

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 1, 2018

PRESENT: Commissioner Tom Dale, Chairman – out of the office
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- DataBank in the amount of \$14,400.00 for the Information Technology department
- Carousel in the amount of \$16,757.00 for the Information Technology department

CONSIDER INDIGENT DECISIONS

The Board met today at 8:49 a.m. to consider indigent decisions. Present were: Commissioners Pam White and Steve Rule, Customer Service Specialist Robin Sneegas, Customer Service Specialist Rebecca Lawhorn and Deputy Clerk Jenen Ross. Per the Clerk's statement of findings the following cases do not meet the eligibility requirements for County assistance: 2018-0322, 2018-0287, 2018-0344, 2018-0261, 2018-0332, 2018-0315, 2018-0440, 2018-0288, 2018-0280, 2018-0326, 2018-0325, 2018-0419, 2018-0448 and 2018-0328 upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND CONSIDER AGENDA ITEMS

The Board met today at 9:00 a.m. for a legal staff update and to consider agenda items. Present were: Commissioners Pam White and Steve Rule, Lt. Ben Keyes (left at 9:04 a.m.), Deputy P.A. Allen Shoff (left at 9:08 a.m.), Clerk's Executive Assistant Taryn Peterson (left at 9:08 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider signing an agreement with Idaho Department of Parks and Recreation for assistance in the County Recreational Boating Safety Program: Allen Shoff said this is money that is sent from the Idaho Department of Parks and Recreation to the counties. Canyon County has been granted this money in previous years, the only difference this year is the amount. This year the county will be receiving \$36,187 which will be matched at 50% by the county. Lt. Keyes said the funds are used to offset part-time deputies and the matched amount comes from the vessel account. This is a competitive grant and is based on citations, educational opportunities and safety inspections among other things. Commissioner White asked if this is guaranteed money and Lt. Keyes explained that it is paid based off the Idaho fuel tax so it is not guaranteed

but in his years working for the county we have never not received it. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the agreement with Idaho Department of Parks and Recreation for assistance in the County Recreational Boating Safety Program (see agreement no. 18-016).

Consider signing independent contractor agreement for court interpreter Diana Noman:

Taryn Peterson said Ms. Noman is an Arabic and Russian interpreter who is certified in Washington. There is currently an Arabic case happening where Ms. Noman will appear telephonically. Her rate is \$75.00/hour due to the rare languages and being certified. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the independent contractor agreement for court interpreter Diana Noman (see agreement no. 18-017).

Consider signing a resolution appointing Doug Shinn to the Canyon County Mosquito Abatement District Board of Trustees:

Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the resolution appointing Doug Shinn to the Canyon County Mosquito Abatement District Board of Trustees (see resolution no. 18-011).

The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER BYRON AND BECKY HAYDEN'S CASUALTY LOSS APPLICATION FOR CANCELLATION OF PROPERTY TAXES

The Board met today 10:03 a.m. to consider Byron and Becky Hayden's casualty loss application for cancellation of property taxes. Present were: Commissioners Pam White and Steve Rule, Becky Hayden, Treasurer Tracie Lloyd, Assessor Brian Stender, Greg Himes from the Assessor's Office, Deputy P.A. Brad Goodsell, and Deputy Clerk Monica Reeves. The application is another casualty loss from the Burnie Subdivision where a number of homes were flooded. The Haydens were out of the home for 128 days. The Treasurer prepared a form that shows the breakdown of the values and the percentage of loss and the estimated taxes attributed to that loss. The tax amount requested to be forgiven is \$343.27 and is based on a reduction in value of \$25,700. Upon the motion of Commissioner Rule and the second by Commissioner White the Board voted unanimously to forgive the taxes in the amount of \$343.27 for Byron and Becky Hayden. The meeting concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH DAVID PETERSON TO DISCUSS CASUALTY LOSS APPLICATION FOR CANCELLATION OF PROPERTY TAXES

The Board met today at 10:30 a.m. to discuss David Peterson's casualty loss application for hardship cancellation of property taxes. Present were: Commissioners Pam White and Steve Rule, David Peterson, Treasurer Tracie Lloyd, Assessor Brian Stender, Greg Himes from the Assessor's Office, Deputy P.A. Brad Goodsell, and Deputy Clerk Monica Reeves. Greg Himes

said Mr. Peterson came in for a board of equalization hearing but the valuation of his new house wasn't the issue so the Board upheld the value on the new house and decided to come back and hear the casualty loss cancellation. He was out of the house from July 4, 2016 through the end of December 2016 so there is a valuation reduction of \$185,092 and a tax calculation of \$3,527.24. Treasurer Lloyd said he was charged penalty and interest back in 2016 because he forgot to pay the taxes and he has asked for it to be forgiven due to the information he received from the Assessor's Office in 2016. Commissioner White made a motion to grant the casualty loss in the amount of \$3,527.24. The motion was seconded by Commissioner Rule and carried unanimously. Commissioner Rule asked for further explanation on the penalty portion. Mr. Peterson said if the process had been done correctly he would have been here in July 2016 and the tax would have been forgiven and there wouldn't have been a penalty, but neither he nor the Assessor's Office were aware of the law then. Brad Goodsell said the statute under Idaho Code, Section 63-711 allows the Board to cancel penalty and interest that are related to taxes it has cancelled. Assessor Stender said Mr. Peterson came to the office in a timely fashion, but staff assumed he wanted to get the value reduced for when the house burned and they were not aware of the situation or else they would have had a process in place a long time ago and he would have received the right tax bill. Commissioner Rule made a motion to forgive the penalty and interest in the amount of \$308.21. Commissioner White seconded the motion which carried unanimously. The meeting concluded at 10:40 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH CASH AND FRANCES MITCHELL TO DISCUSS CASUALTY LOSS APPLICATION FOR CANCELLATION OF PROPERTY TAXES

The Board met today at 11:02 a.m. to consider Cash and Frances Mitchell's casualty loss application for cancellation of property taxes. Present were: Commissioners Pam White and Steve Rule, Cash and Frances Mitchell, Treasurer Tracie Lloyd, Assessor Brian Stender, Greg Himes from the Assessor's Office, Deputy P.A. Brad Goodsell, and Deputy Clerk Monica Reeves. Tracie Lloyd said this is a Burnie Subdivision casualty loss application where they were out of their home for 90 days. She prepared a work sheet which shows a reduction in property tax value would be \$14,600 amounting to a cancellation of \$195.00 in property tax for 2017. Frances Mitchell said they were out of the house for three months while repairs were being made. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to forgive taxes in the amount of \$195.00. The meeting concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 2, 2018

PRESENT: Commissioner Tom Dale, Chairman – attended the JFAC Hearing
 Commissioner Pam White
 Commissioner Steve Rule – out of the office
 Deputy Clerk Monica Reeves / Jenen Ross

No meetings were conducted.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 5, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 2-9-18

The Board of Commissioners approved payment of County claims in the amount of \$5932.88, \$106,124.37, \$430,357.75 and \$105,382.02 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Converge One in the amount of \$31,012.82 for the Information Technology department
- Amazon in the amount of \$1044.99 for the Information Technology department
- Inselman Plumbing & Excavation in the amount of \$3600.00 for the Facilities department
- Graybar in the amount of \$15,799.00 for the Facilities department
- Quality Electric in the amount of \$40,276.00 for the Facilities department

STAFF MEETING

The Board met today at 8:34 a.m. for an office staff meeting. Present were: Commissioners Tom Dale, Pam White and Steve Rule, PIO Joe Decker, Sr. Administrative Specialist Jamie Miller and Deputy Clerk Jenen Ross. The Board reviewed the calendar and agenda with staff. PIO Joe Decker updated the Board on the following communication items: he will be doing a press release regarding the retirement of Jim Martell and appointment of AJ Mondor. He recently spent time with a reporter from the Press-Tribune touring the landfill with Director Loper as they will be doing a story about Pickles Butte. There are a couple of Sheriff's sales to be loaded onto the website along with the next public meeting for the Historic Preservation Plan. Idaho Day is on March 4th, which is something the legislature recognizes, so he will look into finding a proclamation for the Board to sign towards the end of the month. The meeting concluded at 8:40 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER AGENDA ITEMS

The Board met today at 9:06 a.m. to consider signing resolutions issuing refunds requested by Development Services. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The Board considered the following resolutions for refunds:

Refund for a building permit to Gene Ness: Mr. Ness changed his mind on his building and decided not to do a basement. The fees were recalculated resulting in a refund of \$157.76.

Refund for a rezone and comprehensive map amendment to Curtis & Sharon Urrutia: The Urrutia's changed their minds on this project and have asked for a refund. Some limited staff costs were deducted making the refund \$3253.93.

Refund for a property boundary adjustment application to Talich Land, LLC: Mr. Talich had his clients change their application which resulted in an \$80.00 application fee to be refunded.

Upon the motion by Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the resolutions issuing refunds to Gene Ness (see resolution no. 18-014), Curtis & Sharon Urrutia (see resolution no. 18-013) and Talich Land, LLC. (see resolution no. 18-012). The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE

The Board met today at 9:11 a.m. for a legal staff update. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. Commissioner White asked about a letter that was recently received from an inmate requesting a resolution to his situation. Mr. Porter let the Board know that the letter had been referred to ICRMP for a response and that there is no need for the Board to respond. The meeting concluded at 9:14 a.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2018 TERM CALDWELL, IDAHO FEBRUARY 6, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

The Board attended the Idaho Association of Counties conference.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 7, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

The Board attended the Idaho Association of Counties conference.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 8, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

The Board attended the Idaho Association of Counties conference.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 9, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 2-26-18

The Board of Commissioners approved payment of County claims in the amount of \$78,868.76 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- ITCC (Idaho Tower) in the amount of \$13,895.20 for the Information Technology department
- HP, Inc. in the amount of \$3703.44 for the Information Technology department
- Mountain Home Auto Ranch in the amount of \$30,492.45 for the Fleet department

APPROVED SALARY RATE REQUEST AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Adam (AJ) Mondor.

LEGAL STAFF UPDATE AND CONSIDER SIGNING DISTRIBUTION OF CANYON COUNTY FY2018 JAIL FINANCE AND CONSTRUCTION RESEARCH REQUEST FOR INFORMATION

The Board met today at 9:06 a.m. for a legal staff update and to consider signing distribution of Canyon County FY2018 Jail Finance and Construction Research Request for Information. Present were: Commissioners Pam White and Steve Rule, Commissioner Tom Dale attended by phone, Chief Deputy P.A. Sam Laugheed, Facilities Director Paul Navarro, Jail Captain Daren Ward, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, PIO Joe Decker, Nicole Foy from the Idaho Press-Tribune, Kelby Monks, a student at the University of Idaho and Deputy Clerk Jenen Ross. Sam Laugheed said last year the Board contracted with DLR Group to provide a needs assessment and concept design. DLR worked with the Sheriff's Office and other county stakeholders over a period of several months with the final report being released in November. After the report was released the Board held a couple of open meetings with DLR Group and the local community to address questions and some concerns that were raised by the final report. In the meantime, some Board members as well as other stakeholders have been contacted by various national construction and jail expertise firms and individuals offering their perspective and information on the county's situation and the DLR report. As Mr. Laugheed understands, in consequence of that contact, the Board would like to standardize the format in which this additional information is received. The purpose of the RFI is to provide a standardized form for these entities who have this experience and perspective to provide their information to the county. This is just an RFI (Request for Information) and the responses are not offers nor would they be binding and could not be the basis for a contract, it is purely for research and informational purposes only. The RFI sets out the current factual circumstances as well as some of the relevant legal framework, particularly how jails are operated in Idaho with the Board being the manager of the facility and the Sheriff being the operator of the facility. It includes any financial restrictions on the county entering debt beyond that available in a given fiscal year and requests their perspective and input. The RFI states that the County is open to all well-reasoned solutions based on the DLR Group's needs analysis which is incorporated into the RFI, perspective and ideas on financing over a term not to exceed 30 years, which is the statutory maximum, construction of at least 800 beds with expansion possibility with the bed space being of varying classification status. The RFI includes a calendar showing that the notification will be published in the Idaho Press-Tribune and Director Navarro and PIO Joe Decker are working to find outlets beyond the local media for this RFI to be pushed to. The attachment shows the basic format of how the county would like to receive the information. There is no legal reason not to move forward with the legal notice and the RFI itself. Commissioner Dale expressed concerns about the meeting with HOK coming up next week and wondered if that should be postponed. Mr. Laugheed did not believe it needed to be postponed but that

perhaps the RFI packet could be forwarded to them in advance of the meeting. Commissioner Dale made a motion to release the RFI and Commissioner White seconded the motion. A roll call vote was taken with Commissioners Rule, White and Dale voting in favor of the motion. The motion carried unanimously. Commissioner Rule and Commissioner Dale shared with Commissioner White that at the IAC Conference this week there was a question asked about the local option sales tax. Several legislators answered that it is unlikely a local option sales tax would be approved this year or in the near future. The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RELATED DOCUMENTS

Commissioner Rule made a motion to go into Executive Session at 9:33 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss personnel issues related to specific employees and related documents. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Steve Rule, HR Director Sue Baumgart, Public Defender Aaron Bazzoli, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:51 a.m. with no decision being called for in open session.

JAIL POPULATION UPDATE; POSSIBLE EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(D) AND (I) TO FOLLOW

The Board met today at 10:02 a.m. for a jail population update; possible Executive Session pursuant to Idaho Code, 74-206 (1)(d) and (i). Present were: Commissioners Pam White and Steve Rule, Commissioner Tom Dale via conference call, Chief Civil Deputy P.A. Sam Laugheed, Chief Criminal Deputy Chris Topmiller, Deputy P.A. Mike Porter, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward, Nicole Foy from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Sam Laugheed said the Executive Session will be continued to next week as there are some associated risk and liability issues that need to be discussed and it would be in the county's best interests to have Sheriff Donahue and Prosecutor Taylor here for that component. There are some matters that are already public record involving the jail population and some events that have been occurring over a period of time but have reached a head this week with particular regard to female inmates. He said Captain Ward can talk about that and we can tell you what interim measures have been taken. He provided the Board with an attorney-client privilege memo outlining some of the other options and risks that can be discussed in Executive Session next week. Captain Ward said they have 62 female beds within the main Dale Haile jail and they've opened one floor in the annex (the 1948 jail) that holds 14 more female beds. It's very problematic because there has to be a female deputy in that unit because of the layout of the facility. This morning there were 98 females in custody; 13 are housed out of county and the rest are in special management units. This Monday they had 39 people in special management units because

they had no other place to put them so they are trying to get people released to alternative programs but those programs are at the saturation point. There are people who should not be in those programs according to the risk assessment scores so he feels like they are somewhat sabotaging the pretrial program by sending people we know are not going to be successful. According to Captain Ward they are okay with the male population this week. There are 18 males housed out of county but every day the transport staff calls surrounding counties but there aren't any available beds. Commissioner Rule said he had a conversation with Washington County Commissioner Kurt Chandler regarding jail space and he said they have a contract with the state for 40 beds at \$45 a bed. He asked if Washington County would consider contracting those 40 beds with Canyon County instead of the state if we paid a little more for the space and Commissioner Chandler said yes, that could be worked out. Captain Ward said that's how we are getting the beds in Owyhee County and Gem County, by paying a little more than the state, but they have not been able to get Washington County to do that yet, but he is happy to reach out to them. Chief Dashiell said we have 3-5 inmates housed in Washington County this week, and they've worked with the Sheriff over the past year and it's up and down on space availability and when they run into employment shortages it changes how many beds they operate in their jail. Female bed space becomes a premium for everybody and we are in competition with Ada County and Twin Falls County for beds from Moscow to the Wyoming border and it can be a chess match on who can secure the beds quicker. He said when we talk about the special management units, some of those inmates do have to be housed in those locations on suicide watch and medical watch, etc., but it's not overflow housing. They put pressure on the state every day to pick up their prisoners that are housed in the jail. They have expended all resources and are trying to figure out what to do next. Commissioner Rule said we have to get creative if we're going to solve the problem and he's willing to authorize a new position or two to guard our prisoners in Washington County. He also said there's an approved set of plans for 190 beds on the end of the Dale Haile and if the other Commissioners will consider that we could get a building permit and have some jail relief within 18 months. It's not perfect but that's the one thing that's doable. Chris Topmiller said this week he reviewed the entire female population to see if there were any inmates who were immediately dangerous. A list then went to Captain Ward and he said of those 20 people, 16 will not successfully complete pretrial release. Chief Topmiller agrees but we need the space. Mr. Laugheed said we're at this point where creative solutions have to be found because we've reached this kind of saturation point before - 10 years ago or so - and that was the prelude to litigation and to the creation of the pretrial program, and the alternative sentencing program, and to the creation of the early release efforts that we've worked on with the judiciary, and the out of county lease space, and at this point they can't envision any more of those sorts of solutions that would be lawful or would afford any relief and so we are down to making choices that are going to put things off for some time and that's why he provided a memo about some of the risks and liabilities. Chief Dashiell said when they were over 100 females in custody they pulled up that same data for the past four years which showed it's nearly a 100% increase in female population. It isn't a change per se in what the courts are doing, it's a change in population numbers and who's committing what crimes, the majority of which are drug based but unless there is a legislative change or decision change in the mindset on how the courts want to approach these we are only going to see these numbers continue grow because we are giving all these people opportunities not to sit in jail and they are abusing that opportunity. Commissioner

Rule asked if the Sheriff's Office had enough surplus in this year's budget to take care of the extra fees. Chief Dashiell said through January the out-of-county housing is at 86% expended, jail overtime is at 112% expended but due to vacancies in the A budget they are still within range but it will be something he has to continue to discuss with the Controller. Commissioner Rule said we talked two years ago about putting hundreds of thousands of dollars in the budget for out-of-county housing costs and now reality is slapping us in the budget. Mr. Laugheed said if we can take some time over the next few days to think about the circumstances and those choices that are being presented and then reconvene for an executive session. Commissioner Rule asked Captain Ward to check with Washington County about additional bed space. The meeting concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

FEbruary 2018 TERM
CALDWELL, IDAHO FEBRUARY 12, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Platt Electric Supply in the amount of \$5262.70 for the Fair
- Bomgar Corp in the amount of \$2306.29 for the Information Technology department

APPROVED CLAIMS ORDER NO. 2-12-18

The Board of Commissioners approved payment of County claims in the amount of \$333.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 2-26-18

The Board of Commissioners approved payment of County claims in the amount of \$24,546.73, \$67,824.15 and \$119,864.32 for accounts payable.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:32 a.m. for an office staff meeting. Present were: Commissioners Tom Dale, Pam White and Steve Rule, PIO Joe Decker, Deputy Clerk Jenen Ross, Sr. Administrative Specialist Jamie Miller, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. Mr. Decker reported on the following communications issues: will do a press release for the Request for Information for the jail finance and construction research project; AJ Mondor, the new Director of the Weed and Gopher Department, would like to start a Facebook page for the department; KBOI talking points; Crunch Fitness is offering reduced rates to employees; he will meet with KBOI reporters to discuss Canyon County issues; he will post a notice on the website about the courthouse closure on February 19 for President's Day; he will work with Valley Information Systems about putting an insert in with the assessment notices regarding the household hazardous waste event in June; and the Elections Office asked him to work on a training video for their poll workers. The meeting concluded at 8:40 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – APPEAL RE: COPE SAND AND GRAVEL'S REQUEST FOR A MINERAL EXTRACTION EXPANSION, CASE NO. PH2017-52

The Board met today at 9:07 a.m. to conduct a public hearing in the matter of an appeal by the Wild Rose Estates HOA, Carriage Hill Community HOA, Two Towers Subdivision HOA and Memory Lane Community, of the P&Z Commission's approval of Cope Sand and Gravel's request for a Conditional Use Permit (C.U.P.) for a long-term (20 year) mineral extraction use on Parcel R33106. The use includes sand and gravel mining, operation of a portable crusher and gravel transportation. The subject parcel is addressed as 12475 Lake Lowell Avenue in Nampa. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, DSD Planner Dan Lister, DSD Planner Jennifer Almeida, Steve Torrano, Charles Dennis, Tom Michaelson, Sheryl Mansfield, Steve Brooks, Bill Rapp, Sherra Rapp, Tina Putnam, Chris Putnam, Ed Wofford, Marilyn Wofford, Paula Torrano, Al McGlinsky, Lee McGlinsky, Patricia Dennis, Jean Perdue, Diane Echols, Alexander Bozeman, John Anderson, Anne Turner, Robert Turner, Cheyanne Turner, Elspeth Turner, Youli Wang, Claudia Frent, Flavius Frent, Philip Shearer, Marshall Anderson, Mike Moore, Julie Parsons, Gregg Lasher, Kim Lasher, Kenneth Struck, Patricia Myrick, Kelly Mansfield, Victor Rodriguez, Ty Benhom, Christian Stanciu, Todd Lakey, Paul Cope, Brett Cope, Jacque Cope, Bob Cope, Cheryl Cope, Dave Cockrum, Kim Keller, Ken Wood, Patrick Hargan, Jay Greenwood, John Babcock, Chuck White, Mike Olson, Dusty Hibbard, Robert Parrish, Jason Wallace, Philip Welch, Karleigh Robinson, Leslie Robinson, Angie Robinson, Ritchie Wheaton, Mike Hill, Brad Carpenter, Mike Mussell, Mike Fusselman, Caleb Gentry, Randy Barney, Dean Hartwig, Steve Snead, Jim Russell, Tyler Dahle, Mark Hess, Chris Lords, Tony Schuler, and Deputy Clerk Monica Reeves. Commissioner Dale said this is an appeal of an application for an expansion of the existing gravel pit. The Board heard a Cope application previously but that was for a new project on a different site, but this is not that case, it's a continued operation at the present site, an expansion of the present site. He knows people on both sides of the issue, his parents owned property in the Wild Rose Subdivision back when this first pit started. He has not made up

his mind so it's going to depend on the testimony and what we hear today. Commissioner White said she knows people on both sides of the issue and she has family members that have been in business and they may have at one time done business with Cope. Commissioner Rule said he has done business with Cope Sand and Gravel as part of Rule Sales and Service. He likes industry, commerce, and economy, but on the other hand after the last decision he received severe critical comment on his character and ability to judge information from the Cope side, but if he recused himself every time he received criticism he'd probably set out half the meetings that are important to Canyon County progress. He doesn't like to be called names or be told he doesn't know what he's doing. He will wipe the slate clean, listen to the testimony and try to make a decision that supports the data we are given.

