payment:

Claims Clearing Fund

Numbers: 70501 Through: 70513 Totaling: \$4,821.68

Payroll Clearing Fund

Numbers: 22992 Through: 22992 Totaling: \$1,500.00

Numbers: 23048 Through: 23048 Totaling: \$1,500.00

Electronic Payments

Dated: 11/22/2023 Number of Payments: 20 Totaling: \$22,643.92

The Commissioners regular meeting adjourned at 11:25 a.m. with the next regular meeting set for Monday, December 4th, 2023, at 9:00 a.m. in the Commissioner's Chambers at the Garfield County Courthouse.

/s/ McKenzie Lueck
Attest: Clerk of the Board

/s/ Justin Dixon
Chairman, Board of Garfield County Commissioners