

January 5, 2026

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 5th day of January, 2026.

IN THE MATTER OF ROLL CALL)

Donna White, Clerk, called roll call: Gordon Wilkerson, present; Jim Harberd, present; and Nate Marvin, present.

Jim Harberd opened the meeting and led the Pledge of Allegiance. Gordon Wilkerson gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

Correspondence received by the Board was reviewed and disseminated as required.

Gordon Wilkerson stated he met with Senator Brandon Shippy and discussed legislation that Shippy would like to present to the legislature in the upcoming session. Wilkerson reported that Bridget Felmley, Planning and Zoning Administrator, Jerod Odoms, Road and Bridge/Solid Waste Supervisor, and himself met with ITD (Idaho Transportation Department) last week to discuss turn lanes and lighting at the Midvale Hill gas station/convenience store site.

Nate Marvin reported that he had talked to Ryan Barton and discussed possible funding from Hercules Mines. Barton had stated he had previously been contacted by Commissioner Harberd.

Jim Harberd stated he had talked to former Commissioners regarding the Ambulance District. All former Commissioners had input on the situation. Harberd stated more information will be needed before any decision are made.

Wilkerson stated he talked with Shippy regarding the Ambulance District. Shippy stated Payette County Ambulance has some of the same issues.

Nate Marvin moved, seconded by Gordon Wilkerson, to approve a demand warrant payable to Wex Bank in the amount of \$72.70. Motion carried.

Jim Harberd read Resolution No. 26-1 regarding an increase to 72.5 cents per mile for mileage reimbursement for 2026 on the record.

Jim Harberd moved, seconded by Gordon Wilkerson to approve Resolution No. 26-1 as read. Motion carried.

January 5, 2026

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of December 22, 2025, 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 Change Order #3 with the Board. Odoms stated that the Change Order is a credit of \$22,120.00 to the Cove Road Bridge project.

Nate Marvin moved, seconded by Gordon Wilkerson, to approve Change Order #3 for a credit of \$22,120.00 on the Cove Road Bridge Project. Motion carried.

Odoms presented an Application and Permit to Use Right-of-Way, Approaches and Other for an approach for property located between East ~~44~~¹¹ 12th Street and Loafer Lane submitted by Maria Negrete to the Board for approval. Odoms stated it is a private road.

Gordon Wilkerson moved, seconded by Nate Marvin, to approve the approach for property located between East 11th Street and Loafer Lane submitted by Maria Negrete. Motion carried.

Odoms provided a department update to the Board and discussed upcoming training.

Wilkerson discussed the gravel bar in the Weiser River and the removal of the gravel bar for use by Road and Bridge as chip seal material.

There was discussion regarding the proposed fee changes for Road and Bridge and Solid Waste. Marvin stated he was on board with most of what was presented. Marvin discussed the agriculture waste fee of \$30.00 per ton. Marvin stated he felt that the fee was high.

Wilkerson stated he had reached out to other counties regarding the proposed fees. Wilkerson discussed the disposal of waste oil.

Odoms clarified that waste oil can be accepted as long as it is not contaminated. Contaminated oil has to be tested at a cost of \$400.00 per 55-gallon barrel.

Wilkerson discussed counties that are self-sufficient and stated he would like to see Washington County become self-sufficient.

Marvin discussed the anti-freeze/oil disposal fee. There was continued discussion of the proposed fee increases for Road and Bridge and Solid Waste.

January 5, 2026

Nate Marvin moved to accept these proposed fees from the Solid Waste Supervisor and prepare a resolution to be presented for signatures. Gordon Wilkerson seconded the motion.

Nate Marvin amended the motion to include Road and Bridge fees as well as Solid Waste fees. Gordon Wilkerson seconded the motion. Motion carried.

Odoms stated that he could have a resolution prepared this week to present as early as next week.

IN THE MATTER OF ELECTED OFFICIALS AND DEPARTMENT HEADS)

Robert Peterson, Information Technology Director, addressed the Board. Peterson discussed the Remote Work Policy. Peterson stated the county does have the capability to allow remote work using county supplied equipment. Peterson stated he had given his doctor's release to payroll. Peterson requested an executive session in the future to discuss security updates.

Sabrina Young, Treasurer, addressed the Board. Young stated the office is balancing out tax collections. Young stated demand letters were sent last week to people who had not paid their first half personal property tax installment. Young informed the Board she will be turning over parcels with delinquent 2022 taxes this week. Young stated the Tax Deed Hearing has been scheduled in May.