Dan Lister gave the oral staff report. Cope Sand and Gravel is proposing an existing mineral extraction use on Parcel 33107, which is gravel pit mining operation of a portable crusher and related gravel transportation to gradually transition to the subject parcel (R33106) as the existing site becomes depleted. Operations include an expiration date of 20 years, the existing pit expires March 20, 2032; hours of operation are Monday through Friday 7 a.m. to 6 p.m., Saturday 7 a.m. to 1 p.m., and they are closed on Sunday. This is the existing operation's hours of operations; there will be one access point from Lake Lowell and as the operation moves over to the subject property that access point would be installed; there will be only 10 parking spaces near the proposed crusher location, trucks and equipment would be parked on site during active operation periods; trucks are not proposed to increase as part of this transition to this proposed location and neither is the number of employees. Reclamation of the existing use is proposed to be recreational, Boy Scouts of America use. On November 2, 2017 the P&Z Commission approved the C.U.P. with conditions of approval. On November 13, 2017 Steve Torrano, representing Wild Rose Estates HOA, filed an appeal which included opposition letters from Carriage Hill Community HOA, Two Towers HOA, and Memory Lane Community. Staff received many letters both in support and in opposition. Some of the concerns are the increased dust, noise and traffic impacts, potential resource impacts to the subdivisions' water supply, habitat of the Deer Flat area, recreational use of Lake Lowell and related impacts to property values. Staff received concerns about it being visually unattractive and that it's inconsistent with the Canyon County Comprehensive Plan. There were numerous letters of support stating this location is critical and that gravel resources are critical to the future growth of Canyon County for construction, roads, etc. Local ownership keeps the costs down and competitive, and they are good neighbors and responsible business owners. Staff's analysis shows that the proposed use doesn't really change the existing area or the character; it's predominately agricultural with similar conditions, dust, noise, machinery, smells. Within that area there are three gravel pits: one is the Cope gravel pit, and two that have been there for a very long time, Rambo and Nampa Paving, also known as Woodland Properties, LLP. They are large acreages and have no end date so they will be able to use that use for a very long time. The existing extraction use expires March 20, 2032. The proposed 20 years would expire February 12, 2038, approximately six years after the expiration of the existing site, therefore the expanded use does not significantly prolong the use already approved in the area nor impact the transition of the area from agriculture to residential any more than the existing approved use currently does. The applicant has provided information that demonstrates this would not create a significant adverse impact to the surrounding area. The portable crusher will gradually be

located into that newer location, over 1200 feet from the closest residential use to reduce noise impacts to neighbors. Use will comply with existing operation days and hours. As conditioned, air quality, dust control requirements from DEQ are required to be met. They have demonstrated with data from a professional geologist that the existing site meets current standards. As part of the conditions staff has added that they have to meet all state and federal requirements. The proposed use will not change existing views from the north, west and south. The use will be 50 feet or more below the surface. A 400-foot buffer is proposed between the site and the nearest residential subdivision which is Wild Rose Ranchettes, which will remain in agricultural use which currently includes a feedlot with homestead. A 100 to 300-foot buffer is located between Lake Lowell Avenue and the Thacker Lateral which will remain as maintained pasture. The existing tree line along the lateral will serve as a visual buffer between the road and pit area. The southeast border will provide a 50-foot buffer starting at the property line and then gradually become a 500-foot buffer going southwest on the property line. The use is designed and conditioned to impact or further strain essential services; existing irrigation laterals and Idaho Power transmission lines will be protected. The use transitioning to a smaller location will not increase impacts to fire or police services; existing septic and well will not be utilized or disrupted as part of this use. The applicant is not proposing to increase the number of trips as part of the mineral extraction operation, therefore, Canyon Highway District does not require a traffic impact study, but it has requested a condition of approval that truck traffic be limited to east bound Lake Lowell Avenue and Midway due to road conditions west bound and the applicant has agreed to that. As conditioned the proposed use is consistent with the required C.U.P. findings in section 07-07-05 of the Canyon County Code. The proposed use is consistent with the use standards required for long-term mineral extraction uses, section 07-14-19 of the Canyon County Code, therefore, staff is recommending the Board deny the appeal and approve the C.U.P. with conditions.

TESTIMONY IN SUPPORT OF THE APPEAL WAS OFFERED AS FOLLOWS:

Steve Torrano offered testimony as the appellants' representative. He is the Vice President of the Wild Rose Ranchettes HOA established in 1978. Wild Rose Ranchettes fought the current gravel pit when it was originally proposed 15 years ago and many of those here today are continuing the fight for the new pit. They understand the Copes are looking toward the future to continue their operation, however, this new location is not appropriate and would have a negative impact for decades to come. Significant impacts include: Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area? Land uses in the immediate vicinity to the subject property include multiple residential subdivisions, agriculture and rural residential property. The proposed gravel mining operation would be located within 400 feet of the eastern boundary of the Wild Rose Ranchettes Subdivisions. Being this close noise and dust from a mining operation would continue to be disruptive to the rural residential character of the area. Additionally, allowing this operation to move this much closer to existing subdivisions would continue to harm the property values and development of those exiting subdivisions and threaten their water supply.

Traffic Impact – From the standards of review for the C.U.P., Section 07-07-05, 1) the existing pavement section for Lake Lowell west of the proposed mine was not designed to accommodate significant truck traffic. It's a section they have agreed not to use, however, who's going to monitor that? How do we know, and why haven't they stopped the trucks

from going down that street before? The intersection of Lake Lowell and Lake Avenue has narrow approaches, small radii, and a high percentage of bicycle, pedestrian and school bus traffic that did not exist 15 years ago. Trucks are competing with bikers, runners, walkers, school buses and boat-towing traffic coming from all over the Treasure Valley. The intersection of Lake Lowell and Midway Road has trucks backing up traffic while they wait to turn west onto too narrow of a road. It's an inappropriate location for this kind of traffic. Concerns in complying with the comprehensive plan – Property Rights Policy No. 8 from the 2020 Canyon County Comprehensive Plan states to promote orderly development that benefits the public good and protects the individual with a minimum of conflict. They do not feel that the public good is benefitted this close to the Lake Lowell recreation area and to the Wild Rose Ranchettes water aquifer. They have been assured that no significant damage is likely to happen to the water aquifer but that does not guarantee our safe water. Secondly, Land Use Component Goal No. 2 states to provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area. Within Canyon County land resources are limited. Land is valuable and should be utilized in a constructive manner. County Commissioners, P&Z officials, cities and citizens are all responsible for determining the highest and best use of land. Priorities regarding land use needs to be routinely reviewed and updated. Long range plans should be updated to accommodate expected growth without endangering natural resources and the quality of life. Because of the beneficial nature of the resource and its cultural and historical value, the County recognizes that the Deer Flat National Wildlife Refuge is a special area. Careful consideration should be given to development adjacent to the site. They are concerned about trucks being on roads that were not originally designed for that type of traffic. The final component for the comprehensive plan, the natural resources component states consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics, and flooding. We feel like these points are in danger of not being complied with. Mr. Torrano asked the Board to deny the proposed use because it's not compatible with the comprehensive plan.

Marilyn Wofford testified that almost every week when approaching the stop sign in front of the Cope gravel pit they have to back up because a gravel truck with a trailer needs both lanes to make the turn. Last year they saw a bicyclist going up the hill on Lake Lowell Avenue and they chose to stop rather than go around and a loaded gravel truck came down the hill just then and had they not stopped they could have been killed. She spoke of the dust and silica that gets in their home; they have an electronic air filter and when it's washed the water is black as ink. Ms. Wofford submitted a video showing the dangers of exposure to silica.

Ed Wofford stated he was the water system operator for 10 years for Wild Rose Lane so he went through a lot of continuing education with DEQ. He did some research on how to control silica dust from the stone crushing with water spray technology. He said the body doesn't know what to do with silica and so it becomes embedded in your lungs and you can't absorb oxygen anymore. He asked where the water is going to come from that the Copes needs to hold the dust down. Is it from the bottom of the pit? That's a potential source of contamination, any well that's drilled in that area alongside the gravel operation. What about the 40% that goes into the air?

Al McGlinsky testified that in the early 1980's they purchased five acres on which they built the home they have lived in for 33 years. They paid a premium for the land knowing it was

sure to be peaceful being surrounded by ag land, a county park, the lake, and the wildlife refuge and they thought this would be a wonderful place to live their last years, but that changed in 2005 when the Copes, using a C.U.P., began mining gravel a few hundred yards from their house. The quiet is gone, she hears the rock crusher every time it runs and the machinery beeping six days a week and now Cope wants to expand. The front door of their home is less than 200 feet away from that land and their view will be of the mine itself. Elevations are such that no berm could possibly screen it or its noise. None of those who wrote letters in support of Cope live nearby, nor do the Copes. They have failed to follow the C.U.P.'s on his existing mine. Documents show Cope paid over \$3200 in fines for 33 MSHA violations between 2007 and 2017. There have been many repeated violations indicating he finds it easier to pay the fines rather than fixing the problems and by his own admission he has exceeded the depth conditionally allowed and he continues practices that may contaminate drinking water. The 2020 comprehensive plan is residential for the area the Copes want to mine, please do not allow them to do it.

Diane Echols said the proposed expansion presents a health risk to the neighboring community. Silica dust can become airborne and transported to surrounding areas during mining operations and by the wind. The proposed site is too close to many homes and the park; this is a public health issue impacting quality of life and medical expenses. Crystalline silica dust is not the same as ordinary house dust; the particles can be 100 times smaller than sand and one-seventh the diameter of a human hair. They are too small to be seen by visual inspection but they can easily enter the human respiratory system. The Department of Health and Human Services and other public health agencies have identified crystalline silica as a human carcinogen that can cause or exacerbate silicosis, lung cancer, COPD, auto immune and renal diseases. Children are more at risk than adults with shorter exposure periods resulting in lung damage. While it is true that the greatest exposure occurs exists within mines, people living on neighboring properties are also at risk. Silica particles can travel hundreds of feet depending on size and wind speed. According to the EPA larger particles, 30 to 100 micrometers, can travel a few hundred feet in a 10 mph wind. Respirable dust smaller than 15 micrometers travels further and remain suspended longer. Even smaller fugitive dust at 10 micrometers can remain airborne for weeks. In April through August 2017 Nampa had sustained wind speeds greater than 10 mph on 68% of the days and gusts greater than 10 mph on 95% of the days. People in nearby homes, the park and nature trail would easily be exposed to fugitive silica dust. Many states use sampling instruments over several hours to measure particulates in the air at gravel pits. Idaho DEQ inspections instead rely on visual observation and are only required on five years. How will that protect the community from fugitive silica dust from the gravel pit? Residents of this community should not have to be exposed to respirable silica, neither should people enjoying recreation at the park, the wildlife refuge or biking routes. She urged the Board to consider the health risks to the people living in the vicinity of the proposed expansion.

Patricia Dennis testified that her family has lived on their property since the Lake Lowell Dam was built. Her great grandparents owned from the property in the area but had to sell pieces off. To say our property values are not going to be affected is misleading. There are many people that if they know a gravel pit is banging around and noise producing we're going to lose people that would have purchased, they aren't going to want to contend with that and it goes to the year 2032. That is not advantageous to those who live in this area. The subdivisions that are starting to surround us are going to be affected by this. The pit

that was made by the dam has been there ever since it was made; the pit that's on Lake Lowell our police force has used for a gun range and it's still there. The pit that's on Midway behind where Johnny lives, his mother and grandmother used to badmouth that thing so I know they would not be for this. They were opposed to the original Cope pit and they are opposed to this one.

Philip Shearer stated this phase won't affect as much as the last one would have, but he wants to share a sound video from his backyard of the existing crusher. If they expand the sound will be magnified greatly as it creeps closer to the homes. He understands the need for gravel pits but we can't mix mineral extraction and residential. He isn't saying they shouldn't be able to finish out where they're at they just don't want them to creep closer to the homes. This isn't the only location they can pull gravel from. He wants to live in this area and be comfortable, and the retired folks and stay at home moms don't want to listen to the crusher, truck traffic and equipment.

Lee McGlinsky stated her property borders on the proposed expansion and she urged the Board to deny the request. Presently this 40.69 acre property is zoned agricultural, and changing an agricultural zone to an industrial zone next to a residential area is in violation of the comprehensive plan. There are countless reasons not to place an industrial mineral extraction business next to homes: the noise of the rock crusher, the beeping of trucks backing up, the silica dust blowing off the pit on a windy day, increased truck traffic on narrow country roads, wide truck turns crossing centerlines, threats to well drinking water and certainly decreasing home property values resulting in lower taxes to the County. Another area of concern is the Copes past lack of compliance and being fined for past violations of existing rules and not obeying the stipulations placed on them when they got their C.U.P. for the other pit. They have exceeded their hours of operation, the visual barrier ordered along Lake Lowell consists of a dirt berm and small trees that have almost died and the visual barrier along Midway Road is a bulldozed dirt berm with no landscaping. Neighbors called to complain but nothing was done. She questioned if there is a government department that enforces requirements for a C.U.P. This area contains a wildlife refuge, a park, a lake with boat docks, and an expanded industrial gravel pit is certainly not a compatible land use. Canyon County has a good long term land use plan that provides protection and quality of life to all residents and she urged the Board to follow the plan and enforce the restrictions it ordered Cope to abide by as conditions of the present C.U.P. Mr. Lister said code enforcement is through the Development Services Department, and the only one on record is for landscaping, but unfortunately they lost their code enforcement officer recently but they should have another one soon. He said staff is looking at the landscaping issue. Mrs. McGlinsky said she has called in the past, as did other neighbors, about operating past their hours and a variety of other things. Mr. Lister said he will look through the records. Claudia Frent asked who is responsible for enforcing C.U.P.'s. Based on her research in talking to P&Z and the Idaho Department of Labor and the DEQ the response she continually heard was they do not have enough manpower to police C.U.P.'s. When you look at the original C.U.P. that was approved in 2001, specifically the depth of the pit, it says the applicant shall comply with the submitted operation plan. In their submitted operations plan and reclamation plan and in their testimony, Cope testified they would not go deeper than 50 feet, but on Nov 2, 2017 Paul Cope testified that they have gone 70-80 feet deep. Are they in violation of their original C.U.P. with the depth of the pit and if so, what's going to happen? There are stipulations in their C.U.P. but they are not enforced and now they are

bringing dirt into the pit, where is the dirt coming from? What's in it? Does it contain arsenic or bacteria? She believes the Copes are putting us at higher risk. The new C.U.P. is not compatible with the Comprehensive Plan.

Charles Dennis brought with him a water filter that was caked in sand. He changes the filter every six months and has for the last 18 years. Five years ago he had to replace the well and go 20 feet deeper with a new pump. His home is 1800 feet from the existing pit and the newer one will be a lot closer. His daughter has emphysema and just being close at home gives him a lot more problems.

Steve Brooks stated that he lives 400 yards from the proposed gravel pit. He moved to Idaho in 2009 for the quality of life; he is pro-business, however, the business needs to match the needs of the community and the area it is in. He purchased his property in 2016 after the last land use permit was denied. He waited to purchase because he didn't want to live next to a gravel pit. He knew there was an existing pit, but knew it would come to an end relatively soon. He built a dream home as a long term investment and said if this new pit is approved it will affect his family for the next 20 years and will impact the home value and their ability to sell. In looking at satellite images from 2005 when Cope first began, there were very few homes within a mile radius of the pit, but in the last 13 years that has changed dramatically but the data and reports don't show it to be a slowing down trend. Idaho is reported to be the fastest growing state in the nation. Today there are several subdivisions and hundreds of homes within a half mile of the newly proposed pit and more homes planned even closer in the next five years. This will affect the quality of life for families as they settle to Nampa. In 2016 the Board denied the land use permit because it doesn't belong near residential neighborhoods and that decision should still be the same today as nothing has changed other than more residents have begun growing closer. Commissioner Rule asked which direction the prevailing winds blow. Mr. Brooks said the winds go in lots of directions; oftentimes they come from the south off the lake, and they go to the northeast and as you bring that up that current pit when the winds do blow often you can't drive down Midway Road without having to slow down because the winds are blowing so much dust.

Tina Putnam testified her house is one of four homes directly affected. Per the zoning ordinance you have to determine whether or not the use would cause damage, hazard, nuisance or other detriment to persons or property in the vicinity. People come to Lake Lowell to enjoy recreational watercrafts, boating, fishing, swimming and photography. We have many walkers and joggers down Lake Lowell Road, around the park and along the dam. There is an active park, learning stations along the Story Trail, an open green space and they just added a backstop for t-ball. There is a wildlife nature preserve as well as a learning and activity center, the rural environment and close knit communities with multigenerational families, pets, livestock and scenic views. A bigger gravel pit is not compatible in this picture. This is not an expansion, it's a new lease of 40 acres with a different property owner. It was mentioned that the wildlife refuge had no objections, this was misleading and the refuge manager had to email Mr. Lister to clarify that they cannot comment in support or against the request. It was also stated there hasn't been new growth in two years but as you can see by the pictures you can't go down any roads from Lonestar to Greenhurst Road from Midway down without running into huge new developments. It was stated the Copes have had no code enforcement issues, violations, or citations but in looking at the Mine Safety Health Administration(MSHA) reports you can see they've had 33 citations and violations from 2005 to present, two of which have been marked for significant and substantial. She showed

a video of the sand and dust that scatters over the berms and across the road that she said shows the sand hitting the side of her car. If approved, her family and property will be directly affected; they have a big back yard and in-ground pool and they like to entertain and host pool parties for friends, neighbors and church youth and approval of the new area to be mined will impact deeply that quality of enjoyment. They will be exposed to additional dust, sand, noise and health hazards.

Tom Michaelson testified about the issues of health. He was the superintendent of public schools for 30+ years including a short stint in the Nampa School District and in his prior school district they had an elementary school downwind of a sand and gravel pit and they had significant medical issues with younger children, particularly at the elementary school. There is a subdivision that has 137 homes and his concern is that elected officials have approved acres and acres of land to be subdivided to put homes upon and as a result hundreds of homes have been built spanning mostly to the west toward Lake Lowell so what assurances do the homeowners have for quality of life, safety on roads, and for health issues that are downwind in terms of dust – increased breathing disorders, potential asthma and/or emphysema. They want safe travel to and from work, to and from our schools, to our homes, and our churches and recreational areas. There have been discussions in the past few years about bike paths and walking paths in and around the Lake Lowell area. Those are significant safety issues when you've got heavy commercial truck vehicle traffic and even if they don't increase their traffic patterns the number of significant new home owners are going to be increasing the arteries of our transportation on roads in the area. Please consider the masses of people affected by this development. The appellants are not asking it to be shut down, but that it be in an appropriate area not adjacent to and in the middle of subdivision growth. A recess was taken from 10:50 a.m. to 10:59 a.m. When the Board went back on the record Commissioner Dale asked Al McGlinsky where he obtained the data retrieval system document that references the citations. Mr. McGlinsky said he obtained them from the Mine Safety Health Administration website. Additionally, Claudia Frent indicated this is the same material she referred to during her testimony.