Donna White, Clerk, discussed the Remote Work Policy. White informed the Board that as requested, Dahlia Stender, Sabrina Young, Debbie Moxley-Potter, Bonnie Davies and herself had met and drafted a Remote Work Policy. The draft was forwarded to Tammy Middleton and Carl Ericson with ICRMP (Idaho Counties Risk Management Program) for review. White stated the policy before the Board today for approval is the recommended policy per ICRMP.

Debbie Moxley-Potter, Assessor, addressed the Board. Moxley-Potter stated she would be mailing out Exemption letters. Moxley-Potter informed the Board that she is on the Public Lands Committee and the Office of Species Conservation sent out a press release regarding livestock depredation due to the wolves and grizzly bears. Moxley-Potter stated the deadline for people to apply for compensation is March 1, 2026.

Bonnie Davis, Weed Superintendent, will be attending the Annual Weed Superintendent Meeting and the Idaho Weed Conference next week. Davis stated that the Weed Advisory Board and Gopher meetings will be held on January 20, 2026. The Cooperator Appreciation Dinner will be on January 29, 2026, at the Vendome. The Recertification Seminar will be in mid-February at the Exhibit Hall in Cambridge. Davis briefly discussed the Remote Work Policy as she was a part of the drafting it. Davis told the Board sample policies were reviewed and that she felt it was a good policy.

January 5, 2026

Nate Marvin moved, seconded by Gordon Wilkerson, to implement the Washington County Short-Term Remote Work Policy as presented by the Clerk and the committee that worked on it. Motion carried.

IN THE MATTER OF AMBULANCE)

Jim Harberd 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 White, Clerk, called roll call: Gordon Wilkerson, present; Jim Harberd, present; and Nate Marvin, present.

Alan Foster, Ambulance District Director, met with the Board. Also present was Claudia Licht, Administrative Assistant. Licht presented copies of the payroll roster, district payables, the December 2025 Columbia Back Credit Card Statement, and an updated Cash Flow chart to the Board for review.

Harberd requested Licht email materials to the Board for review on Friday before meeting with the Board. Harberd discussed the Ambulance fees noted on the Cash Flow Chart and questioned the difference from previous reports.

Licht discussed the Cash Flow chart presented. Licht stated that \$40,000 in grant funding was received for the purchase of radios.

Foster discussed payroll expenses and stated that January will be the first month with a limited staff.

Order No. 26-13 for payroll expenses in the amount of \$26,223.72 and Order No. 26-14 for general expenses in the amount of \$14,123.46 was presented to the Board for review.

Nate Marvin moved, seconded by Gordon Wilkerson, to approve Order No. 26-13 for payroll expenses in the amount of \$26,223.72. Motion carried.

Nate Marvin moved, seconded by Gordon Wilkerson, to approve Order No. 26-14 for general expenses in the amount of \$14,123.46. Motion carried.

Foster stated the kickoff meeting with the levy consultant will be on January 14, 2026. Foster told the Board the district had 1094 calls in 2025.

Jim Harberd 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 White, Clerk, roll call: Gordon Wilkerson, present; Jim Harberd, present; and Nate Marvin, present.

IN THE MATTER OF PLANNING AND ZONING)

Bridget Felmley, Planning and Zoning Administrator, met with the Board.

Mark Loveland, Mayor and Sandra McKee, Cambridge City Clerk, addressed the Board. McKee stated she was presenting the same information that was presented to the Board last March. "A draft copy of how the area of impact might be handled, um, with a shared concept with the city and the county, which is allowed by state statute. The first part of your packet, I printed out the complete state statute. And, um, the two parts that are highlighted are the ones, and it has little stickies on them, are the ones that we're talking about, so... Um, the first one talks about... Um, that you can have a specific area of impact, so, like, each city can have their own agreement with the county. And, um, then K down below is how, if you have a shared one, how that has to be represented by the people and a proportionate share of people on P & Z. So those are the two main parts of the code. And then it starts with a draft ordinance and, um, we had our city attorney help us, um, draft one up, and it would be what Washington County would actually adopt, it's the same. Um, and he was here last March, or whenever we presented it. Um, and I think answered some of your questions. But it's the same ordinance pretty much as the City of Burley that's in your packet with Cassia County. Um, and you might have noticed in, um, the City of Burley and the other city Cassia County has, I'm trying to think of it right now. Um... Well, yeah, Minidoka County, they have different ways that they do it, but it's based off the Cassia County one. And then, in your packet, I gave you a whole bunch of ordinances that are in place right now of different cities and how they do their impact area, and how, what parts of it are shared, what parts of it aren't. Everyone does it a little bit differently. I picked out small places like us. There's the city of Fairfield in there, that's the same size, has agricultural land around them and stuff, and how that they do it with their county. I picked out medium places like Fruitland and Payette, I picked out big places, uh, there's Meridian and Twin Falls in there. Um, so that you could see uh, you know, no matter your size, different places you know, have specific agreements on their impact area with the counties, and they do it different ways. So, we had kind of thought that the City of Burley was kind of compact and easier than a lot of them, and that's kind of why we chose the City of Burley. So, we're just kind of wondering if you're interested in doing something specific with Cambridge on an area of impact. If not, then we'd like to go just back to state statute."

Harberd, "Did you send any of this to our legal department?"

McKee, Yeah, actually, several times I've... This one I sent to Donna, and she sent it on to, uh, True, I believe, and I know in the past they were all sent to his office as well. And what I gave you is basically the same, except that all of the, you know, I gave you more examples is all the same stuff that we gave you last year. And then I also, on the email that Donna forwarded you, I gave you links to the City of Cambridge's Comprehensive plan. I gave you links to all of our city codes so you could see the subdivision ordinances and the zoning ordinances, and so you know exactly what um, how we're handling things. But we're kind of wanting to try to get things in place a little bit. We were working on this

area. We're hearing even more positive stuff on mining and things, and so we feel that we've kind of got to get prepared one way or the other of knowing, you know, how things might develop."

Harberd, "This is the one... this one you sent us this time is the same one you emailed us on that area of city impact with the changes in it?"

McKee, "The draft ordinance?"

Harberd, "Yes, the red, the stuff printed in red. Is that the same one you sent us?"

McKee, Yeah, it's, before, yeah, and it's basically straight off of, the majority of it straight off of Burley's. We just took the stuff that didn't apply to Cambridge off of it. And one thing you might keep in mind, you guys are kind of in the driver's seat, you have ultimate jurisdiction on anything that's done in the impact area. And so, this is something maybe you could consider, and we could try, and if it doesn't work out, all you have to just say, hey, we don't think it's working, we need to renegotiate and do something else."

Marvin, "Sounds good."

Harberd, "We'll have to see what the legal department tells us on this or suggestions, I think."

Marvin, "I don't think he's here yet."

Harberd, "No, he's not."

Marvin, "Obviously, you would rather go with this code you put together rather than following state code?"

McKee, "Yes, basically because the process that we have in place right now with the county, actually, it's not even written down, but practice is, um, when there's something in the impact area that the city or the city's Planning and Zoning, which we don't have one currently right now, it's been disbanded, but if we do have any say in the impact area, then we'll have to reestablish one. But we, so the city council's been holding the first hearing and, um, then sending the recommendation on to you. And so, not only do we do a staff report that gives us your ideas, but we hold the whole thing. And, um, it's time-consuming and there's costs involved of having attorneys there if we have to, and producing minutes and all of that stuff. And basically, we don't get any say in it, we're just doing that process for you. And so, if you're not interested in having a shared impact area, we would just like to go to the state code that says you guys are required to give us so much notice, I believe it's 15 days, um, in order to give you, um, our comments on the specific issue and stuff, which would be the same as our staff report, and, um, but you guys would hold the hearings and do that part of it."

Marvin, "It says here that the city shall appoint an appropriate number of Planning and Zoning Commission to represent the City of Impact, so... so it sounds like you would have to do that?"

McKee, "Right, we would have to, and so, yeah, and so we would have to appoint one, and we'd have to appoint whatever percentage of the area is in the impact area, that many members to that, um, board. So, everyone in the impact area would have a say. I mean, they would be represented."

Felmley, "So, in doing it that way, would there still be a hearing at the city and the county?"

McKee, "Um, the county, I believe, would have the option of having another hearing or they would just take our recommendation and go, you know, and make a decision. Go from there."

Felmley, "Because I think subjecting people in the impact area to a hearing with city and county is a bit much. Either combine them, or like you said, you do the first one with the recommendation, and then they just make a decision, rather than two hearings. It's expensive, time-consuming, and.... It's a lot."

McKee, "Right. But they would have the option, if they wanted to, to have a second hearing, but they wouldn't have to."

Felmley, "Okay."

Marvin, "Right, okay. Looks good to me, I, I'd like to know what, if True has any concerns or comments, but... Yeah. Um, how do we want to proceed, Mr. Chairman?"