Chris Putnam stated his house is directly against the affected area and during the summer he has to clean his pool every day because there is a layer of dust on the bottom. He said the current pit is 100 feet deep but it cannot be reclaimed as anything. The Wild Rose Subdivision was built on a gravel pit, and its 20 feet deep, but no one is going to build in a 100-foot pit. He is concerned that the existing permit runs to 2032 but he doesn't think there's any dirt left, they've already mined it because they're currently bringing in dirt. When he purchased his home two years ago he knew the pit was there but he thought they were nearly done. He spoke about the tax loss the County would experience if homes are not built in the area and he spoke about his concerns with silica dust in the water.

Sheryl Mansfield said the request doesn't add just six years; the Copes are almost done mining there so it really will add another 18-20 years. It was said the Cope pit is the only one that provides resources in this area but there are two other gravel pits in the area that provide for new development. She said Mr. Lakey stated there will be significant growth so we need to hurry and put this in before those homes come in but that is the opposite of what should happen, let's not allow the gravel pit if there is going to be that many homes coming in. The 2020 comprehensive plan states "property owners acknowledge and expect that Canyon County will preserve private property rights of values by enforcing regulations

that will ensure against incompatible and detrimental neighboring land uses. The neighbors are land owners, Copes are not landowners. When she purchased her property in 2015 she knew there was a gravel pit but she was also well aware that it was coming up on completion of the operation so she knew it wouldn't affect her long-term. So when the C.U.P. request came up in 2016, they delayed building until they knew the request was denied and she believes this request should be denied for the same reasons.

Julie Parsons testified that a corner of her family land touches a corner of the mineral extraction site and she is very concerned about the environmental impact of the proposal. She spoke about the quality of life issues including a historical perspective on how her family and neighbors came to live in this neighborhood and the impact they have had on the nature of the neighborhood. Many of the families affected have lived in the area for generations. Her father served in World War II and after experiencing the untold horrors of war he moved to the area for the peace and quiet. Her parents donated land for the development of a County park believing it would provide recreational opportunities to countless residents and in the hope that their donation would ensure that the land would never be developed in a way that would negatively impact the residential nature of the neighborhood. Her husband was paralyzed in a car accident and he loves to sit on the patio and watch the lake and it concerns her that he'll be breathing in the particulate from the air.

Gregg Lasher believes the request will be injurious to other properties in the immediate vicinity and/or negatively change the essential character of the area. The quality of life will be damaged for the people who live in this vicinity from the lack of beauty, to the poor air quality and even the possibility of water pollution. His immediate concern is the loss of property values, for example, in 2016 the moment the Cope's proposed the pit to the south of Two Towers, people with concerns began to change their minds in wanting to buy a lot or continue building their home. Even those who already purchased a lot halted their plans of building their dream home due to concerns about what quality of life they would have and what would happen to the value of their land living by a gravel pit. Once the final denial was issued in September of 2016 people were ready to build. Simple economics of supply and demand teaches us that if the demand of people who want to live by a pit is down the price of land will go down also. Of course the further away from a pit you live the less you are impacted but for the Wild Rose and Memory Lane communities it will now be in their backyard essentially and will have a devastating impact. Mr. Lasher said the Two Towers Subdivision is not opposing the current pit, they knew it was there but they also knew it was going to come to an end, not an additional 20 years. With more than 500 homes in the area and the trend of residential occurring, with more to come, it's time to give gravel pits in the area a break.

Cheyenne Turner read a statement in opposition on behalf of Jordan Turner noting concerns about negative impacts to septic systems and wells and drinking water.

Anne Turner testified that she is an avid gardener and has been repeatedly sick for the last three years with a continual sinus infection and red eyes which she assumes is from the gravel pit. If the pit is allowed to operate for another 20 years she may have to sell her

home at some point but she has concerns about someone not wanting to buy it because of its close proximity to the pit.

Elsbeth Turner said the 2020 Canyon County Comprehensive Plan identifies two main problems that Canyon County faces, that of maintaining their agricultural production and providing residential housing as a bedroom community for Boise. Canyon County is the 7th smallest county but the 4th agricultural producer. The soil in the area is class 3 moderately suited soil so that means you have to choose which plants can go there and you have to do certain practices with irrigation so it's not the easiest to farm. Each land owner is required to be a steward over their property. Idaho is the fastest growing state and Canyon County is the second fastest growing county despite its small size. The growth of the county, it's not a future problem, it's a current problem as the population grown has exceeded 2030 projections. Thoughtful development is imperative for the future use of this land. If it's not going to be used for farming the next best use is for residential. This gravel pit does not fit the neighborhood identity as a lakeside community. Regarding true reclamation, the Department of Lands deems reclamation of the gravel pit as they have to be at the maximum depth, which was 50 feet, but we know they are at least 20-30 feet deeper than that. They have to slope the side to a 3:1 slope and the top soil has to be spread back over the pit. If Cope does not reclaim their pit, if they walk away from it, the people of Idaho have to pay for reclamation. She said the proposed pit is supposed to be a Boy Scout camp, but she spoke to David Kemper of the Ore-Ida Council and he said the \$112,000 bond amount is a paltry amount to build, own and maintain a Boy Scouts of America camp, He also said he has no knowledge of this pit or the reclamation of it and they are not involved in the reclamation of this pit. She said the Copes have multiple violations of their original C.U.P. and they have multiple MSHA violations. Ms. Turner has concerns about the truck traffic in the area.

Robert Turner, who is the Wild Rose HOA President, testified that his property borders the west side of the proposed property. He chose to move to the area three years ago and they made that decision knowing the pit was there but knew that long term it's what they wanted for their retirement so they bought a fixer-upper home and put a lot of money and time and effort into it. It's concerning to him that the P&Z Commissioners did not visit the site/the area. In 2002, 49 homes existed around the pit and in the last five years seven major developments have been created. Currently there are 2500 homes that have been added in the last 5 years in the one mile radius around the pit. He spoke of the considerable development that has occurred in the area. In speaking to the hundreds of people within the local area, almost 90% want the pit to end its time.

Kelly Mansfield testified that he waited until the decision in 2016 to begin construction on his house. He said just because the legal conditions are met and the Department of Environmental Quality has been satisfied that doesn't mean there's not an impact to those who live in the area. He spoke to Dan Lister and in the 2020 comprehensive plan, he said there was to be a study done or a map of potential future gravel sites in the area but that has not happened yet. He said the County should explore other areas for gravel and make those areas accessible to gravel pits and not grant this C.U.P. because that map hasn't been created yet. Mr. Mansfield said he viewed some websites of reclamation of gravel pits in

other states, in Oregon and Washington, and they are beautiful, but he doesn't believe the reclamation of the Cope's pit can be accomplished given the amount of their bond, which is between \$80,000 and \$120,000.

Victor Rodriquez said he is pro-business but you have to look at what affects it will have in the residential area and even though the Copes are good businessmen we have to consider what the affect will be. He spoke of the residential development and the property taxes that are paid.

Ty Benhom is a real estate associate broker who specializes in property evaluation and he spoke about how property values in the area are impacted by the open pit. It's been stated there are some health issues and those concerns can and will affect the value of the property as the sellers are responsible for disclosing any matters affecting the subject properties. Tax records provided by Assessors do not reflect the current property values, appraisers now have a federal mandate that their evaluations of market value and land improvements meet guidelines which lenders must adhere to when buying and using resources from Fannie Mae and Freddie Mac including VA loans. Property evaluations are a more in depth report on the property conditions of both land and improvements along with the surrounding impact of neighboring properties easements which include air, land and underground a projection of future use based on county and city masterplans. Even though Idaho is a non-disclosure state there are disclosures that are mandated by the State of Idaho when a property owner sells land and land with improvements. He said documents known as the RE-25, RE-25A and RE-26 address these concerns. These documents, known as seller's property disclosures, are very specific disclosures that affect the property and they ask "are you aware of any existing problems concerning the property including legal, physical, product defects or other items that are not already listed?" A warning is included in the statement prior to the signature on page 4 of the RE-25, it certifies that the information therein is true and correct to the best of the sellers knowledge and as of the date signed the seller is familiar with the residential property and each act preformed in making disclosures of an item of information is made and performed in good faith. To summarize, in his professional opinion should he be asked to list or represent a buyer who may be considering one of these properties located at the impact area and the existing open pit mining operation he would have a fiduciary obligation to disclose any and all conditions known regarding these properties which can and will impact the monetary value of both land and improvements. Commissioner Rule asked what Mr. Benhom's motivation is for attending today's hearing and he said he was asked by the property owners to give a professional opinion on property values. When asked how the gravel pit will affect the water table, Mr. Benhom said the elements that are involved in moving the land will filter down into the water system and as they filter down in the water system it can contaminate the water system and so it requires monitoring. We have to find where that source is coming from and what affect that has on the purification of the water. If he were evaluating a property in the area he would note that it needs to be inspected further by somebody that's a specialist.

Christian Stanciu testified that the school bus stop is in front of his house and when he's been outside he has observed gravel trucks travelling faster than the 45 mph speed limit and he's concerned about the potential for accidents on that slope. He works for a company that sells safety supplies to a lot of gravel pits and when he goes to the pits he has to wear eye

protection and hard hats; the crushers are very noisy and you can feel the ground vibrating from them. Nobody wants that in their backyard. He has purchased gravel from the Copes, but when he built his house he purchased gravel from a pit in Middleton because it was cheaper to get it from them. According to Mr. Stanciu, there are over 30 listings of gravel pits in the Treasure Valley.

The Board asked Claudia Frent to describe a document she submitted earlier. Ms. Frent said it includes: 1) a copy of the original C.U.P., line No. 6 states they will follow the operations plan based on their depth; 2) a copy of the approved reclamation through the Idaho Department of Lands that talks about the depth of the pit being 50 feet deep; and 3) the “operation of source” talks about the depth of their pit being 50 feet.

A recess was taken from 11:45 a.m. to 11:48 a.m.

TESTIMONY IN OPPOSITION TO THE APPEAL (IN SUPPORT OF COPE SAND AND GRAVEL’S REQUEST):

Todd Lakey offered testimony on behalf of the applicant, Cope Sand and Gravel. Staff has provided an unbiased and very thorough analysis in this case that shows that the comp plan and zoning ordinance support the application, thus their recommendation of approval for the project. The P&Z Commission also did a thorough analysis and review and approved the project. He acknowledged that the appellants raised legitimate questions but those questions have been addressed in the analysis, the design and the conditions of approval that came from the P&Z Commission that were recommended by staff. You have very good responsible operators that are bringing this application. Since they began the operation 15 years ago and up to the time of submitting their application there have been no violations of the regulatory requirements. There’s been no code enforcement actions, or accidents regarding their trucks or equipment and there’s been no complaints. In approving this operation you rely on the technical analysis and the applicant and in this case you have an applicant that has a demonstrated track record of compliance and they will comply with the conditions of approval that have been placed on them. This is an extension not an intensification of their current use. There will be no additional truck traffic or higher volumes within the hours of operation. There was a previous application going north outward from the current operation across Lake Lowell, but this site is very different from the previous application. The site, design, buffering and conditions are all different and make this application unique. The comprehensive plan also recognizes the bigger picture; this is a critical resource that’s needed for public benefit to support economic growth and development in our community especially in this part of the County. This is also a small family business that provides a balance to the large gravel companies that are locking up and buying a lot of the gravel resource that’s located in Canyon County. The importance of this resource is demonstrated both from the public and private perspective. These are just some of the businesses that have submitted letters and requesting your approval of this application: Amalgamated Sugar, Mussel Construction, Hess Construction, Coleman Homes, Hoffman’s Landscaping and Nursery to name a few. These public entities have requested your approval: City of Nampa Economic Development Department, City of Nampa Water Works Division, Nampa Highway District, Caldwell Engineering Department, and the Pioneer Irrigation District. They all recognize that this is also a vital resource that helps save taxpayer dollars because of their ability to provide a resource in close proximity to demand and keep the impacts and the costs down. This is a resource that’s used to not only support new development and existing development but also supports maintaining existing infrastructure. The Comprehensive

Plan has two maps that are applicable to this property: map that designates the area for residential development; it's still mostly agricultural operations with gravel and recreation in the area and a limited amount of rural residential development. The designation for residential is a future land use that's the long term goal for this property, but overlaying that future land use map is the gravel pit resource map which is also part of the comprehensive plan and notes that this area is and has been a resource for gravel for the county. This is an area that's been used for gravel for more than 100 years. The site connects to the original pit that was used for Lake Lowell Dam starting in 1905. Staff did a good job describing the operations but here's your resource map. Now is the time to approve this application before significant residential development occurs in this area. This is a balance; the questions raised by the appellants are legitimate but we have addressed those questions. The evidence shows that property values in the area have not decreased but have gone up. If there was a decrease it would have occurred years ago because of the fact that this has been a gravel extraction area for many years. This is located outside the Nampa impact area. This property was proposed by the City of Nampa to be included in an expansion of their impact area but based on the testimony the city council received they pulled that area and this property out of the impact area, thus recognizing this area is not likely to experience imminent residential growth from the City of Nampa in the near future. Most of the property is nonprime farm ground but we are only utilizing a little more than half, the rest is maintained in buffer areas. Reviewed photographs that show the topography is also part of the visual buffering, it's not level. The elevations are lower to the east and rise to the west. The high point is located close to the boundary line with Wild Rose Subdivision and there's a significant drop, 15-20 feet, to the street level down in the Wild Rose Subdivision. The red line is the 400-foot buffer and within that buffer you can see the canal and the existing feedlot. Other areas with mature trees and pasture is also a buffer and those areas will remain undisturbed and in pasture/agriculture. The wildlife refuge was mentioned, that's a part of it but that property was developed for irrigation purposes. A county park and shop are nearby. Shows the difference in elevation. Two Towers Subdivision was approved pursuant to a C.U.P. which included a condition that they not challenge lawfully operating gravel pits. It specifically noted that in their decision so that demonstrates the character of the area. Staff and P&Z Commission recognized that the comp plan and zoning ordinance support the project. Patrick Hargan stated he supports the Cope expansion from a business standpoint and a personal standpoint. He is their heavy equipment salesman for the equipment they use in their pits. Support of local business trickles down to help everyone in this economy. He personally purchases sand and gravel from the Copes because of the quality of their product and because it's cheaper than what he can get in Ada County.

Dave Cockrum is a registered professional geologist in the state of Idaho and he discussed the expansion proposal, mine reclamation and impact mitigation. The proposed expansion would begin in the SE corner adjacent the existing operation. The proposal would mine the coincident boundary between the two operations – the expansion and the existing to take that out so that there would be an east/west trending single pit. There is a high wall along the south property boundary. The initial location would be approx. 1170 feet from the nearest residence on Memory Lane and 1340 feet from the nearest residence in Wild Rose Subdivision. The crusher is proposed to be moved to the west at the end of phase II but no closer than 900 feet from the nearest residence. The reason behind that is supported in the

noise report that was completed for this application, the separation distance reduces noise levels from crusher to background levels. Cope Sand and Gravel have submitted Mine Safety Health Administration noise test data confirming that no personal hearing devices are required for employees working around the gravel crusher and noise levels generated by the active operation are in compliance with MSHA standards for noise emissions. We propose to reduce dust by regular watering of mine haul roads, work area, water sprays on the gravel crusher to reduce dust emissions. Water of the site would be up to 5 times per day during dry periods and windy days. Cope Sand and Gravel submitted an Idaho Department of Environmental Quality inspection from 2017 that demonstrates compliance with state and federal dust emissions requirements for the gravel crusher and the mining and transport operation. In addition Cope Sand and Gravel submitted MSHA silicosis and dust test data for employees working in the mine specifically adjacent to the gravel crusher. The results show that silicosis risk is low and dust emissions are roughly 1/10 for the federal daily maximum standard for dust so no mitigation for dust is required by working there and the impacts from silicosis have not occurred in any of the workers over the life of the mine. Esthetic impacts would be limited by active mining 50-60 feet below the natural ground surface. The location of the mining and crushing equipment below the ground will reduce the noise emissions and visual impairments to surrounding neighborhoods. As you can see from the aerial photograph the existing trees along the Thacker Lateral will remain in place to screen the operation from Lake Lowell Ave. Mining will proceed to the north, in a north to south direction for each phase so that the south perimeter of the operation will remain a farm field to reduce visual impacts. No berms will be constructed and once the mining is completed then residents in the Wild Rose and Memory Lane area will have a view towards the north which they don't have at the present time because of a ridge that is approx. 15 feet high that blocks it in at the present time. As you've heard we're proposing to build a Boy Scout Camp as the final reclamation but to get to that point the pit high walls will be regraded to 3:1 using brought in material and grading. The floor will be graded flat, hiking areas, camping area, lakes will be constructed. The mining disturbance will be revegetated with native trees, native shrubs and native plants. Just briefly, the ground water contamination issues as you heard earlier - we completed a ground water study to assess the risk, we also did one back in 2002 as part of the original application. 11 wells were examined in the vicinity of the proposed expansion area. All wells are cased through the gravel layer down into a confining clay layer that occurs below. The aquifer for all the wells is in sand and silt. The water horizon in all but one well is below that clay confining layer that occurs immediately below the gravel. The clay confining layer prevents petroleum migration into the subsurface silt and sand that are used for water in the area. We concluded the risk for petroleum contamination of the well should be considered to be very low. There has been no well contamination that has occurred in the 12 years, now 13 years that Cope Sand and Gravel has been in operation and we wouldn't expect anything to change as part of this operation. I'll answer any questions you may have. As to the migration of any of the silica that goes through the gravel and the clay layer, Mr. Cockrum said we need to realize gravel, sand, silt, dust, agricultural fields are silica, it's what they're made of. That silica is present all the time in that area and in the dirt it's finer grain, in the gravel it's big. When you crush rock you make some gravel, some sand size materials and very small amounts crushed fine grain material that's clay sized that's what causes silicosis. That process that crushes the rock produces a small amount of dust, it goes down to the pit

floor but it takes water to migrate it down through and there is a confining layer of clay that's over 10 feet thick that in all wells that were drilled is dry. And that means that water is not going down through the gravel, through the clay layer into the aquifer, it's not happening, 15 years of time has shown that. So the likelihood of something like that taking place is very low. Also the likelihood of sand falling into a pump or a filter in a pump is more likely caused by a lack of sand screen on some of these older wells that prevent sand that is in the aquifer that they draw water out of and they pull it towards the well, it prevents it from coming in which is probably what took place. Coming down from the gravel operation through a clay confining layer into water wells that are another 20-40 feet below that elevation is, in my professional opinion, not taking place. Commissioner White said she's heard that water seeks itself as it goes down so because of the different layers will that happen? Mr. Cockrum said it's not impossible but when you look at the amount of time that has already taken place and it hasn't that helps you to see that the likelihood is very low. With regard to watering the pit, Mr. Cockrum said typically it takes about a ½ hour for them to water the whole facility with a water truck, the gravel crusher has spray bars on it that sprays water down and the effect is usually anywhere from 2-3 hours on a hot sunny day when it's 100 degrees. It starts out dry out and if they see there is dust generated they go and water it again, it's not just five times it's on an as needed basis. So if they start to see trucks rolling up the ramp of the pit and they see dust then they water and that's just standard practice. Commissioner Rule said there was testimony that indicated this gravel pit could affect wells hundreds of yards away. Mr. Cockrum said that's very unlikely. He thinks that maybe the testimony that was provided was in a case where it's a quarry where they use explosives, but this operation doesn't produce the kind of movement that would cause cracks and cause water to flow down through open cracks and things like that, it's just mined with equipment, there's no explosive, jarring or anything that could cause it. In regards to the possibility of silica penetrating the clay level, Mr. Cockrum said in general gravel thickness ranges between 80-110 feet in the general area where all these wells are located. Below that is the clay layer that ranges between 1-14 feet in some of the wells and that a confining layer, it doesn't allow water to come down, it doesn't allow aquifer water to come back up. It's dry and when the wells were drilled it was all dry so that indicates there's no water seeping down through the clay. If it did it would take a very large amount of time (1,000 years) to go through 10 feet of clay.