Harberd, "Well, I think we need his, our legal department's opinion and then we can go from there. If everything's okay."

McKee, "So when you look through anything, did you have any questions about, like, our city code? I know we've gone through it before, or our comprehensive plan, or any of that type of stuff?"

Marvin, "I didn't have any."

Felmley, "So, one of the questions I would have for True is, in order to enforce the city ordinances, do we need to adopt them, or can we enforce them? Because it asks in here that the county would be responsible for enforcing them."

Marvin, "Were you reading that at? What page?"

Felmley, "On the second page... G1."

January 5, 2026

McKee, "You would be adopting them through this ordinance that you're going to go by that code, so you don't actually adopt, you adopt this draft ordinance, the one that says draft. And that's what would establish..."

Felmley, "That would cover that?"

McKee, "Yeah."

Felmley, "Okay."

McKee, "It's my understanding, you can double-check with True, but that would be my understanding."

Felmley, "That would be my one question for True. Make sure that covers that."

McKee, "Because this draft ordinance would be your ordinance, the one that's in your packet. That wouldn't, you know, and uh... we might have a... an agreement in place besides you adopting an ordinance, you know, just for Cambridge that kind of spells out your agreement."

Harberd, "Alright, we'll have him look at it if he hasn't. See if there's any suggestions or corrections, if everything's great."

Marvin, "So the one you copied or patterned off of Burley, is that the way theirs is set up, Sandy?"

McKee, "Yeah, and theirs is in there, and so you can see that it's the exact same language we took it off of."

Marvin, "Okay."

Harberd, "I kind of preferred the one you sent us that only had about three paragraphs on it. I don't know if I covered it or not."

Marvin, "Okay, looks good to me."

McKee, "So you'll get back to us when we need to talk to you again?"

Harberd, "We will."

Felmley, "Is this something that, if True looks at today and says it's okay, that it can be voted on today or do you need to set it out for another day?"

Harberd, "He's coming in at the..."

Marvin, "I don't know if it's an action item."

Felmley, "We have it on as an action item."

Harberd, "Yeah."

Marvin, "Okay. I don't know if True's had a chance to look this over, but..."

Felmley, "You can talk to him about it, and..."

Harberd, "We have him at 11, so we can see."

Marvin, "Yeah. If you want to come back in at 11, we can talk to him."

Felmley, "Okay."

Harberd, "Thank you."

Felmley informed the Board she had an application from the Negrete family for a subdivision. Felmley stated Negrete had already gone through a rezone and special use process. Both were passed and approved with their subdivision, Felmley told the Board she was hoping to get them on the agenda for a hearing on Monday, January 26th. Felmley stated that would allow time to publish in the paper twice. Felmley said she had the plat maps and the engineering from Southwest District Health as well as the sign-off from Road and Bridge. Felmley told the Board it is a very simple subdivision. Negrete has five acres, they're splitting it into two so that their son can build a house. Felmley stated the property is no longer in the Weiser Impact area, so they don't have to worry about going through the city.

Harberd stated that the Idaho Association of Counties Conference begins January 26th. It was agreed to hold the hearing on February 2, 2026.

Felmley discussed a meeting that was held last week with ITD (Idaho Transportation Department) regarding the gas station/convenience store near the bottom of Midvale Hill. Met with Kendra Condra with ITD and their engineer. Felmley stated the south bound turn lane for the left-hand turn will be 885 feet long. Felmley stated that is the longest that is allowed. The north bound, right turn lane will be 685 feet which ITD felt was appropriate.

Odoms stated that is state design standard and MUTCD federal standard, maximum length on those turn leads.

Wilkerson stated there were no acceleration lanes proposed when leaving the property.

Odoms stated there is a confusion factor for traveling public if acceleration lanes are added. Odoms stated that per the engineer, there is not a need for acceleration lanes.

January 5, 2026

Felmley stated that per the engineer, too many lanes become confusing for the driver. The issue can be addressed at a later time if needed.

Lighting was discussed. Felmley stated that ITD had suggested a flashing light that would show cross traffic ahead or truck entering roadway. Per ITD, that lighting is usually temporary and would not be maintained by ITD.

It was determined that further discussion is needed regarding acceleration lanes and lighting in foggy conditions.

Felmley informed the Board that the Nissan pickup will be going to Campbells today for an estimate of the costs of repairs.

There was discussion regarding appointments to Planning and Zoning Commission. Felmley emailed the applications to the Board in December 2025.

Wilkerson stated that in the past interviews were held in execution session. Wilkerson said he felt it was important to hold formal interviews in executive session.

Marvin stated a short interview would be good.

The Board decided to hold Planning and Zoning Commission interviews January 20, 2025, from 1:00 p.m. to 5:00 p.m.

IN THE MATTER OF PROSECUTING ATTORNEY)

True Pearce, Prosecuting Attorney, met with the Board. Pearce requested Executive Session with the Board regarding a Settlement Agreement.

Marvin inquired if Pearce was okay with the proposal submitted by the City of Cambridge regarding the Area of Impact. Marvin asked if Pearce was prepared to give an opinion on the proposal.

Pearce, "Oh, I can... I have some issues with it, so we should discuss that. I mean, it's your ultimate or your decision as to whether that's what you want to adopt, but... I think there are some problems with it, so... Okay. Um, I think it's overly complicated just to start with, but, um... Yeah, so... but there's some legal issues that you guys should be aware of."

Marvin, "You were looking to, we have a conflict with Weiser Ambulance District, and Washington County Paramedics. Did you have a chance to look into that?" Marvin stated there was discussion that the name could cause a problem with the proposed levy.

Pearce, "Well, I mean, I think what we discussed is certainly that the name is, makes it sound as if it is a Washington County Ambulance Service. I mean, that's what they call themselves. And so, I mean, I haven't seen, I don't even know that I have access to their

January 5, 2026

legal documents, so I guess we'd have to go dig and see if they're filed with the state, or maybe it'd be easier for them to pull those and see if they are actually have a DBA, or how that came about, and if we could just simply change that. Um... Yeah, it might be best to actually have the ambulance district sort of dig into that."

Harberd, "It's in the county minutes, I believe, when it was formed.

Pearce, "As an Ambulance District?"

Harberd, "Weiser Ambulance District."

Pearce, "Well, then how, then how did they come to be called Washington County?"

Harberd, "That's a question."

Wilkerson. "Isn't it Washington County Paramedics, though?"

Marvin, "And I don't know how they got two different branches."

White, "DBA's (doing business as) are filed with the Secretary of State's Office. That's who they contact and see if they have legally gotten a doing business as name, but the minutes from 1975, I believe, say Weiser Ambulance District."

Harberd, "Somewhere in between there and now.

Pearce, "So, I mean, we can, I mean, I hate to volunteer for this, but I think it would be appropriate to have the ~~Weezer~~ Weiser Ambulance District either go to the Secretary of State and see if they... if they filed for a DBA, um, or if they have that in their own records."

Marvin, "I can, you want me to reach out to Alan, or one of you guys want to do that?"

Harberd, "I'll call him if it's all right. I've been talking with him anyway."

Marvin, "See if he could bring us something next week."

Pearce, "I mean, look, legally, I don't know that it's a problem if they filed for it legally, but I think it is going to cause you problems when you do a levy, because it looks like it's for the county that you're voting on something when in reality, it affects just the Weiser District."

Marvin, "Good point. Okay."

Harberd, "That's what we're wondering about. We'll see if we can get some clarification."

Pearce, "And you guys may decide that it's not an issue, but it sounds problematic to me, as in, if you're looking at a ballot and it says Washington County."

Harberd, "Just another one of the unknowns."

Nate Marvin moved, seconded by Gordon Wilkerson, to go into executive session at 11:10 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; Jim Harberd, Aye; Nate Marvin, Aye.

Jim Harberd stated they were out of executive session at 11:57 a.m. "No final action or decision was made in executive session. We will now return to our regular agenda."

Pearce, "Alright, gentlemen, so, um, what I have here is, and you've been given a copy already in executive session, but I've also got one for the clerk, and, I don't know that we have enough for the entire room, but we're gonna be discussing this, so, we will uh, hand this out. Okay. Right. So, as you gentlemen are fully aware, I'm just gonna say a couple things for the record here, but the county has been in a lawsuit with the City of Weiser over the Prosecutor's Office. That office was purchased by the, uh, County Commissioners prior to my, uh, being here, and I wasn't here for all of this, but I believe there was a whole app, well, I don't believe, there was a whole application process that went through with the City for the County to use that as an office. The City ultimately denied it, um... The county looked at their code and essentially determined that we met the requirements of their code. Without that, the city filed a lawsuit against us for use of the Prosecutor's Office, uh, being, uh, not in the right zoning. So, at this point in time, it's been litigated. We've had multiple hearings with the judge where the judge essentially indicated where he was headed with this, or where he thought this would go, at which time the city, uh, started into settlement discussions with us. So, what you have in front of you right now, the top page is a conditional use permit. The city has already signed this, they've already passed this, so should you accept the settlement agreement, this will already be in place. The last couple pages are the actual settlement agreement, but I just want to run you through a couple things on the record here. So, the first page talks a little bit about some of the history of this, and if you go to page three, this is really the important part, up at ten on page, or sorry, on page four. Page four, number ten says the proposed use is a public governmental use by a governmental entity other than the city of Weiser. While the operation of a prosecutor's office is necessarily the practice of law, it is not a commercial law practice serving general walk-up or retail clients and is not a commercial use. While they specifically state that it serves the County, I would point out that we also do all of the City's felonies, so we also serve the city of Weiser. But, under