Ken Wood testified that he lives next to several pits and they are doing a fine job and has have had no issues on his property. His property taxes have increased over the years and the value of his property has substantially increased. He bought the property in 2004 for around \$3600 and today it's probably in the area of \$8000-\$9000 per acre. He's found that the truck traffic has increased but he doesn't see where there's a problem with the truck traffic as much as they pay a lot more in fuel taxes and their DMV prices so he thinks they have every right to be on county roads.

John Babcock stated he is here to offer expert testimony about the history of the property, the roadways, the wells, the weather and the Boy Scouts. He's currently an assistant scout master for 11 year-old boy scouts and the most favored activity they have is camping. The end use of this property is to be a campground for families, for Boy Scouts, and for anyone that wants to make an appointment to come down; it's going to have soccer, a shooting range

and about 80 campsites as well as a lake/pond. His grandparents started farming the land approximately 100 years ago. It's under a well currently, it's the closest well to the gravel pit and then there is another irrigation well on the Lester property and neither one has been affected at all by the pit. He said it's not economical to farm this property anymore because it's under a well. When his parents started farming it it was \$35 a month for Idaho Power, now its \$800 a month for water. Back when they lowered the water level in the lake the irrigation well at his home went dry and it cost \$30,000 to drill a new one. Currently this property is rented to Whistle Farms, they grow corn and pumpkins, but the rent doesn't pay the taxes and the liability on the property. The recovery plan is to be campgrounds and we'll be building up money for the buildings and all the work. It's an excellent place for a campground because it will be down in a hole. At approximately \$70,000 an acre sale price for a subdivision property 40 acres will generate \$2.8M, but that's a hit he's prepared to take to avoid turning it into a subdivision. This will be a perpetually cared for recreational area via committee that continues on over the years. The prevailing winds almost always come from the west. When asked about a contract with the Boys Scouts of America, Mr. Babcock said there isn't a contract, it's a concept to make a recreation area, it is the official reclamation plan for the Cope brothers.

Brett Cope asked the Board to uphold the P&Z Commission's approval of the C.U.P. for the extension of the gravel operation. He has asthma and has worked at the current location since its opening and hasn't had any health problems. Most importantly the gravel resources in Canyon County are becoming scarce and harder to come by. There have been many gravel pits on the northern ridge of Lake Lowell that have depleted over the years which have supplied the foundation of thousands of projects and still to this day continues to supply the foundation of projects for our community. Cope Sand and Gravel chose the current site, which is on the northern ridge of Lake Lowell because the gravel vein is rich in gravel resources. The consistency of the gravel and the hardness of the rock are the two things you need to meet spec materials. The depth of this gravel vein allows us to mine more yardage per acre vs. wet pits on the Boise River. The wet pit take 3-4 times the acreage than our current dry pit. This northern ridge of gravel has been serving Canyon County for many generations and with this extension it will continue to serve Canyon County for this generation. Cope Sand and Gravel specializes in serving the needs to homeowners, contractors, local city and county departments, in doing so we take great pride in providing quality material at affordable prices saving hundreds of thousands of tax dollars. We, Cope Sand and Gravel, are one of only two sand and gravel companies in Canyon County which specialize in the retail of sand and gravel products. Without this extension there will be little ways of keeping prices in check. This extension is crucial to the future growth of Canyon County. Coleman Homes, a developer in the area, supports the expansion. Homes have been brought up, obviously the Canyon County Assessor shows homes in Wild Rose have increased \$100,000 in the last 10 years. There was talk about MSHA violations, but they've never had any major violations, injuries or deaths. Regarding the \$3,300 in fines, he's not sure where the appellants got that. MSHA does unannounced visits, they'll look at every piece of equipment and they'll look at the pit with a fine tooth comb. For example some of those minor violations, during the operation a brake light may go out on a piece of equipment, but nothing major. Every time they go out there they'll find something, they'll go inside the office, covers on your fluorescent lights, that's how

particular, they have to be covered with a plastic shield or guard. With regard to the complaints, Mr. Cope said they have never received complaints from the neighbors. There is a berm, a fence, and landscape rock. Commissioner Rule asked if he feels that maybe these issues developed just recently because the Copes want to expand into this property. He then asked if they will lease the property. Mr. Cope said they have a lease agreement. Commissioner White asked if the Copes plan to add more trucks. Mr. Cope said no, this is an extension of the current operation and everything there is remaining the same, nothing is changing it's just an extension of property so they can continue to serve the community. There will not be additional trips. The operation as it exists now will continue just as it is today. With regard to the comment about trucks not having enough space to turn, Mr. Cope said trucks make the same turns whether they are in downtown Boise or rural Canyon County. There's no way to avoid it. He spoke about their watering practices to keep the dust down. With regard to the depth of the present pit, Mr. Cope said it averages 63 feet as measured by Mr. Cockrum. At points it may be 40 feet, and there might be a spot where it's a little bit lower but there's not a 20-30 foot difference.

A lunch break was taken from 12:28 p.m. to 1:05 p.m.

Bob Cope testified that he has been in the sand and gravel business for nearly 50 years; he's hauled out of other pits for many years and most are depleted and that's why he saw a need to open his own gravel pit. The demand for sand and gravel has increased over the years, and he sees that the demand for product is even greater now than ever before. 90% of their gravel goes from 1 mile to 6 miles from the sand and gravel site. The growth in Canyon County is not slowing down so we need to get ahead of the curve and approve this expansion for the future of Canyon County.

Paul Cope submitted data regarding home values and home sales which was prepared by his real estate agent Tracy Kasper. Knowing that some of the residents in Wild Rose Subdivision had concerns about the expansion he went door to door and spoke with them and he found that many are not opposed to the expansion. He said the questions regarding dust, noise and traffic are all valid concerns and the Copes share the same concerns. A safe working environment is critical to their operation and they are committed to providing a safe environment. Dust will be a minimal impact because the roads are watered with a water truck daily and spray bars are used on the rock crusher to minimize dust. They do this for three reasons: 1) to keep dust down because it's hard on equipment and creates an unpleasant work environment; 2) in consideration of our neighbors; 3) we are mandated by MSHA to have policies and safety protocol in place for our employees in regards to dust control, noise pollution and personal safety. MSHA officials do unannounced site visits to ensure the standards are being met. Noise will be a minimal impact because the site plan provides for a 400-foot buffer zone between the site and the nearest residential subdivision. The rock crusher is currently down inside the pit, with this expansion it will remain at the same location as we mine through the property line starting on the east end. We will eventually move the rock crusher no more than 400 feet from the existing power pole. We installed three phase power when we opened the existing pit instead of using a noisy generator. Canyon Highway District has determined that traffic count on Lake Lowell Avenue is not high enough to require a traffic impact study. With this expansion Cope Sand and Gravel will run the same amount of trucks, not increasing truck traffic. Cope Sand and Gravel has operated at the current site in compliance with all laws, regulations and

ordinances with regard to dust and noise. Over the past 15 years Cope has not received any complaints regarding the operation of the pit nor have we had any major fines with local state or federal agencies such as DEQ or MSHA. Sand and gravel products from our existing pit has been consumed at a much higher rate than originally projected leaving us with no other option than to expand the site in order to mine product to keep up with the current and future demands. Cope Sand and Gravel is a family owned business that has been providing products in the Treasure Valley for three generations. We are committed to being good community partners and stewards of the land. Once they mine through the property line, start at the east end, the crusher will move and once they mine through the property it will sit right here close to a power pole. There is three phased power and that's how they run the rock crusher. They probably won't move it, they'll bring gravel to the rock crusher. Commissioner White asked what kind of privacy no-see measures are in place on the west side. Mr. Cope said there are trees along the lateral for a visual buffer and there is pasture ground.

Ritchie Wheaton owns a small business that does install construction of landscaping in the Treasure Valley. They have done over 100 projects in the immediate area of Cope Sand and Gravel and having them nearby gives a reasonable price versus having to haul it a longer distance. When he first started his business in 2006 he applied for a line of credit with Rambo Sand and Gravel but they refused to give him credit because his company was new and he had no business credit. He met with Bob Cope and they have been doing business together since and that speaks to being a good neighbor. Small business in the United States represent 99.7% of all employee firms. Since 1995 small businesses have generated 64% of new jobs and have paid 44% of the United States' private payroll. He's had from 1-8 employees depending on the season. He has worked on landscape projects for 8-10 homes in the Wild Rose Subdivision. The community hired him to do a large water line project which got shut down for numerous reasons but through his time there not once did he ever hear the rock crusher and he spent considerable time in that neighborhood.

Mike Hill stated he owns 3 ½ acres in Wild Rose Subdivision and has lived there since 2004 and since then 14 houses have changed ownership out of the 22 that are available. The gravel pit was there first. He has a side business and hauls gravel, compost, etc. from the Cope pit and he's delivered to several neighbors. He realizes there are concerns about living out there but the Copes are good neighbors and they have been honest and haven't raised the price of delivery. Integrity counts and if we're going to try to shut down a small business then we should be willing to incur the cost and time to go farther for a more expensive product. You can't stand at a public hearing and say the Copes are bad but still take their product. He supports Cope Sand and Gravel.

Mike Fusselman said it's important to support local businesses. Cope Sand and Gravel supplies a valuable resource at a reasonable price and it's used and purchased by numerous local construction companies including his employer. Allowing them to continue their business as planned will only be beneficial to the local economy and job market. As a native Idahoan he has witnessed the explosive growth and believes that having a locally owned and operated business is key to our local economy. He is building a home within a half mile of the pit and he wouldn't have hesitated to purchase or build closer if it would have been an option.

Brad Carpenter stated that staff has said the Copes have met all the conditions and that stands for a lot. He is local business owner and pays a lot of taxes to the county and so are

the Copes. It's ironic that all the subdivisions that are approved for growth are close by and so it seems that the pit hasn't slowed down any residential growth. The subdivisions have to have roads and foundations that require the product that the Copes supply. Mr. Carpenter lives by the Copes and he said they are the best neighbors you'll ever meet, they are professional and courteous. They cannot open a business just anywhere, they have to go where the product is.

Caleb Gentry testified that he operates a construction company and they purchase from Cope Sand and Gravel when they are working within the area. If not for Cope he'd have to take his business to Middleton or Boise. He lives in a small portion of Hunters Point, west of Carriage Hill. Not once has he seen any issues with trucking, dust, or noise.

Steve Snead is the business development manager for Blue Sky Construction and they do work in Canyon County and they rely heavily on Cope Sand and Gravel to provide a good product. They are professional and great to work with.

Mark Hess represents a company that's been in the county for 60 years and they've done a lot of development and location has always been a key to any major success. It's critical, it affects costs and profit. He has been in several pits in this valley that are no longer producing gravel, such as Bowman Sand and Gravel on Midland and Greenhurst. While it was in operation subdivisions existed to the east. He bought from Idaho Sand and Gravel in Caldwell and a subdivision existed by it for 20-30 years. The Copes have gone through their pit faster than anticipated because of the growth and because of the location. In 2006 he did a subdivision on South Maple Grove Road that was next to a commercial dairy and those lots backed up to the dairy. Regarding water being a concern, water has not been an issue for any of the pits he's had experience with in terms of impacting wells. Regarding reclamation, the Morrison Knudsen Company bought a pit along the freeway that Boise Paving leased from them and after they went out of business it was purchased and they reclaimed it. One of the biggest users is Dennis Dillon in Boise and you'd never know a pit was there for 60 years. The logical conclusion would be approve a pit that satisfies the demands of the growth. He spoke of a pit that is surrounded by \$750,000 homes so the negatives are a little bit conjured up emotionally. He believes Cope will exhaust the pit in a manner that will be far quicker than what the residents are concerned with because of the location.

Robert Parrish said he has done business with Cope for 8 years. The Treasure Valley is in a perilous position with rock. In the entire state of Utah two companies own every rock source and they are the two largest construction companies. If you want to take a trailer and get 1-3 yards of rock you'll have to go to Payette or Weiser because once these pits are gone the other companies will dictate and determine where you buy rock and how much you pay for it. Without Cope Sand and Gravel those contractors become subcontractors of the large companies. In Utah if you are not in good graces with these companies you do not get work and that's a dangerous spot to be heading toward. He said we need to do our research on the size of crystalline silica that it takes to damage the human lung, it's a very small range and if MSHA came out there and they detect it you have to go through a whole parameter to change what you are doing to either get rid of it or minimize it and if you can't then they start testing the community and everything around it. A silica crushing pit is operated in Emmett and they do not produce crystals fine enough to do damage to the lungs. It only occurs when someone is cutting, grinding, blasting or drilling rock, not the rock crushers you see today. Do the research and know what will do damage and cause these issues. At the pit in Emmett they do not produce particulate small enough to enter into the human lung. Granted, he

wasn't prepared to come in with the measurements but there's a narrow window there and if it's too big it will not enter the lungs, the blood will filter it, or your nose or mouth will filter it out. If it's below that and reaches a certain size it will go into the lung and do damage but it's very small. Past that it will get passed through your system and do no damage to your lungs so that is the window you must concentrate on for it to be a danger to the community. Chris Lords testified he's been doing business with the Copes for 20 years. When he goes to the pit he sees irrigation trucks, city and county trucks and utilities that provide services and they take advantage of the benefits of Cope Sand and Gravel. The pit in Notus is almost twice as far for him so that increases his appreciation, fuel costs and it will do that to the county as well. He wants Cope to stay in business. He said while he was sitting at a boat ramp at Lake Lowell during the week he could not hear the crusher or a back-up alarm.

Jason Wallace said his family has operated a gravel business since 1972 and last year was a booming year in the sand and gravel industry. He spoke about how it was easier and safer to haul product from the Cope pit to Highway 55 down 10th Avenue to the mini storage they were constructing. He said there is one retail pit in Owyhee County but they do not crush what he uses on construction projects. Owyhee County has a huge shortage of gravel because there aren't any sources and due to the nature of the Cope facility it's easy commute from their facility. He said the Wallace pit is 40 feet deep, and he has ground water at 12 feet and he runs pumps 300 days a year and he's never had any problems with neighboring wells.

Dusty Hibbard works in the construction industry and buys a lot of gravel from Cope. They bid against the larger companies such as Knife River and Idaho Construction materials, and they depend on the Copes for the aggregates they sell and they are competitive on projects because of Cope Sand and Gravel. Without them, they won't be competitive. Local contractors depend on the Copes.

Lamond Thueson said there's been concern about new development on this property. His in-laws sold the property that's going to be future developments. There has been no concern about the pit on the other side of Midway Road. What's ironic is Rosewood Subdivision was built on a gravel pit. The subdivision to the south, which is Miller's Point, there's a gravel pit there that Nelsons used to haul gravel out of. Everybody's talking about how bad gravel pits are but everybody is living by them and building on top of them. His in-laws put a well down and they cleaned it up and drove it down another 150 feet so they could irrigate the property they own. That well will be put into city ownership and will run 24/7 for the system that will be put in for the new subdivision so what's going to happen to the water table when there is more development? The reason people are getting silica in their wells is because it's a well - it needs to be maintained and every 20-25 years you need open it up and blow the sand out. The screen needs to be sized to a certain type of sand and in 25 years you have to blow the sand back out and make sure you have the proper screen. It happens constantly and not because of a gravel pit. His brother owns gravel pits along the river and last year during the floods he was fined \$280,000 for inadequate things that happened on the gravel pit. He had to go to court and fight it.

Mike Mussell owns Mussel Construction and has done business with the Copes for 22 years and they have done a great job supplying on projects. Small business is the backbone of the community and if you want to see something that's done right, you can drive down Deer Flat where they built \$1 million homes around that gravel pit. They've put two ponds on each side and currently they continue to build all around it and it's gorgeous. It can be done with excellence and it could be a win for both sides.

Todd Lakey offered final comments. The record was clear that the Copes have performed the necessary technical analyses on this project. Studies were performed by individuals with expertise and those studies show there's been no significant public health risk to the water table from a geologic standpoint and the well study that was done. As far as silicosis, that is something that MSHA tests, they wear their badges all day and then they are evaluated by MSHA; there was nothing close to a violation on this particular site. There will be no significant increase in noise; the crusher will be moved to that western side of the property but it will be below the grade. With the smaller operation it will be a smaller crusher that doesn't have a generator. There have been no complaints. He corrected his previous statement – there has been no significant MSHA violations. They talked about the minor violations that have occurred, but there has been no violation for noise or silica or particulate matter, and no injury as a result of their operation. This is a gravel pit that's very different than others; they are not mining most of the property to the boundaries, they're only using just over half of the property. The rest of the property is dedicated and staying the course on the type of use that is and providing buffer areas. There is the Memory Lane community and that's the buffer that will stay in vegetation and pasture separating them. There is a buffer to the north and the feedlot and the buffer to the west boundary. There is a drop in elevation that occurs between the top of the western boundary of this site down into the lower portion and along with the fencing for the feedlot and the internal fencing that exists on the site to maintain those existing operations. Commissioner White said there are trees and a buffer but asked where the fencing is along the west side. John Babcock said there is a fence that runs along the Thacker Lateral and it keeps the cows in. It's a cattle fence but for the park they intend to have a chain link privacy fence all the way around to keep everything out of the park, the recreational area. As part of the reclamation plan the Copes are to put in a chain link fence to keep everything out. Lamond Thueson said there is a six-foot chain link fence on the back of the park. Mr. Babcock said Canyon County put in a chain link fence that runs from right here all the way down through the pit right up to the corner of Wild Rose. Mr. Lakey said looking again at the western side, that's the entrance to the old home site and the feedlot. The Thacker Lateral is on the southern boundary of the property that buffers this pasture area and there are a lot of mature trees that provide separation. This immediate area is still rural but there is also growth, but we have letters of support from the Nampa Economic Department, the Nampa Water Department, the Caldwell Engineering Department, the Nampa Highway District, and the Pioneer Irrigation District along with the numerous business owners that are doing work in those projects in this part of the County that demonstrates the public and private benefit that are important. Coleman Homes is in support and they're doing a lot of the development that occurs in the area. He asked the Board to recognize the unbiased and detailed analysis of staff in this case; they've looked closely at that the site, they've walked it, they've driven in the area and they have conducted the analysis on the comprehensive plan and the zoning ordinance and recommended approval. The P&Z Commission also recommended approval. He asked the Board to deny the appeal and support those recommendations and decisions of approval.

Bill Rapp offered rebuttal testimony on behalf of the appellants. He submitted a petition containing 193 signatures. He said he was selected to give rebuttal comments but he doesn't feel like he has rebuttal, he has more of a reminder of what's already occurred and it's critical that the decision not be made on emotion or feelings. We have an incredible group of hardworking people, people with kids, people with allergies, people who are involved in

construction and those who are not, but with all of these we need to look back at the Canyon County Comprehensive Plan. We went through this process in 2016 and at the conclusion of the process the Board voted unanimously to deny the Cope C.U.P. based upon three major concerns and it's good to note what those are because there was a lot of discussion today but it didn't really focus on those items. 1) A property rights policy, No. 8: Does this project promote orderly development that benefits the public good and protects the individual with a minimum of conflict and it was determined that this project does not do that. 2) The land use component goal No. 2: To provide for the orderly growth and accompanying development of the resources within the County that is compatible with the surrounding area. A gravel pit even in existence now is not compatible with the surrounding area and does not promote a better quality of life for those who live there. It does provide a business for the Cope family and that's important but there are numerous places where gravel pits can be installed and in the middle of a growing residential area that is quickly expanding, and in doing research a lot of communities went through this very thing and it was eventually denied and said we don't want a gravel pit to be the center focus of a residential area. 3) Natural resources component that talks about consideration should be given but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding. That was a key part that was written in the document that two of the current Commissioners signed. Seventeen months later the Canyon County Comprehensive Plan has not changed and the new request from the Copes is essentially the same but they want to move a couple hundred feet further away, which is actually a couple hundred feet closer to residential homes so with that being said this essentially puts us right back where we were 17 months ago and there are no material changes, no major changes from what's currently existing. Mr. Rapp asked the Board to look back at the unanimous decision in September of 2016 and reaffirm that at that time the due diligence was done, hours upon hours of looking into this project at that time and if we make the assumptions that nothing has changed with the comprehensive plan and there have been no major changes as being put forward it makes no sense to take a unanimous decision and change that. On behalf of the hundreds of residents who live in the area he asked the Board to deny the request. The Copes are good people and no matter what the decision is there will be nobody from the appellants' side that will say anything negative about the Commissioners.

The Board took a recess at 2:14 p.m. and went back on the record at 2:24 p.m. Commissioner Rule made a motion to close public testimony the motion was seconded by Commissioner White and carried unanimously. Commissioner Dale said there has been a great amount of material that has been submitted today that they've not had an opportunity to review or read through and doing so could take several hours so it may be appropriate to delay a decision until we've had an opportunity to review the material that have been given to us today. Commissioner White wants more time to review the 17 pages of notes she has along with the information in the case packet and the exhibits that were submitted today so that she can make sure she knows what she's talking about when she renders a decision.

Commissioner Rule said it's always been a frustration that people flood the Board with information at the last hour and want them to process it. There are a few things that are not an issue for him, he doesn't think some of the concerns that were brought up are valid. The impact of a continued gravel operation on the water is not an issue that would sway

him one direction or the other. He's not a dust and silica expert but maybe there's a problem in there, maybe there's not, but he's not sure that's swaying it. He doesn't weigh complaints about conditional use permits quite as heavily when there hasn't been an issue all year long but as soon the hearing approaches, all of a sudden there are complaints. The enforcement of the pit depth doesn't weigh that heavily with him when it's stated it should be approximately 50 feet. In his career as a Commissioner he hasn't had a traffic study come back yet that said "you're right, this is going to push that road over the limit, you're going to have to build a wider two-lane road with a turn lane"; he doesn't think traffic is the issue. It's a concern, anytime you roll a truck, or a VW Bug, down a county road it's a concern, but is it something that we stop whether it's a gravel pit or a new home on a hill, or a Boy Scout camp in the bottom of gravel pit. It really doesn't sway him on the use of this in 20 years. This is a land use issue, what do we want to see moving forward? Will noise be a factor? It might be. On the other hand, 63 feet down in a hole there's not as much noise as on top of a 10 foot rise. So all of this is very difficult to weigh out. There was some testimony about shutting a business down and that strikes a nerve because he doesn't like the term shutting a business down. Cope Sand and Gravel ran a good show for a long time and the Board's decision won't be about shutting a business down it will be about appropriate land use. A lot of good businessmen showed up to testify about what a great resource this gravel is, but there was also lot of testimony against the operation.

Commissioner Dale agrees that it's going to take some time to go through all this material. He does not make decisions on land use based on potential property tax income, that's not appropriate. Yes, we like economic development and yes it's true that the more economic development we see in our county the lower that property tax levy can go down and we all want to see that. Nobody wants to see a property tax levy go up. I do not make specific land use decisions based on whether or not it's going to be a benefit in property taxes coming. He asked if gravel mining is part of the agricultural use or is it a change in land use to industrial. Mr. Lister said it's an allowed use with a conditional use permit in agricultural areas. Commissioner Dale said he doesn't know how he's going to vote on this issue. He understands and appreciates the issues that have been brought up on both sides. He is very familiar with this area and he lives within that range of three miles. He doesn't believe property values will go down within even three miles of the pit. This is going to take a lot of consideration because we want to make sure we make the right decision for all concerned. Commissioner White made a motion to continue the hearing to Thursday, February 15, 2018 at 2:30 p.m. The motion was seconded by Commissioner Rule and carried unanimously. The hearing concluded at 2:46 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER AGENDA ITEMS

The Board met today at 2:46 p.m. to consider agenda items. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider signing Marsing Rural Fire District conditional use permit fee waiver request:
Zach Wesley said that the Marsing Rural Fire District is building a new fire station and are

requesting a conditional use fee waiver. DSD staff are in support of the fee waiver. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the Marsing Rural Fire District conditional use permit fee waiver (see resolution no. 18-016).

Consider signing a resolution for a refund request for a conditional use permit to Samuel Wolf: Jennifer Almeida explained that the applicant chose to annex into the City of Nampa and she has verified with the City that it has indeed been annexed. Director Nilsson's recommendation is to refund \$779.25, the hearing was not noticed and there wasn't a lot of printing involved with this case so only \$70.75 was deducted for staff time. Upon the motion by Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the resolution for a refund request for a conditional use permit to Samuel Wolf (see resolution no. 18-015).

Consider signing a resolution affecting fees for Planning and Zoning Commissioners attending hearings, work sessions and joint meetings: Zach Wesley said the Planning and Zoning Commission currently receives \$75.00 plus mileage reimbursement for attending a hearing. Director Nilsson occasionally plans work sessions and they sometimes attend training related to their duties. In addition to the \$75.00 per diem for the hearings, Director Nilsson wanted to add a \$25.00 per diem for work sessions plus mileage and then reimburse mileage for trainings. All work sessions and training would have to be pre-approved by Director Nilsson. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the resolution affecting fees for Planning and Zoning Commissioners attending hearings, work sessions and joint meetings (see resolution no. 18-017).

The meeting concluded at 2:53 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2018 TERM

CALDWELL, IDAHO FEBRUARY 13, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 2-13-18

The Board of Commissioners approved payment of County claims in the amount of \$25,124.80 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- InterOp in the amount of \$2899.00 for the Information Technology department

- Wall 2 Wall Flooring in the amount of \$3125.09 for the Facilities department

BIWEEKLY MEETING WITH THE DIRECTORS OF FACILITIES AND INFORMATION TECHNOLOGY TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 8:33 a.m. for a biweekly meeting with the Directors of Facilities and Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Facilities Director Paul Navarro, Director of IT Greg Rast, Assistant Director of IT Eric Jensen and Deputy Clerk Jenen Ross. Director Navarro updated the Board on the following items: he was recently contacted by Carol Teats from Metro Senior Services letting him know that they are hoping to move into their new building this spring/summer which means their current building will be coming back into county possession at that point. His department will be starting the project of putting a fence up around the lot at 14th and Chicago, he believes the project should take about two weeks and they plan to start at the end of the month. There is a multi-defendant trial starting next week and he's been able to work with the courts and no furniture will be moved out of the courtrooms as originally requested. There are a couple big projects he's been working on including a UPS system for IT and a generator for the DMV; some of the capital projects include the fence for the Fleet department, roofing of the DMV and jail annex and then sealing of the double T's and windows and painting of the courthouse building. Director Rast updated the Board on the following items: they met with Director Mondor at Weed and Gopher regarding the GIS transition. This weekend they will be moving the landfill email and phones over to the county system. Several members of IT recently toured all the work done by Idaho Tower. Mr. Rast met with the City of Caldwell last week, they will be starting work in the next couple of weeks to tap into the dark fiber and make connectivity back to the police station. ITD has also reached out for use of the dark fiber and he anticipates there will be an MOU coming before the Board sometime soon. The Nortel phone replacement for the Sheriff's Office will be starting soon, he anticipates that it could take years to get everything switched over. The remodel of the IT department is now complete and they are currently evaluating the print shop as it is out of space. The CAPS program in DSD will go live on March 5th; the City of Caldwell went live on their system last weekend so they are no longer hosted by the county. The online portal for subscriptions in the Assessor's Office has been completed and went live a few weeks ago. The program used for tracking on the website during election nights is being revamped before the next big election. The IT department has been asked by the Sheriff's Office to write an application to track jail inmate population; it would extract all the information from Spillman on a daily basis add it to an application and then be displayed on the website. The idea would be to use the information for public awareness so they know how many beds are full, how many are empty, how many women, etc. The Clerk's Office has requested a cueing system for the Recorder's office as the current buzzer system is no longer working. The meeting concluded at 9:00 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH WEED & GOPHER SUPERINTENDENT

The Board met today at 9:05 a.m. for a meeting with the Weed and Gopher Superintendent. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Weed and Gopher Superintendent Jim Martell, Weed and Gopher Superintendent AJ Mondor and Deputy Clerk Jenen Ross. Since Mr. Mondor has started as the weed and gopher superintendent Mr. Martell has realized all the tasks he wasn't able to complete in his supervisory role. Due to staffing and budget restrictions he was spending much of his time in a spray truck. Mr. Martell would like to see an assistant position created for weed control and then leaving the lead position open and hiring an additional person. Currently there is a superintendent and no open positions. The pest district is its own separate taxing levy so the belief is that a position could be created without it having to be funded by county taxes. Once that position for the pest district is created that person could also help in weed as the two areas can overlap duties. Commissioner Dale is in favor of creating a position thru the pest district before the busy season starts; Commissioner Rule also believes creating an additional position is a good idea. The Board suggested Mr. Martell and Mr. Mondor work with the HR department to get the position created. The meeting concluded at 9:26 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS APPLICATIONS FOR HARDSHIP CANCELLATION OF PROPERTY TAXES FOR DONALD & ANGELA BASSETT AND GERALD & CATHERINE LOBB

The Board met today at 9:36 a.m. for a meeting to discuss applications for hardship cancellation for property taxes for Donald & Angela Bassett and Gerald & Catherine Lobb. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Donald & Angela Bassett, Gerald & Catherine Lobb, Administrative Property Appraisal Supervisor Greg Himes, Treasurer Tracie Lloyd and Deputy Clerk Jenen Ross. Treasurer Lloyd said the number of days of loss for the Lobb's was 119 so the total casualty loss would be \$257.12 – upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the cancellation of taxes for hardship for Gerald and Catherine Lobb in the amount of \$257.12. Treasurer Lloyd said the Bassett's were out of their home 123 days making their casualty loss \$417.41 – upon the motion by Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the cancellation of taxes for hardship for Donald and Angela Bassett in the amount of \$417.41. The meeting concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE DIRECTOR OF HUMAN RESOURCES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:02 a.m. for a monthly meeting with the Director of Human Resources to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale, Pam White and Steve Rule, HR Director Sue Baumgart and Deputy Clerk Jenen Ross. Director Baumgart updated the Board on the following items: they recently sent out the wellness survey and have already received 227 responses back. Some of the

suggestions included a 24 hour nurse help line and discounts on gym memberships or incentives for weight loss or regular gym visits. Ms. Baumgart believes our plan possibly offers gym membership discounts so she will look into that. Last year department administrator reviews were done in May but there has been some conversation about doing them earlier this year and the Board is okay with that. The meeting concluded at 10:16 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND CONSIDER AGENDA ITEMS

The Board met today at 10:17 a.m. for a legal staff update and to consider signing Indigent Services department independent contractor agreement for interpreter services with Maria Gonzalez Mabbutt. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Mike Porter, Director of Indigent Services Yvonne Baker (left at 10:19 a.m.) and Deputy Clerk Jenen Ross.

Consider Signing Indigent Services Department Independent Contractor Agreement for Interpreter Services with Maria Gonzalez Mabbutt: This is the third Spanish speaking interpreter contract just to continue building the roster of available interpreters. The contract is the same as has been used in the past for other interpreters. Ms. Mabbutt is conditionally approved, which means she has passed 2 of 3 tests to be court certified but Ms. Baker believes she will be going for the 3rd test this spring. Upon the motion by Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the Indigent Services department independent contractor agreement for interpreter services with Maria Gonzalez Mabbutt (see agreement no. 18-018).

EXECUTIVE SESSION – ACQUISITION OF AN INTEREST IN REAL PROPERTY AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

A request was made to go into Executive Session to discuss an acquisition of an interest in real property and records exempt from public disclosure. The Executive Session was held as follows:

Commissioner Rule made a motion to go into Executive Session at 10:19 a.m. pursuant to Idaho Code, Section 74-206(1) (c) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:27 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING WITH REPRESENTATIVES FROM HOK TO DISCUSS CANYON COUNTY JAIL

The Board met today at 1:32 p.m. with representatives from HOK to discuss the Canyon County Jail. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Jeff Bradley and Curt Parde from HOK, Clerk Chris Yamamoto, Controller Zach Wagoner, Captain Daren

Ward, PIO Joe Decker, Leslie Van Beek, Nicole Foy from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Commissioner Rule said Jeff Bradley contacted him about a project HOK is working on where they are building an 1100 bed facility for \$140M (in comparison to the County's project which is projected to cost \$198M) and so he invited Mr. Bradley to make a presentation to the Board.

A PowerPoint presentation was given, however, HOK did not provide a copy of the presentation because it's against their company policy to do so. Mr. Bradley said when they read the Request for Information (RFI) for the jail finance and construction research project they were already preparing their presentation for today's meeting and he doesn't want to be in a position where that could preclude HOK from being involved in the process in the future. Commissioner Dale said it's a request for information, it's not an official bid process nor are we seeking a professional arrangement of any kind. Mr. Bradley said HOK, which is headquartered in St. Louis, employs 1700 people and has 23 offices around the world with 14 in the U.S. They have 6 justice design studios which are full teams of people designing all types of justice projects from crime labs to 911 centers, police stations, jails, prisons, and courthouses. They cross over into civic projects as well. They have three times the recognition of awards of any other architectural firm and are recognized for their justice excellence by both the American Institute of Architecture and the American Correctional Association. They have designed over 170,000 detention beds that can be both a combination of jails, prisons and police stations, and one to take note of is the Wayne County Justice Campus which decided to consolidate all of their operations (courthouse, juvenile detention, adult detention, special mental/medical health area, and administration functions for the county). It's a half billion dollar project in Detroit and is a public/private partnership project. They are working on another large campus project with a cost of \$571M. Indianapolis had four separate jail locations around the city and they asked HOK to look at their operations and make recommendations and one of the things they found is if they consolidated the four jail operations into one location they would save about \$9M a year in operational costs so at that point not only did they want to consolidate, they took that extra \$9M a year and built a new courthouse.

HOK has done numerous projects in Idaho and in the region. Their projects have included the Utah State Prison and a billion dollar project at the Salt Lake Airport as well as some normal size projects. The following projects are similar to Canyon County's jail facility:

Hays County, Texas Project – Reusing existing beds to reduce the initial cost of replacing the entire jail; the project is master planned at 1070 beds. They have chosen to reuse as much of their existing facilities as they can in the interim but they also need to increase their bed count. They had been working with another company on a large master plan that was \$187M and they came to HOK and said they couldn't afford that so they redesigned the master plan and are now doing the phase 1 project for the County for \$106M.

Pueblo County, Colorado Project – Replacing the entire jail = planned for 1100 beds. They have a 40-yr. old jail that has a lot of issues and it needs to be replaced. They also had a previous master plan that was in the range of \$180M and like most communities they were looking at ways to reduce costs. HOK redesigned the master plan with a project at \$145M.

Wichita County, Texas Project – They are replacing the entire jail – initially it was designed for 672 beds, with 1100 at buildout. It's a brand new jail facility that also has a law

enforcement center associated with it. The county previously looked at solutions that were in the \$120M range and HOK helped them develop a solution that was going to meet a budget they could afford. HOK redesigned a master plan shows an initial project at \$70M; they are currently in the design development phase of the project.

Commissioner White asked if the projects include all classifications of beds, or are they dormitories. And, did the owners have to start the process over with HOK? Curt Parde said on the Hays County project a previous firm did a space program so HOK helped them develop the number of and type of beds they would need. They worked with the sheriff's department and developed a matrix that showed the different types of beds and HOK took the information they previously had and worked closely with the client to develop a solution that would work for them. It was a similar case for Wichita County; they had a very minimal previous plan so HOK developed the space program and helped them establish the types of beds and the different classifications needed.

Canyon County Possibilities Based on Existing Jail Facility Information:

Mr. Parde said they are offering ideas, not solutions, from their vantage point of having a lot of experience in designing jail facilities around the country. They took one of their recent facilities to see how it lays out on top of the Pond Lane property to see if it's large enough to develop a new jail and whether there is space for expansion and it answers all of those questions positively, it's a good piece of property. Space has been designated for 960 beds and there would be space for expansion as well. We would continue the housing units to be able to expand into the future and we could get another 480 beds. There could be room for expansion for additional support space. It's a very simple linear concept, keeps direct sight lines throughout the building, has all the support spaces on one side so it's easy to access them, get deliveries to and from; there are a lot of good things in terms of how this fits onto that piece of property and it could give a lot of flexibility in terms of how much you want to build now and into the future. In determining cost, they used numbers from the Hays County project and the Wichita County project and although they modified them somewhat there's not much modification from central Texas to Boise in terms of cost. The data helps understand where our project might be if we were to build the same amount of square footage with the solution shown on the Pond Lane property. The cost estimate is \$126M and they estimate the overall project timeline could be reduced by quite a bit with the design time reduced by 12-18 months.

Mr. Parde said the next possibility is staying downtown. There's always an advantage to keeping the jail close to the courthouse in terms of less travel and reutilizing existing beds which means building fewer beds and having a lower cost. He said it's worth looking at because there seems to be space and we have a chunk of the existing jail that's not that old and so if we are interested in continuing to utilize the space that would be 290 beds. If we wanted to continue to utilize the tent structure for work release instead of higher level classification of inmates that might still work and then build a significant amount of new beds. There is a two story solution that would connect directly into the existing jail and it would keep the new cells and new beds and we could build on the existing properties. If you add the work release beds, new beds and the existing beds that gets us 946 beds so again, a significant increase from where we currently are. It leaves room for expansion and utilizes existing spaces. It would be multi-story so there will be a few things to deal with, such as

closing 11th Avenue, so they increased the construction cost per square foot and included square footage for support spaces (kitchen and laundry facilities, programming space, etc.) He has included 40,000-50,000 square feet in the building addition. At \$450 a square foot that's your construction cost and equating the same escalation factors and soft cost factors that gets you to the \$95.5M (for 576 new beds and the potential for an additional 192 beds). Commissioner Dale said we've explored a lot of this and one of the conclusions pointed out was in continuing to operate the old Dale Haile jail you have to have a full staff and then adding the new 500+ beds you'll have to hire a second jail staff so we'd have to double personnel which over the long term creates a tremendous tax liability. We have to consider not just the construction cost but the ongoing operational costs as well. It still requires utilization of a facility that is highly inefficient and poorly designed which in his opinion is a nonstarter.

Mr. Parde said two things stick out in the County's master plan: the \$398 number for direct construction costs is high; it's the same cost typically seen for construction plus general conditions from a general contractor which adds about \$40-\$50 per square foot in this case. It's important to figure out what kind of facility we want and how durable we want it to be because that can impact the construction cost; there are less expensive ways to construct these buildings and that needs to be considered. He said there's a lot of contingency in this number and more contingency in another location and while it's important to have it in these kinds of project you can quickly get a handle on what you're going to build and get that information to a cost estimator so there doesn't need to be a lot of design contingency. If you get a good bid that helps so going forward it would probably only decrease because of those reasons. When adding in the contingency the construction cost number is \$541 a square foot and that's a number HOK probably wouldn't be at. Also, the existing plan includes a 5% construction contingency, while the national average is in the range of 2% and HOK is usually under that. Again, these are things to consider if we're looking to reduce the overall dollars. Mr. Parde asked if we're planning to have an art program in the jail because there's a cost estimate of \$1.5M for that. (No one seemed to have information on that subject.) He also said the \$8M number (4% of the overall project cost) for project management is a little high and depending on how much we ask of that person the number could go up or down. The number is typically between 2%-3% depending on what we're asking for.

Commissioner Rule doesn't know how realistic any of this is because he doesn't think a \$144M bond will pass, but, if we're going to set up a program we want to go with the best bet. Commissioner Dale said we're trying to hone down our options and figure out what's best for the County and he looks forward to seeing HOK's official response to the RFI. Mr. Bradley said RFI's make people vulnerable and nervous and firms will be a little reluctant to expose too much so they'll wait until the RFQ comes out. He also said there are a lot of extra costs in the master plan that they don't typically see.