Conclusions of Law 1, the proposed use of a prosecutor's office by Washington County, a governmental entity other than the City of Weiser, is a conditional use under Weiser City Code 10-7-20, and the Planning and Zoning Commission's finding that it is not was in error. Down to three. The previous denial by the City was in part based upon an erroneous conclusion by the Planning and Zoning Commission that the proposed use was neither permitted nor conditional use under any provision of the code. Four: The applicant has agreed to conditions of use sufficient to address concerns raised during the hearings and to ensure the use will be harmonious with the objectives and elements of the Comprehensive Plan to wit. This is what we are agreeing to as the county. The county shall preserve the historic nature of the building and shall not use the building for the general commercial private practice of law. Which was never the intention. It is a county building. Um, and then, as you can see, uh, there's the conditional use permit on page five that is signed by the Mayor and the City Clerk. So that has been done, it's signed and dated the 22nd, they had their public hearings and voted on this already. Are there any questions about that? Okay, then what we have is this... oh, yep."

Marvin, "Conditional use permit. Do we have a hard copy of that on file?"

Pearce, "That is what the chairman, if you guys approve this, will sign, and we will send a copy to the city, as well as we'll get a copy to the clerk for our file. Okay, so, uh, if you keep turning pages, you'll see the one that says Settlement Agreement. This is essentially the legal document that is going to end the lawsuit. If you guys, uh, vote and accept this. So, if you look down at the bottom of that first page under 1.1, it says settlement terms are under 1, under agreements. It essentially goes over... you have to turn the page to 1, 2, it says the City agrees to approve and issue a conditional use permit to the County in the form that is attached here, too. Exhibit A, Conditional Use Permit. 1.3 Washington County agrees to abide by the conditions contained in the permit, which we just discussed, which is no private, which is no commercial law practice, and preserve historical features of the building. 1.4 is the city agrees to dismiss the lawsuit with prejudice, with each party to bear its own costs and fees upon execution of this agreement. Each party here, 1-5, each party here too agrees that the settlement terms set forth above are intended as consideration as a waiver for all parties' claims. So, uh, at this point in time, uh, we're not paying any fees, any attorney's fees, uh, it's gonna cost the county nothing to settle this at this point in time. So, my recommendation to you guys is that we settle this and stop costing the taxpayers in both Washington and Weiser, uh, money to litigate this. It should have likely never been litigated to begin with. So, uh, if you guys are in agreement on this, you're welcome to discuss it, ask me questions, uh, but we would need a motion to accept this, and then a signature by the chair on the last page."

Harberd, "Questions, Commissioners?"

Wilkerson, "I guess comment. Basically, what we've got is what we tried to attain in the very beginning."

Marvin, "You're right."

January 5, 2026

Wilkerson, “A year and a half ago. Nate went the great effort to try and make this as gentle and easy as it could be, and it didn't happen, and we ended up here. Fortunately, now, I see we are back at the beginning.”

Harberd, “Any further comments?”

Marvin, “No, I just want to thank everybody for their due diligence on working on this. Uh, True in his office. Everybody that was involved, um, to try and get us to this point, and I would make a motion that we... have the chairman sign this settlement agreement, uh, on behalf of Washington County.”

Wilkerson, “Second.” Motion carried.

There was discussion regarding the City of Cambridge, Area of City Impact. Harberd stated it was his understanding that if the County did not adopt the proposal submitted by the City of Cambridge, the city would like to follow State Statute in the Impact Area.

Marvin stated the in following advice of legal counsel, they will follow county code & state code and then if some point in time they want to put together a separate code for the Impact Area, they can (the Board).

Motion by Nate Marvin, seconded by Gordon Wilkerson, and unanimously carried to recess at 12:14 p.m. until January 12, 2026, 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.