Commissioner White said she had a realization that it was on the high side and she believes that's because if they (DLR) came in low and we chose them to draw everything and construct everything and it went high it would destroy the company's credibility. At a subsequent meeting DLR had found approximately \$28M in savings and that made her realize there are savings to be found. She asked if HOK offers financing options. Mr. Bradley said they do not finance the development of a major project, but they team with people who do. There are people who like to invest in public buildings because courthouses and jails always stay open. He spoke about how Canada has perfected the P3 (Public Private

Partnership) where the common theme is a developer who sometimes acts as the financier, or, they may have a different person for a source of funding. The components to a P3: developer, financier, legal and design firm. If you don't have the right ones in all categories the P3 projects will fail. There are different ways to structure it, people are willing to loan money but it's not always the best or cheapest way. Commissioner Dale said it comes back to the taxpayers being willing to support it, and we only have one source of funding and that's property tax. The County is looking at local option sales tax but the legislature is not supportive of it. Clerk Yamamoto said the lease option is always more expensive. Private sector uses a lease option because it's less upfront money but in government it doesn't matter because either way we have to bond. He doesn't see the lease option as being an option. Mr. Bradley said that's a good thing because it'll take a year just to structure it before you can get going. He said the existing report shows the Sheriff's headquarters at a cost of over \$500 per square foot, but that's not jail space and in that case the cost should range between \$191 and \$240 per square foot. Commissioner White said that was presented as part of the repurposing of the jail facility. Commissioner Dale said the Board looks forward to moving ahead step by step. No Board action was required or taken. The meeting concluded at 2:48 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SUBMISSIONS FOR THE SOLICITATION OF INTERESTS IN THE REAL ESTATE FIRM FOR THE SALE OF SURPLUS REAL PROPERTY

The Board met today at 3:37 p.m. to consider submissions for the solicitation of interest in the real estate firm for the sale of surplus real property. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Facilities Director Paul Navarro, and Deputy Clerk Monica Reeves. Mr. Wesley said he had some items to discuss in Executive Session which will be followed by public discussion.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

Commissioner White made a motion to go into Executive Session at 3:39 p.m. pursuant to Idaho Code, Section 74-206(1) (d) to discuss records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Facilities Director Paul Navarro, and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:56 p.m.

While in open session Commissioner Dale said the Board has been discussing three proposals received from real estate firms and all three are very qualified. The Board wanted to stay local and out of the two firms that were from Canyon County both are fully qualified and able to do this but the Board chose to go with Bullock and Company Realtors. Commissioner Dale asked if a motion is required to instruct the Prosecutor's Office to negotiate the contract. Mr. Wesley said it would be appropriate to have a vote to initiate a contract discussion. On January 25, 2018 when the solicitation of interest was initiated we

sent it to three parties and asked for proposals that are intended for the Board to evaluate and we included a contract to go along with that but before we enter into that there will be a couple of specifics we'll have to get into based on the proposal that's selected so we will need some time to finish those negotiations and then the final action will be to get this contractors agreement on the agenda. Today he needs direction to initiate that negotiation. Commissioner Rule made a motion to use Bullock & Company Realtors to assist in auctioning and then marketing (if it doesn't sell at auction), the fair property located at Highway 20-26 and Prescott Lane. The motion was seconded by Commissioner White and carried unanimously. Mr. Wesley said tomorrow he will prepare for the Board a letter to all three parties letting them know who was selected and then indicate to Bullock and Company that we'll begin negotiation. The meeting concluded at 3:59 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 14, 2018

PRESENT: Commissioner Tom Dale, Chairman
 Commissioner Pam White
 Commissioner Steve Rule
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- National Locksmithing Institute in the amount of \$1990.00 for the Facilities department

APPROVED CLAIMS ORDER NO. 1810

The Board of Commissioners approved payment of County claims in the amount of \$1,636,796.84 for a County payroll.

APPROVED CLAIMS ORDER NO. 2-26-18

The Board of Commissioners approved payment of County claims in the amount of \$34,412.54 and \$75,554.96 for accounts payable.

PUBLIC HEARING – REQUEST BY JOSH AND REBECCA KNOTT FOR A CONDITIONAL REZONE, CASE NO. PH2017-67

The Board met today at 10:07 a.m. to conduct a public hearing in the matter of a request by Josh and Rebecca Knott, Case No. PH2017-67, for a conditional rezone of approximately 47.25 acres, Parcel R39371 from an “A” (Agricultural) Zone to a “CR-R-R” (Conditional Rezone – Rural Residential) Zone. Present were: Commissioners Tom Dale and Pam White, DSD Planner Jennifer Almeida, DSD Director Tricia Nilsson, Josh Knott, Rebecca Knott, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The request is to change the zoning to allow for a residence to be built on the subject property and through this process the applicants have agreed to enter into a development agreement which will restrict the development to one residential home site. No divisions are proposed as part of this request. The future land use map designates this area as agriculture, however, as restricted by the development agreement the request would still meet the intent of agriculture by retaining a majority of the property as agricultural use. The surrounding area is a mix of agriculture and sporadic residential uses; the property is adjacent to an existing platted subdivision. There are currently four platted subdivisions within one mile with an average lot size of 7.30 acres. The request would not create an incompatible land use nor would it change the essential character of the area. There have been no objections received for the project and no concerns were raised by any of the affected agencies. Staff has found the proposed conditional rezone meets the standards of evaluation found in the zoning ordinance and as restricted by the development agreement, and it also complies with the 2020 comprehensive plan. The P&Z Commission recommended approval of the request on December 21, 2017. Staff is also recommending approval of the conditional rezone. Josh Knott testified in support of his application regarding the location of the proposed building site, access to the property and the efforts to work with the irrigation district and the Bureau of Reclamation. Rebecca Knott testified that they will build on the fallow ground and will continue utilizing the rest of their farm ground. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to close the public hearing. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to approve the conditional rezone request and the development agreement with the conditions that are enumerated in the staff report. (See Agreement No. 18-019.) Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to approve the Findings of Fact, Conclusions of Law and Order. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to approve the ordinance directing amendments to the Canyon County Zoning Ordinance. (See Ordinance No. 18-005.) The hearing concluded at 10:18 a.m. An audio recording is on file in the Commissioners’ Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 10:31 a.m. for a legal staff update. A request was made to go into Executive Session to discuss records exempt from public

disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:

Commissioner White made a motion to go into Executive Session at 10:32 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i). The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:57 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER A RESOLUTION TO INCREASE FAIR BUILDING FACILITY RENTAL FEES AND A RESOLUTION TO AMEND AND APPROVE THE FAIR BUILDING FACILITY USE AGREEMENT

The Board met today at 11:10 a.m. to conduct a public hearing to consider resolutions to increase the fair building facility rental fees, and to amend and approve the fair building facility use agreement. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Fair Director Diana Sinner, Areena Arora from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Mr. Wesley said the Board adopted a facility use agreement so that renters would receive the same fees and be required to sign the same contract when using the facility. As part of the routine in evaluation he and Director Sinner worked through some changes which included changing some fees that were built into the rental agreement such as the cleaning fee which wasn't reflective of the hourly cost that was being put into the cleanup of the facility. Director Sinner said they analyzed what they were charging for services and rental rates and they found that the rental rate was in line but the setup fees and cleaning fees either didn't exist or were very low. They have added a cleaning fee and adjusted the setup rate and the cleanup rates for stalls as well. The rental rate is recommended to remain the same for weekend rentals at \$470. There will be no changes to the fees or deposits. The stall cleaning fees went from \$5 to \$15, and there is an additional grooming fee for preparing the ground at the fair building that went from \$30 to \$60 to reflect the number of employees and use of equipment required to take care of it. Commissioner Rule asked if Canyon County events receive a break in fees. Director Sinner isn't aware if there are any groups that are strictly Canyon County but she can find out. The 4-H and FFA groups are allowed to use the building for free but private parties that are profit-centered are charged a fee. No members of the public were present to comment on the proposed fees. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to close the public hearing. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to amend and approve the Canyon County Fair Building Facility Use Agreement. (See Resolution No. 18-019.) Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to sign the resolution approving the increase of the fair building facilities rental fees. (See Resolution No. 18-018.) The meeting concluded at 11:18 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO INCREASE DEVELOPMENT SERVICES DEPARTMENT'S PLANNING AND ZONING FEE SCHEDULE AND BUILDING PERMIT FEE SCHEDULE

The Board met today at 11:18 a.m. to conduct a public hearing to consider resolutions to increase the Development Services Department's Planning and Zoning Fee Schedule and Building Permit Fee Schedule. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, Areena Arora from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Director Nilsson said it's been a year since they started working on the fee schedules and she said the intent isn't to raise fees but to reflect some changes in the zoning ordinance where it wasn't clear on certain types of applications. One change is adding the winery/brewery/distillery that was changed from a conditional use to a Director's decision. They are adding it to the list on the fee schedule so it's clear. The same thing applies with the private road; they updated those standards and realized they didn't have a process to track all the private street naming and road user's maintenance agreements and so they wanted to reflect it on the fee schedule as a Director's decision without notification of property owners. Recently, in working with the flood districts on an aftermath of last year's flooding of the Boise River and in the permitting of stream bank repairs they recognized it's a bit of a barrier for applicants to come in and pay a \$70 fee. They believe the fee is unnecessary given DSD's role in that type of flood plain repair work is administrative (documenting that they have permits with the Army Corps of Engineers and the EPA) as opposed to new development where staff performs inspections. On the conditional rezone they're clarifying that it's a development agreement and a rezone fee combined so instead of having it in two separate places they're showing it as a combined fee. Four years ago the Board passed a separate resolution on a zoning amendment text change and raised that fee to \$2500 so they are reflecting that previous action of the Board. It's more consistent with an amendment to a comprehensive plan so the zoning text amendments are quite time consuming and expensive, they involve the PA's time and several lengthy legal notices that have to get published and at \$2500 that probably is a breakeven point for staff's hard costs on those types of applications. The current cost is \$850. Those are cases where there might be changes the Board wants to have in a hearing and then staff has to re-notice and put the advertisements in the newspaper. Again, they're just trying to cover the hard costs at a minimum. For the building permits, they're not changing any fees but are clarifying some of the mechanical permits with plan review fees; it's a clean up to the fees. DSD charges a deposit for plan review because they spend time and if the applicant never picks up their approved building plans and they abandon their project we at least have some money to cover the staff time in doing the plan review. Zach Wesley said two mechanical permits were added that didn't exist previously for heat pumps and AC condensers for additional systems, new and retrofit (\$75); and radiant heating systems in an existing structure including shops and exterior (\$60). Director Nilsson said they want to make it clear you have to get a permit and inspection on each system within the structure. It's been over a year, but she looked at Canyon County fees relative to other jurisdictions and found them to be in line, if not slightly higher than the cities fees which makes sense because DSD has a lot of travel time between inspections that has to be accounted for. Looking at personnel and travel costs she didn't see any need to increase any fees. Upon the motion of

Commissioner White and the second by Commissioner Rule the Board voted unanimously to close the public hearing. The increases were described in the hearing notice, however, because the individual fees were not listed Commissioner Rule is hesitant to move forward until we publish the actual fee increases. Commissioner Dale asked for clarification on the \$2500 text amendment fee. Director Nilsson said the \$2500 for the text amendment was previously adopted by the Board but it never made its way onto the fee schedule for some reason. It was a separate resolution. Mr. Wesley said the fee schedule provides for if there's an application for something that's not in the fee schedule then the fee for that is set by the Board by resolution. That particular fee had not ever been adopted before so when we got an application for text amendment the Board had to set the fee in advance of accepting the application and \$2500 is what the fee was set at. Director Nilsson said it was a separate resolution and they want to combine it into one fee. Mr. Wesley said the zoning amendment/text amendment fee mirrors the comprehensive plan text/map amendment which is the only similar application in that process. The distinction would be one is a text amendment to the comprehensive plan and one would be a text amendment to a zoning ordinance. Although the legal requirement for publication has been complied with Commissioner Rule still wants the fees to be listed in the newspaper publication. The Board's consensus is that the fee changes should be detailed in the publication notice. The meeting concluded at 11:38 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - PRELIMINARY PLAT, FINAL PLAT, IRRIGATION PLAN, AND WAIVERS FOR BASIN VIEW SUBDIVISION; CASE NO. PH2017-53

The Board met today at 1:32 p.m. to conduct a public hearing in matter of a request by John Raff for approval of the preliminary plat, final plat, and irrigation plan for Basin View Subdivision, Case No. PH2017-53. Also requested are waivers of subdivision improvements consisting of sidewalks, streetlights, curbs, gutter, and landscaping. The subject property is located at 217 S. McDermott Road in Nampa. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Planner Jennifer Almeida, John Raff, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The property was rezoned from "A" (Agricultural) to "R-R" (Rural Residential) in July of 2017, and the P&Z Commission recommended approval of the preliminary plat in December of 2017. The project will contain three residential lots and will be served by individual domestic wells and septic systems. Irrigation will be via domestic water wells as well as existing flood irrigation that is currently in place. Keller and Associates has reviewed both plats and provided comments and the requested modifications have been made by the applicant's surveyor. The applicant has obtained approval of a variance from the Nampa Highway District which granted the additional access point onto McDermott Road which is classified as an arterial roadway. The City of Nampa granted deferral of the requested waivers and approved the irrigation plan. The final plat has been signed by Southwest District Health. Bonding is not required for this subdivision. A road user's maintenance agreement has been recorded. Staff is recommending approval of the request. No other testimony was offered. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to close the public hearing. Commissioner Rule made a motion to approve the preliminary plat, final plat, irrigation plan and deferral of the requested waivers. The motion was

seconded by Commissioner White and carried unanimously. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to approve the Findings of Fact, Conclusions of Law and Order. The hearing concluded at 1:38 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

The Board was scheduled to hold an Executive Session today as part of the discussion that was continued from the jail population update meeting which was held on February 9, 2018. Commissioner Rule made a motion to go into Executive Session at 2:34 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) discuss records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Chief Criminal Deputy P.A. Chris Topmiller, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward, and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:51 p.m. with no decision being called for in open session.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 15, 2018

PRESENT: Commissioner Tom Dale, Chairman
 Commissioner Pam White
 Commissioner Steve Rule
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED SALARY RATE REQUEST AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for D. William Phelps.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Corwin in the amount of \$33,000.00 for the Fleet department

- Data Bank in the amount of \$8200.00 for the Information Technology department

INDIGENT DECISIONS

The Board met today at 8:50 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale, Pam White, and Steve Rule, Customer Service Specialist Robin Sneegas and Deputy Clerk Monica Reeves. Upon the motion by Commissioner White and second by Commissioner Rule the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days for the following cases: 2018-0382, 2018-0485, 2018-0511, 2018-0333, 2018-0401, 2018-0365, 2018-0397, 2018-0349, 2018-0377, 2018-0317, 2018-0311, 2018-0342, 2018-0379, 2018-0327, 2018-0389, 2018-0360, 2018-0514, 2018-0339, 2018-0337, 2018-0388, 2018-0404, 2018-0386, 2018-0324, 2018-0427, 2018-0428, 2018-0334, 2018-0378, 2018-0383, 2018-0406, 2018-0384, 2018-0488, 2018-0400, and 2018-0387. Upon the motion by Commissioner White and second by Commissioner Rule the Board voted unanimously to issue initial denials with a written decision to be issued within 30 days for the following cases: 2018-0518, 2018-0533, and 2018-0559. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to approve the following cases: 2018-0516 and 2018-0503. The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT MATTERS

The Board met today at 8:59 a.m. to consider indigent matters. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Indigent Services Director Yvonne Baker, Deputy P.A. Zach Wesley, Deputy P.A. Jim Cornwell, and Deputy Clerk Monica Reeves. Director Baker presented the Board with a letter to the State of Idaho that would allow the Indigent Services Department to pursue unclaimed property requests. The requests are performed for collection purposes in order to satisfy outstanding debt for financial assistance by Canyon County. The Board signed the letter. Director Baker also presented the Board with two requests for lien forgiveness. In regards to Case No. 2011-1333, the applicants are in the process of a divorce and they're trying to sell their house and they are offering to pay \$15,000 toward their debt of \$51,545.22. Their assets total \$73,550.59. After discussion it was the Board's consensus to tell the applicant it will accept 50% of the outstanding balance. In regards to Case No. 2010-1228, the applicant is asking for full lien forgiveness of a \$20,309.78 debt. She wants to pursue a reverse mortgage and in doing that she needs the lien lifted. The assessed value of her home is between \$120,000 and \$154,000 and Director Baker believes some of the equity should go towards the debt. The applicant has made consistent payments for the last four years; the original debt was \$28,000 and it's now \$20,000. After discussion it was the Board's consensus to tell the applicant it will accept 50% of the outstanding balance. The meeting concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2017-1449

The Board met today at 9:17 a.m. to conduct a medical indigency hearing for Case No. 2017-1449. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Deputy P.A. Jim Cornwell, Indigent Services Director Yvonne Baker, Hearing Manager Kellie George, the applicant via conference call, Julie Wood for Saint Alphonsus Regional Medical Center, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to issue a written approval within 30 days. The hearing concluded at 9:32 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-16

The Board met today at 9:35 a.m. to conduct a medical indigency hearing for Case No. 2018-16. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Deputy P.A. Jim Cornwell, Indigent Services Director Yvonne Baker, Hearing Manager Kellie George, Julie Wood for Saint Alphonsus Regional Medical Center, the applicant, Interpreter Will Browning, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to continue the hearing to March 8, 2018. The hearing concluded at 9:59 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2017-1724

The Board met today at 10:02 a.m. to conduct a medical indigency hearing for Case No. 2017-1724. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Julie Wood for Saint Alphonsus Regional Medical Center, the applicant, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to continue the hearing to April 5, 2018. The hearing concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-17

The Board met today at 10:16 a.m. to conduct a medical indigency hearing for Case No. 2018-17. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Julie Wood for Saint Alphonsus Regional Medical Center, the applicant, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to continue the hearing to March 8, 2018. The hearing concluded at 10:19 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-91

The Board met today at 10:22 a.m. to conduct a medical indigency hearing for Case No. 2018-91. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Deputy P.A. Jim Cornwell, Indigent Services Director Yvonne Baker, Hearing Manager Kellie George, Ashley Hesteness from St. Luke's Regional Medical Center, Attorney Mark Peterson, the applicant, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to continue the hearing to April 5, 2018. The hearing concluded at 10:37 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2017-1667

The Board met today at 10:40 a.m. to conduct a medical indigency hearing for Case No. 2017-1667. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Deputy P.A. Jim Cornwell, Indigent Services Director Yvonne Baker, Hearing Manager Kellie George, Ashley Hesteness from St. Luke's Regional Medical Center, Cortney Kriss from St. Luke's Regional Medical Center, Attorney Mark Peterson, the applicant, the applicant's relative, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to continue the hearing to March 8, 2018. The hearing concluded at 10:57 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2017-1438

The Board met today at 11:01 a.m. to conduct a medical indigency hearing for Case No. 2017-1438. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Deputy P.A. Jim Cornwell, Indigent Services Director Yvonne Baker, Hearing Manager Kellie George, Julie Wood for Saint Alphonsus Regional Medical Center, the applicant, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to deny the case. The hearing concluded at 11:08 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2017-1283

The Board met today at 11:11 a.m. to conduct a medical indigency hearing for Case No. 2017-1283. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Deputy P.A. Jim Cornwell, Indigent Services Director Yvonne Baker, Hearing Manager Kellie George, Tim Ryan from Saint Alphonsus Regional Medical Center, Attorney Bryan Nickels, and Deputy Clerk Monica Reeves. The applicant did not appear for the hearing. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to approve the case at the lower rate for the dates of August

22, 2016 through August 25, 2016. The hearing concluded at 11:23 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT MATTERS

The Board met today at 11:25 a.m. to consider some indigent matters following the conclusion of today's medical indigency hearings. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Indigent Services Director Yvonne Baker, Hearing Manager Kellie George, and Deputy Clerk Monica Reeves. In the following cases neither the hospital nor the applicant appeared for the hearings, therefore, Commissioner White made a motion to deny the cases with a written decision to be issued within 30 days: Case Nos. 2017-1544, 2018-41, 2017-1701, 2018-19, 2017-1332, 2017-1735, and 2017-1148. The motion was seconded by Commissioner Rule and carried unanimously. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to approve Case No. 2018-18 with a written decision to be issued within 30 days. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to approve Case No. 2016-176 and Case No. 2016-583 with a written decision to be issued within 30 days. The meeting concluded at 11:28 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY EJ LEWIS TRUST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NO. PH2017-59 & 60

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by EJ Lewis Trust for a comprehensive plan map amendment to change the designation of Parcel R34493 from Commercial to Residential, as well as a zoning map amendment from "A" (Agricultural) to "R-1" (Single Family Residential). The subject property is located on the east side of El Paso Road, approximately 865 feet north of the intersection of State Highway 44 and El Paso Road in Caldwell. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Alan Mills, Bob Arnold, Lamar Lewis, Jarita Augerot, Daniel Custer, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The property is 19.71 acres currently zoned agriculture, and the future land use is commercial. The applicant is requesting a comprehensive plan map amendment to change the designation of the parcel from commercial to residential as well as a request to rezone the property from agricultural to single-family residential. The Canyon County Future Land Use Map identifies this area as commercial, however, the area contains a mix of residential and commercial uses and the property is adjacent to existing subdivisions. The proposed designation would not create an incompatible land use and would be commensurate with the existing residential uses adjacent to the property. The zoning map shows there is currently R-1 zoning south of Highway 44. The residential zoning would not be out of character with the area. There are currently 28 platted subdivisions within one mile for an average lot size of 1.54 acres. Access may be accomplished via a local road or private road access to El Paso Road. Canyon Highway District has said the use is not anticipated to materially impact the existing or future

road network. ITD supplied threshold values which could trigger a traffic impact study and through that information they determined that the proposed development would be less than 100 dwelling units, therefore, a traffic impact study would not be required. ITD did not object to the rezone. Because the application is within the City of Middleton's impact area they reviewed the project and indicated their future land use map designates the majority of the subject property as residential with a small portion shown as mixed use. A portion of the property was once utilized as a gravel pit from 1970 to the mid-1980s. A reclamation plan was not required. If approved, the project will be required to be platted; subdivision engineering reports will be required for the project that will ultimately dictate the number of developed lots. Engineered drainage plans would also be required as part of the platting process. The P&Z Commission recommended approval of the comprehensive plan map amendment on November 2, 2017, however, they recommended denial of the rezone to R-1 single family citing that a rural residential zone would be more compatible with the surrounding area. Staff has found the request complies with the Canyon County standards of evaluation for the comprehensive plan map amendment as well as the rezone and that it also complies with the comprehensive plan.

Alan Mills agrees with staff's report and findings on the questions relating to the comprehensive plan map amendment, as well as the questions relating to the R-1 zoning criteria. He disagrees with P&Z Commissioner Duspiva's recommendation to deny based on the incompatibility with the surrounding area and negative drainage issues. The property is not in a nitrate priority area; the septic system will be engineered and density will be set by Southwest District Health. There was some opposition about the well problem in the area but after pulling well reports it showed the area to have little or no change in aquifer. The property used to be gravity irrigated and there was drainage from the irrigation but they've converted it to sprinkler and for development it will remain sprinkler and pressurized so the runoff will not exist. The majority of the runoff comes from the land where the storage units are located because the surface roads have been paved and are impervious during storms. He said in the process of development the runoff issues will be improved and it will take care of Mr. Overland's problem with the drainage. Regarding traffic issues, ITD initiated and completed a study of the Highway 44 corridor and recommended 30 feet of additional right-of-way for future improvements. Mr. Houser had concerns about erosion but they worked out an agreement and gave him a recorded slope easement so he can take care of the erosion issue.

Lamar Lewis offered testimony regarding the drainage and irrigation history on the property.

Bob Arnold, a licensed professional engineer, testified about his visual inspection of the property as well as a records search for information that could help address issues raised in written testimony by Mr. Custer. All the concerns are addressed best by developing the land; it gives the opportunity to dictate what happens with all the problems that have been described. County rules mandate that storm water be retained on site so that alone fixes the erosion concerns with water flushing off this property onto adjacent properties. The uphill slope is in bad shape and has had water flowing over the crown of the slope; however, he sees no indication of recent washouts or erosion but there are some deep gullies that have cut back in where the flow across the fields have concentrated and eventually crowned the slope in one location. They need to be corrected and the best way to do that is through the

development process. He's helped with gravel pit remediation plans and that's a disadvantage with this property because the property is so old it predates the rules for having a remediation plan. Remediation is needed in some of the slopes and they've made arrangements with the neighbor to the east to do that. If the lots are going to extend into the pit clearly that tall slope will have to be removed. It's a gravel pit so we have an abundance of materials on site to do that. He pulled well logs for several homes on El Paso Road and they indicate the ground water on El Paso is between 84-114 feet deep. The homes along Stone Lane average 10 feet to the ground water. There are civil engineering questions that need to be addressed but there isn't anything that cannot be addressed. The current situation can be corrected and whether it's corrected as open space, or a park or public access land or private reserve or larger lots than the one acre average, the fact is every concern stated for the gravel pit can be corrected. According to Mr. Arnold, the drainage area has not been resolved and was grossly understated at the hearing. The key issue was getting rid of the flood irrigation system and going to a sprinkler system with somebody manning the switch and turning it off when it's appropriate. With this development he anticipates zero water ending up in the Hartley Creek. Soils are conducive to accepting septic and to absorbing irrigation water. He recommends a hydrogeology report to confirm where ground water is and how deep it is. There is potential for erosion but it's easily mitigated and designed into a residential development. All issues can be easily addressed by geotechnical engineering recommendations.

Jarita Augerot testified that she doesn't have a problem with the land being residential, but her concern is for the safety of the residents, in particular the children who wait for the school bus on El Paso Road and Highway 44 because traffic is an issue. She spoke of her experience with the irrigation/drainage of the property as well as a concern on whether the development will overload the wells and septic systems in the area.

Daniel Custer spoke of his concerns with the problems with downstream erosion that occurs due to the tremendous amount of water coming onto his property. Other concerns include: project density; the entrance and egress; the gravel pit reclamation.

Lamar Lewis said the development is going to put the lots in a situation where they will have to comply with current ordinances and there will be a civil engineering package to address the runoff on the neighboring properties. He said it's been stated the property drains to the east but that is not the case, the majority of the property drains to the pit.

Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Rule said he has driven past the property for years and it's been an eyesore and now with development there is talk of reclaiming it which will be difficult but it will be putting it to a good use rather than being in weeds, stumps and chunks of concrete that have gathered there. He believes it's an appropriate use of the land. The water will be an issue on the site just as it has been for the ones across the highway, but he believes the issues can be addressed through the irrigation planning and engineering. Commissioner Dale said if the pit stays in unbuildable territory, you're looking at 16 lots, if it's reclaimed you're looking at 19 lots neither of which is a huge number, and if you go to rural residential, which requires two acres, more land will have to be irrigated which will create more potential for runoff. Commissioner White believes the issues have been thoroughly researched through the questions that were asked at the underlying hearing and she then made a motion to approve the comprehensive plan map amendment to change the designation of Parcel R34493 from commercial to residential.

Commissioner Rule seconded the motion which carried unanimously. Commissioner Rule made a motion to approve the rezone from “A” (Agricultural) to “R-1” (Single Family Residential). The motion was seconded by Commissioner White and carried unanimously. Commissioner White made a motion to approve the resolution for the comprehensive plan map amendment and to approve the Findings of Fact, Conclusions of Law and Order. The motion was seconded by Commissioner Rule and carried unanimously (See Resolution No. 18-020). Commissioner Rule made a motion to approve the ordinance directing the change to the official zoning map and to approve the Findings of Fact, Conclusions of Law and Order. The motion was seconded by Commissioner White and carried unanimously (See Ordinance No. 18-006). The hearing concluded at 2:28 p.m. An audio recording is on file in the Commissioners’ Office.

CONTINUATION OF APPEAL HEARING RE: COPE SAND AND GRAVEL’S REQUEST FOR A MINERAL EXTRACTION EXPANSION, CASE NO. PH2017-52

The Board met today at 2:35 p.m. for a continuation of the appeal hearing regarding Cope Sand and Gravel’s request for a mineral extraction expansion, Case No. PH2017-52. The case was originally heard on February 12, 2018 and was continued to this day for the Board’s deliberation and decision. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Todd Lakey, Bob Cope, Brett Cope, Paul Cope, Dave Cockrum, John Babcock, Steve Torrano, Ed Wofford, Claudia Frent, Elspeth Turner, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner White said this is one of the hardest land use cases she’s considered in her time as a Commissioner. She spoke about traffic and the growth that’s occurring and her experience with large trucks making wide turns. She said the homeowners are living with the existing gravel pit and have found compatibility with it but the new request is in closer proximity to some homes and it changes their sense of compatibility and it becomes an impact to their way of life. Commissioner White understands the importance of both sides of this issue and said it’s interesting because business can’t survive without people and without business people can’t progress and move forward but this comes down to an issue of compatibility and with the new request she believes the homeowners will lose that sense of compatibility and it will impact their sense of wellbeing, therefore, she will vote to uphold the homeowners’ appeal. Commissioner Dale said these types of decisions are never easy, it’s a balancing act of data that often come to different conclusions although they both claim to be scientifically derived. His parents owned a house in the subdivision when the first gravel pit was proposed and approved and at that time the perception was that all of the water would be destroyed, the wells would be damaged and nobody would be able to have drinking water because the water supply would be contaminated. After 15 years that has not proven to be true. We heard testimony from one gentleman that brought his water filter in that showed a lot of sand, but he’s familiar with wells and understands how pumps get filled up with sand in the bottom and he believes the silica and the different types of things that are generated by the gravel pit crushing activity are not going to permeate through that clay level. He doesn’t think the dirt and sand on that water filter was produced by the activities of the gravel pit. He sees really different circumstances with this application versus the application from 2016 which was a very different situation that would have put a gravel

pit literally in the backyards of the Two Towers Subdivision and that's why he voted to deny that permit. The application moves it closer to the Wild Rose Subdivision and closer to a home on Memory Lane but there's some really good buffering, a waterway, trees, a feedlot and a pasture, and the crusher will remain very close to where it is currently situated. He said the benefits to the property owners for prohibiting this to go forward are quality of life perceptions, but the benefits to the Copes extend much further than the operation itself. There's a lot of people that are dependent and reliant upon that source of product and he wants to reiterate that he doesn't make decisions like this on land use based on what he perceives the potential increase of property taxes, or lack of such, will produce. It is based on his best perception of the data that's presented given on the merits of the particular application in front of us. In looking at some of the information presented and as part of the first conditions of approval on the buffering landscaping, it was about the berm that was supposed to be there and the trees that were supposed to be there and kept in a living condition, but he thinks there are only one or two trees that are still alive. He asked if there is a way to tighten up the conditions to mitigate some of the concerns. Dan Lister reviewed the conditions as follows:

Development shall comply with all applicable federal, state and county laws, ordinances, rules and regulations that pertain to the subject property and the proposed use.

The operator shall obtain an access permit from Canyon Highway District No. 4 prior to commencing development on the property or propose expansion, and prior to construction of any new access points. Access from the proposed mining operation shall be constructed to meet commercial approach standards in accordance with standards. At the time of development the following mitigations shall be met: the mining and reclamation for the subject property shall provide sufficient room to accommodate a future collection road, Section 4, Lake Lowell Avenue to include a 40-foot half width right of way generally level with the existing roadway and provisions of any fill slopes necessary to provide lateral support. Access to the public highway system for truck trips from the proposed mine shall be limited to eastbound Lake Lowell Avenue. There would be no more westbound trips generated for this pit so it wouldn't go past Wild Rose Subdivision anymore.

The operator shall provide appropriate facilities for disposing of human generated waste and water in accordance with Southwest District Health requirements.

The operation shall comply with the reclamation plan approved by the Idaho State Department of Lands (Attachment No. 2). The operator shall complete the reclamation plan as approved by the Idaho State Department of Lands. Property boundary buffer zone setbacks shall not be less than specified in the reclamation plan. The gravel extraction and crushing operation shall not operate in excess of 20 years from the date of the signing of the findings of fact, conclusions of law, conditions of approval and order without further jurisdictional approval.

Hours of operation: Normal hours of operation extraction, crushing and hauling shall not exceed Monday through Friday 7:00 a.m. to 6:00 p.m., and Saturday 7:00 a.m. to 1:00 p.m. Those are the existing hours of operation for the existing site.

Operation of mining equipment, storage and use of fuels and petroleum products shall be in accordance with all applicable federal, state and county laws, ordinances, rules and regulations that pertain to operations. Dust shall be controlled in accordance with applicable federal, state and county laws, ordinances, rules and regulations that pertain to operations

including but not limited to nuisance regulations of the Canyon Code, Chapter 2, Article I Public Nuisances. Development should not impede, disrupt or destroy irrigation canals, ditches, laterals, drains and associated irrigation works and rights-of-ways. The operator shall comply with all Idaho Power requirements and recommendations of Attachment No. 1. All buffer areas shall be maintained as pasture or row crop. Maintenance shall include removal of weed, debris, and waste materials. Existing trees along the Thacker Lateral shall be maintained as visual buffers from Lake Lowell Avenue. Any loss of any existing tree during the life of the permit shall be replaced with a visual barrier such as solid fencing with natural landscaping. The planting of additional trees is encouraged to maintain the existing natural visual buffer. The mineral extraction operation shall be conducted in substantial compliance with the reclamation plan and letter of intent with site plan.

Commissioner Dale asked if on Saturdays the operation could be restricted to only hauling, no extracting and crushing, so that the noise would be mitigated on a Saturday. Brett Cope said they do not currently operate the crusher on Saturdays. Commissioner Dale asked if the crushing operation hours could be changed from 6:00 p.m. to 5:00 p.m. Mr. Cope said they shut down the crusher at 4:30 p.m. Commissioner Dale would like that in the conditions of approval.

Commissioner White asked who will enforce the conditions. Director Nilsson said when her office gets code enforcement complaints they investigate them immediately within their current time and staff constraints. They work toward compliance and try to understand what the issue is. One example would be they had a landscaping requirement between a storage unit and a residential property where the neighbor complained so Director Nilsson contacted the property owner who was aware of it and was working on it so staff commemorated that in writing and gave them a deadline to comply. They let the neighbor know and the property owner completed it. DSD maintains a tickler file for reminders of deadlines for any enforcement actions and if they cannot get the property in compliance the ordinance gives the director the ability to take it to a hearing, with the Board's approval, to revoke the conditional use permit. Commissioner Dale said this permit goes to 2038, which extends it by six years from the present permit. He asked Mr. Cope how long he believes this extension will realistically go because they are a number of years short of what was anticipated previously. Mr. Cope said it's hard to project the future but if things keep going like they're going they could probably have this done by 2032 but that extra five years would leave a buffer for their business. It is difficult to judge what the economy is going to do. Commissioner Rule said people come in with sincere testimony and they don't want something to obstruct their view yet they want the right to build. They are worried about wells being contaminated but he doesn't think this business contaminates wells. They say they're going to put a Boy Scout park on the property but there's not a \$200,000 trust to make sure that happens so he has to filter through all of those things and try to get down to what the points are that support either side. This is a very difficult decision but he is going to support the appeal because the meeting room has never been this full and he has never received a petition with 193 signatures. Commissioner Dale said he goes back and forth trying to find the balance, but he will support the decision. Commissioner White made a motion to approve the appeal to Cope Sand and Gravel, Case No. PH2017-52. The motion was seconded by Commissioner Rule. Commissioner White said there are no complaints on file with Canyon County, but it was stated there were numerous complaints, but that was explained in detail – they were minor violations. This is not a reflection of bad business, this

is a reputable business and this is a decision made on land use. A roll call vote was taken on the motion to approve the appeal with Commissioners Rule and White voting in favor. Commissioner Dale voted against the motion stating he understands the case of the appeal but he leans a little more toward the business and he has to go on what his own personal feelings are and that's why he's voting no. The motion carried by a two-to-one split vote in support of the appeal therefore the P&Z Commission decision is reversed. Director Nilsson said staff will bring back findings of fact to support the Board's decision on March 2, 2018 at 10:00 a.m. The meeting concluded at 3:05 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 16, 2018

PRESENT: Commissioner Tom Dale, Chairman – out of the office
Commissioner Pam White – out of the office
Commissioner Steve Rule – out of the office
Deputy Clerk Monica Reeves / Jenen Ross

No meetings were conducted today.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 20, 2018

PRESENT: Commissioner Tom Dale, Chairman – out of the office
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 2-26-18

The Board of Commissioners approved payment of County claims in the amount of \$62,611.03, \$114,140.38, \$65,003.05, \$9395.09 and \$44,300.20 for accounts payable.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Jackson's Food Stores, Inc. dba Jackson Food Stores #148 (see resolution no. 18-021).

BIWEEKLY MEETING WITH THE DIRECTORS OF FACILITIES AND INFORMATION TECHNOLOGY TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 8:33 a.m. for a biweekly meeting with the Directors of Facilities and Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Steve Rule, Director of IT Greg Rast, Assistant Director of IT Eric Jensen, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. Director Rast updated the Board on the following items: the landfill conversion took place this past weekend and everything went well with the transition. They are now working on service level agreements with Idaho Tower. His department is working with DSD and the Assessor's Office on an effort to share documents so that scanning is not being duplicated between the two offices. They are continuing to work on scanning efforts with the Records department, Indigent Services and the Parks department. The final GIS planning meeting with the Sheriff's Office will happen today and then they will be able to start building the new GIS infrastructure. Director Rast asked the Board about a request made by Indigent Services to have video conferencing set up in the meeting room so that hearings with inmates could be conducted that way instead of via telephone. The cost would be approximately \$3000 for the equipment and about 8-10 hours of labor for the facilities department but slightly less for the IT department. Director Rast indicated that Director Baker would also be in contact with the Sheriff's Office to see what kind of room they would need for this and that there would need to be a deputy able to run the equipment. Commissioner White does not recall having a conversation about this equipment and is not sure where the request has stemmed from. Commissioner Rule is fine with the system that is currently being used but understands if it is new progress and he will not get in the way of the new process. Commissioner White doesn't feel there is an urgency for the change but wonders if Indigent Services feels it would be beneficial for the Board. Commissioner Rule thought perhaps Indigent Services is requesting this for their office to be used for interviews. Director Rast said he would dig a little deeper and see if he can get some more clarification.

Director Navarro updated the Board on the following items: His department is starting repairs to gates at the fairgrounds; it is actually the city's fence but we are partnering with the city where the county will provide materials that are surplus from a previous project. They will be building 4 new gates that they will then weld and install. They recently met with Director Sinner and learned that she rents diesel powered light plants during the fair but Director Navarro and his staff will be installing new light stands over the next couple of weeks which will eliminate having to rent 3 of the light plants with a savings of \$5000. Ms. Sinner has also asked for the interior of the concession stand to be painted and a new heating and cooling system has been installed in the concession stand. They are also painting 150 swine pens. UPS bids are in for the Landfill so Director Navarro will work with Director Rast and Director Loper on that. Additionally, Director Loper has indicated that the majority of the power issues at the landfill have been resolved. Mr. Navarro said he has been working with Sam Laugheed to start the bid process for re-roofing of the DMV and jail annex which should be in front of the Board for consideration soon. They have received bids for the well project at Celebration Park, the low bid was \$44,000 so he has reached out to Director Schwend for her direction. Director Navarro and his staff will be starting the fencing at 14th and Chicago this week and they will be starting the IT oil suppression system within the next

couple of weeks. The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND CONSIDER SIGNING INDEPENDENT CONTRACTOR AGREEMENT FOR COURT INTERPRETER DUBRAVKA MARTINCIC

The Board met today at 9:04 a.m. for a legal staff update and to consider signing an independent contractor agreement for court interpreter Dubravka Martincic. Present were: Commissioners Pam White and Steve Rule, Clerk's Executive Assistant Taryn Peterson (left at 9:07 a.m.), Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. Mike Porter said this is similar to independent contractor agreements that have been signed previously; it has been reviewed by legal and is ready for the Board's consideration. Ms. Peterson said Ms. Martincic was recruited from the Washington State Courts as they have such strict requirements to even be added to their roster. Ms. Martincic speaks Bosnian and there is currently a case in the system that requires this language. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the independent contractor agreement for court interpreter Dubravka Martincic. Mr. Porter did not have any items for discussion at the legal staff update but Commissioner Rule wanted to keep the rezoning of Hwy 20/26 in the front of everyone's minds. Mr. Porter said he would send an email to Mr. Goodsell and Mr. Wesley regarding the request. The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

FILE IN MINUTES

The Board filed the Treasurer's January 2018 Tax Charge Adjustment by PIN in today's minutes.

MONTHLY MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:30 a.m. for a monthly meeting with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Steve Rule, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. Director Nilsson updated the Board on the following items: revenues are way up, she believes they are at 50% of their revenue budget and expenses are at about 30%. The CAPS implementation is set to go live on March 5th and they are currently in a testing phase along with Odyssey. They will be conducting interviews for the open Code Enforcement position next week and Captain Adams and Zach Wesley will be sitting in on the interviews. Ms. Nilsson has scheduled a meeting with Daniel Badger at the City of Nampa to discuss getting water and sewer to the county property at Hwy 20/26. Once she has that information she will bring it back to Board, Zach Wesley and Director Navarro. Commissioner Rule said that the county may be willing to donate a ¼ or ½ acre for a public well. She also brought to the Board's attention her concerns regarding a big box store being proposed in Meridian,

however, it is way beyond the COMPASS forecast for 2026. A discussion ensued regarding the impacts it could have on Canyon County if it's approved. Director Nilsson also let the Board know about House Bill 542 being proposed which will cause loss of local control on building codes in terms of what counties and cities will be able to adopt. The bill will require that they adopt what the state adopts and currently the state is a couple years behind the current codes. Ms. Nilsson feels part of the disagreement comes in with some builders and newer energy codes; some builders don't see the value in meeting those codes relative to the gain to the homeowner in terms of energy efficiency. Idaho is greatly varied in climate and snow loads among other things and if a locality wanted to customize their codes to their circumstances they wouldn't be able to. There are no immediate concerns for Canyon County but she wanted to bring it to the Board's attention. The meeting concluded at 9:55 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTOR OF JUVENILE DETENTION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:01 a.m. for a monthly meeting with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Steve Rule, Director of Juvenile Detention Steve Jett, Assistant Director of Juvenile Detention Sean Brown, Juvenile Detention Officer William Phelps and Deputy Clerk Jenen Ross. Director Jett updated the Board on the following items: He currently has two vacant positions and they are going to be starting the hiring process for those. Recently they had a mother bringing in a controlled substance for her child during visitation times which has caused them to reevaluate how they are doing things and make some changes to the visitation procedures. In March the International Law Enforcement Educators and Trainers Association conference will be taking place in St. Louis; this year the county will be paying for Tim Warner and Taha Bah to attend and the Juvenile Training Council will be paying for Sean Brown and Shawn Anderson to attend. The Rule of 80 bill has passed the House to give probation, detention and misdemeanor probation the Rule of 80 retirement; the cost to the county is minimal, most of the cost is on the employee. Director Jett sent an email out to all the counties that contract with the detention center letting them know that the rates will be going up from \$160/day to \$170/day. There was a garden donation from Zamzows recently and seeds have been ordered. They are doing an experiment in purchasing some smaller radios for Director Jett and the supervisors; the radios are much less expensive than the other radios and they can be set up by Mr. Jett. The meeting concluded at 10:16 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTORS OF JUVENILE PROBATION AND MISDEMEANOR PROBATION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:16 a.m. for a monthly meeting with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Steve Rule, Chief Juvenile Probation Officer Elda Catalano, Director of Misdemeanor Probation Jeff Breach and Deputy Clerk Jenen

Ross. Ms. Catalano updated the Board on the following items: the Juvenile Probation department is supervising 307 juveniles in the court system; there are 63 juveniles in the diversion program; 36 kids were committed to the Idaho Department of Juvenile Corrections; 470 UAs were done just last month. The probation officers combined made 659 contacts with juvenile offenders and had 18 kids on electronic monitors during the month of January. Ms. Catalano feels these numbers are so high just due to societal reasons and the system in general is being asked to parent kids. Each year she holds a “goal setting” meeting with her staff which is a 3 hour session where she brings in staff and they give her input on how the department is doing, what needs to be done differently and where they should be focusing based on what they see. In a future meeting she will share that information with the Board as to what they’re seeing and how the issues are being addressed. Ms. Catalano said at her next meeting she will have a representative from the Idaho Department of Juvenile Correction with her to share the data and statistics they’ve collected from all the counties in the state. The Idaho Press-Tribune has been wanting to do a story on some of the programs that are available and have been promoted in the community the last few years so she will be meeting with a reporter tomorrow.

Mr. Breach updated the Board on the following items: In March there will be an audit done by the Idaho State Police on their NCICs (FBI criminal database) for the criminal histories. There was a walk-thru last week that went well although he suspects they may suggest some updated software. Director Breach has been asked to send one of his POs to Twin Falls County to assist in an LSI training. POST has agreed to cover the cost of travel including the hotel, meals, mileage etc. His question for the Board is if they are okay with the county covering the cost of the salary for 3 days for this employee. The Board said they would like to see Twin Falls County pay for the employee salary. Mr. Breach said he will speak with Twin Falls County about this and then report back to the Board. The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners’ Office.

MONTHLY MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND CONSIDER AGENDA ITEMS

The Board met today at 11:02 a.m. to consider agenda items. Present were: Commissioners Pam White and Steve Rule, Treasurer Tracie Lloyd (left at 11:11 a.m.), Sr. Deputy Treasurer Tonya May (left at 11:11 a.m.), Deputy P.A. Brad Goodsell (left at 11:12 a.m.), Landfill Director David Loper, PIO Joe Decker (left at 11:07 a.m.) and Deputy Clerk Jenen Ross.

The agenda items were considered as follows:

Consider signing a resolution to waive certain landfill fees for Canyon County residents on April 28, 2018: David Loper said this is the annual spring clean-up day which is always the 4th Saturday in April where county residents will be able to bring in a certain amount of waste at no charge. The advertised hours of the event are 8:00 a.m. to 5:30 p.m. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the resolution to waive certain landfill fees for Canyon County residents on April 28, 2018 (see resolution no. 18-023).

Consider signing a resolution authorizing payment of excess sale proceeds pursuant to Idaho code § 31-808: Brad Goodsell said the county is obligated to do something with the excess proceeds from the tax deed sale that took place in November. Proceeds are first offered to parties in interest to which there were five claims on two separate properties. The remaining funds will be sent to the State Treasurer as unclaimed property and anyone who feels they have claims to those funds can contact the State Treasurer. This resolution will authorize the payments of the claims to the parties in interest and authorize the remaining funds to be sent to the State Treasurer. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the resolution authorizing payment of excess sale proceeds pursuant to Idaho Code §31-808 (see resolution no. 18-022).

Monthly meeting with the Solid Waste Director to discuss general issues, set policy and give direction: Director Loper gave a review of tonnage numbers stating that waste amounts were up 40.53% for January and FY2018 is up 20% year to date. The Title V permit is almost complete; the EPA has a few more days for review but he anticipates a “permit hand-off meeting” with DEQ to be happening soon where they will explain all the conditions of the permit. Another groundwater sampling will be happening in March; these will be happening quarterly for a while in order to get good background data with the new pumps. Director Loper will continue working with Director Navarro on the office addition, they don’t have the full plans yet but have received some stats from the architect. The household hazardous waste event will happen on June 9th and will take place at the Idaho Center again this year. There has been some work done by Idaho Power on lines out by the landfill and all the transformers have been replaced, since that work has been completed they really have not had many issues. The recent IT connectivity project went very smooth. There is one landfill storm water pond that isn’t fenced in and tends to get used by people visiting the motorcycle park. They are working to get that pond fenced, however, it will take away one of the parking areas for the motorcycle park. He will work with Parks Director Schwend in order to create a new parking area and to rebuild the awnings. Director Loper has been working with Chad Schwend at Stericycle to accept hazardous waste from small businesses on a quarterly basis. The businesses would still have to pay for the disposal but there would be very minimal cost to the county. A discussion was had as to how to handle out of county waste; Director Loper has a couple ideas he is working thru. Commissioner Rule said he will support whatever Director Loper chooses to do but feels it is long past time for things to change. Director Loper will work with legal to create the ordinance and evaluate the fee schedule and bring them to the Board for approval. The meeting concluded at 11:36 a.m. An audio recording is on file in the Commissioners’ Office.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 21, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Mobile Mini in the amount of \$5947.95 for the Fleet department
- Motorola Solutions in the amount of \$14,139.63 for the Sheriff's Office

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206 (1)(D) AND (F) TO DISCUSS IMMIGRATION DETAINER LITIGATION UPDATE (RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION)

The Board was scheduled to hold an Executive Session to discuss the immigration detainer litigation update. Commissioner White made a motion to go into Executive Session at 11:32 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending litigation. The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward, and Deputy Clerk Monica Reeves. The Executive Session concluded at 12:29 p.m. with no decision being called for in open session.

FEBRUARY 2018 TERM CALDWELL, IDAHO FEBRUARY 22, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 3-9-18

The Board of Commissioners approved payment of County claims in the amount of \$15,334.77 for accounts payable.

APPROVED CLAIMS ORDER NO. 2-22-18

The Board of Commissioners approved payment of County claims in the amount of \$829.50 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Stone Lumber in the amount of \$5570.55 for the Landfill
- Quality Electric in the amount of \$6570.00 for the Landfill
- Wall 2 Wall Floor Covering in the amount of \$2742.21 for the Facilities department

CONSIDER SIGNING MEMORANDUM OF UNDERSTANDING REGARDING THE SHERIFF'S UNEMPLOYMENT INMATE RELEASE PROGRAM

The Board met today at 8:31 a.m. to consider signing the Memorandum of Understanding (MOU) between the Board of Commissioners and the Sheriff's Office regarding the Sheriff's unemployed inmate work release program. Present were: Commissioners Tom Dale and Steve Rule, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell, Chief Deputy Sheriff Marv Dashiell, Landfill Director David Loper, Fleet Director Mark Tolman, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Commissioner Pam White arrived at 8:34 a.m. The document is an understanding between the Sheriff and the landfill and fleet departments about the use of unemployed inmate workers and how that should work and how the Sheriff's Office would be compensated for the labor and their efforts in getting the unemployed workers to the two county entities that need the work. The agreement calls for a transfer of funds from the enterprise fund to the justice fund to cover the cost of the inmate workers. Half of that appropriation each year will be based on the number of workers and the hours of work the previous year and then whatever that amount is will be divided up and half will go to the Sheriff to cover the cost of getting the workers to the site, providing them a commissary credit and good time for the time they've spent and the other 50% will be used to cover workers compensation insurance and so forth. It also makes sure that the liability for risk is appropriately assessed, it's still the County's issue but we are treating the unemployed work release inmates as if they are employed by the landfill or the shop such as performing cleanup work. Zach Wagoner explained how payments will be made from the current expense, justice, and enterprise funds. Chief Dashiell said the project provides a direct benefit to the fleet department because the inmate workers wash cars, sweep floors and pick up litter, and to the citizens for the work that is performed at the landfill. They had a couple of issues with some inmates that were walking away and the Sheriff became concerned about liabilities so they looked for ways to reduce liability and treat them more as an outside employee work release inmate. Directors Loper and Tolman spoke about how they view the program as a benefit to their respective departments. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to sign the Memorandum of Understanding between the Board of Commissioners and the

Sheriff's Office regarding the Sheriff's unemployed inmate work release program. (See Agreement No. 18-021.) The meeting concluded at 8:42 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT DECISIONS

The Board met today at 8:51 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of Indigent Services Yvonne Baker, Customer Service Specialist Robin Sneegas, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility requirements for county assistance: 2018-416, 2018-418, 2018-446, 2018-442, 2018-380, 2018-445, 2018-557, 2018-447 and 2018-0443 upon the motion by Commissioner White and second by Commissioner Rule the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to issue a cremation approval for case no. 2018-0575. The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT MATTERS

The Board met today at 8:54 a.m. to consider indigent matters. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Deputy P.A. Brad Goodsell, Deputy P.A. Jim Cornwell and Deputy Clerk Jenen Ross. Upon the motion by Commissioner White and second by Commissioner Rule the Board voted unanimously to issue denials for case nos. 2018-138 and 2018-133. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to issue an approval for case no. 2018-65 with a written decision to be issued within 30 days. The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-119

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for Case No. 2018-119. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell, Hearing Generalist Kellie George, Director of Indigent Services Yvonne Baker, Julie Wood with Med Data for St. Alphonsus, the applicant via telephone and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to continue the case to March 22, 2018. The hearing concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-120

The Board met today at 9:14 a.m. to conduct a medical indigency hearing for Case No. 2018-120. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell, Hearing Generalist Kellie George, Director of Indigent Services Yvonne Baker, the applicant, Courtney Kriss for St. Lukes, Attorney Mark Peterson for St. Lukes and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and the second by Commissioner Rule the Board voted unanimously to approve the case with a written decision to be issued within 30 days. The hearing concluded at 9:17 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-113

The Board met today at 9:29 a.m. to conduct a medical indigency hearing for Case No. 2018-113. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell, Hearing Generalist Kellie George, Director of Indigent Services Yvonne Baker, the applicant, Amber Jones for St. Lukes, Attorney Mark Peterson for St. Lukes and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Rule and the second by Commissioner White the Board voted unanimously to continue the case to March 22, 2018. The hearing concluded at 9:59 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-53

The Board met today at 10:06 a.m. to conduct a medical indigency hearing for Case No. 2018-53. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell, Hearing Generalist Kellie George, Director of Indigent Services Yvonne Baker, the applicant, Julie Wood with Med Data for St. Alphonsus and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Rule and the second by Commissioner White the Board voted unanimously to approve the case with a written decision to be issued within 30 days. The hearing concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-137

The Board met today at 10:11 a.m. to conduct a medical indigency hearing for Case No. 2018-137. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell, Hearing Generalist Kellie George, Director of Indigent Services Yvonne Baker, the applicant, the applicant's spouse, Courtney Kriss for St. Lukes, Attorney Mark Peterson for St. Lukes and Deputy Clerk Jenen Ross. Commissioner Rule made a motion to deny the case but it died for lack of a second. Commissioner White made a motion for approval with a second by Commissioner Dale. The motion was

approved by a 2:1 vote with Commissioners White and Dale voting in favor and Commissioner Rule voting against. The hearing concluded at 10:51 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2017-1708

The Board met today at 11:02 a.m. to conduct a medical indigency hearing for Case No. 2018-1708. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell, Hearing Generalist Kellie George, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and the second by Commissioner Rule the Board voted unanimously to approve the case. The hearing concluded at 11:04 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY MATTERS

The Board met today at 11:04 a.m. to consider indigent matters. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell, Hearing Generalist Kellie George, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to uphold the denials with written decisions to be issued within 30 days for case nos. 2018-111, 2018-56 and 2018-108. The meeting concluded at 11:04 a.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2018 TERM

CALDWELL, IDAHO FEBRUARY 23, 2018

PRESENT: Commissioner Tom Dale, Chairman – out of the office
Commissioner Pam White – out of the office
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

No meetings were conducted today.

FEBRUARY 2018 TERM

CALDWELL, IDAHO FEBRUARY 26, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- HP, Inc. in the amount of \$3781.40 for the Information Technology department
- Barracuda in the amount of \$11,338.00 for the Information Technology department

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for City of Caldwell dba Purple Sage Golf Course (see resolution no. 18-025).

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:33 a.m. for an office staff meeting. Present were: Commissioners Tom Dale, Pam White, and Steve Rule, PIO Joe Decker, Sr. Administrative Specialist Jamie Miller, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. Commissioner Dale reported briefly on his meeting at the state capitol; JFAC funding was approved for a crisis center. Mr. Decker reported on the following communications issues: Sheriff Donahue asked him to review an op-ed piece regarding a bill that would require domestic violence abusers to turn over their guns; he is working on *Start by Believing* proclamation for the month of April; KBOI Channel 2 has some story ideas on the jail and the landfill; the Idaho Press-Tribune will interview Prosecutor Taylor on crime stats and trends from 2016-2017; and the *Idaho Day* proclamation will be considered on Wednesday with a celebration to occur on March 5 at the statehouse. Commissioner Dale reported on a meeting he attended last week with the City of Caldwell, rodeo board members, and fair board member Josh Sanders regarding the fair grounds. He referred to a rough sketch of the property and said the group decided to take the creek and run it diagonally with underground tiling. An amphitheater was proposed but most everybody said it wasn't needed so they are going to leave it as open space because they could get more use out of it. The rodeo board wanted to have temporary pens behind the football stadium and they were proposing permanent fencing but now there's an idea to move the fence out to the boundary by the Gabiola Fields. They are still working through things but they will discuss it with Diana Sinner. There are plans to have permanent restrooms on site. Brent Orton will have a cost estimate on tiling the drain and prepare another draft sketch of what was discussed. The city will do the engineering and the County will purchase the materials estimated to be around \$310,000. The Board briefly discussed the former fairgrounds property on Highway 20-26. The County is considering rezoning the land (commercial in the front and residential in the back) prior to selling it. The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING SOLICITATION OF BIDS FOR 2018 CANYON COUNTY RE-ROOFING PROJECTS: JAIL ANNEX AND DMV

The Board met today at 9:04 a.m. to consider signing the solicitation of bids for the 2018 Canyon County Re-Roofing Projects for the Jail Annex and DMV. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Civil Deputy P.A. Sam Laugheed, Facilities Director Paul Navarro, and Deputy Clerk Monica Reeves. Director Navarro said as part of last year's budget session he discussed reroofing two buildings that are in desperate need: the 1948 jail annex and the DMV, both of which have outlived their useful life. He developed specifications for both projects. Sam Laugheed said because the amount is well within the amount that does not require us to go to bid they were able to identify three contractors we could actively solicit to provide us with bids. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to approve the solicitation of bids. The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Soda Stop, Inc. dba Soda Stop (see resolution no. 18-024).

ELECTED OFFICIALS MEETING

An elected officials' meeting took place in the public meeting room of the administration building this morning. The meeting was already in progress when Commissioner White and Deputy Clerk Monica Reeves arrived at 9:40 a.m. Present were: Commissioners Tom Dale and Pam White, Treasurer Tracie Lloyd, Sheriff Kieran Donahue, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, Clerk Chris Yamamoto, PIO Joe Decker, Nicole Foy from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Assessor Brian Stender arrived at 10:19 a.m. Topics of discussion included:

- Marsy's Law – It is a crime victims' rights bill that would expand victims' rights and formalize them in state constitutions. Sheriff Donahue said it has undergone numerous revisions this year and it has a lot of support. Clerk Yamamoto said it should have some language about penalties for making false accusations. Prosecutor Taylor said the Prosecutor's Office already provides outstanding services but it's possible he will have to request additional coordinators, but it will have a far greater impact on the smaller jurisdictions that don't have victims' services.
- Local option sales tax - Commissioner Dale said he's talked to numerous legislators about a bill that Sam Laugheed drafted on allowing local option for jails. Potentially, Brent Crane said he is in favor of allowing that to happen because we have utilized the property tax tool to its max and we need another tool. Although there is some support for it, there are two main people in the house who don't want to see this

happen and they seem to have the ability to block everything. Sheriff Donahue said regardless of who's blocking the idea it should be up to the voters, not up to one person. Clerk Yamamoto said he asked Mr. Laugheed to include not only jail construction, but courthouses because there is a county that has a pre-civil war courthouse and there are quite a few that are really lacking so his thought was it's a possibility it could be a statewide movement with all counties coming on board. Commissioner Dale said we need to figure out whether to put some sort of advisory vote on the May ballot because it could be a very useful tool for next year going to the legislators and saying we did an advisory vote and we asked the people if they would support funding a jail through a 30-year general obligation bond on property tax or would they support it through a 10-15 year local option sales tax. Sam Laugheed said the Board signed a Request for Information (RFI) earlier this month and he's hoping we can use the results and questions from that RFI to help refine what sort of advisory vote questions could be used. We'll need to talk with the elections staff about what the procedural mechanics are of getting an advisory vote on the ballot. With regard to strategy Clerk Yamamoto asked if we run a bond election and an advisory vote in conjunction with each other. Commissioner Dale said no, because one is asking an opinion and the other is asking for a decision and he's not in favor of putting a bond election on the ballot knowing it's going to fail. He'd like to do something that has a chance of success. Sheriff Donahue asked if that should be done in May or November. Mr. Laugheed doesn't believe there's a legal answer to that policy disagreement; a bond election is going to be a pre-requisite to anything that happens. Sheriff Donahue said at some point we have to put it out to the people to get their decision whether that's in May or November so we can incorporate that into the fact that we are exploring all options. Mr. Laugheed said including the local option tax discussion we are having with the legislators we are showing that the County is exhausting every potential option. Sheriff Donahue is comfortable doing it in May or November; knowing that we are facing a crisis in our jail situation and so the more immediate steps we can take the better off we are to further this process down the road. There was discussion about the difficulty in passing a bond given that other agencies are also seeking voter approval on bonds totaling \$750M. Mr. Laugheed said the County is looking for other perspectives and trying to show that we are looking at as wide a net as possible and narrowing down from there to a final bond to an advisory vote solution. Commissioner White said we have been saying the same thing for over 13 months with regard to the jail situation but we are not going to do something in May because we don't have all the information from the RFI, but she wants something on the ballot in November so that there's an anticipation that we are moving forward to take care of this societal problem. Sheriff Donahue said he can understand not doing it in May, but it has to be on the ballot in November. Commissioner Dale said November is the proper time, but we need to seriously consider an advisory vote in May so we know the attitude of the public to the methodology of funding this type of facility and whether they understand there is the need. We already own the land and we are not going backwards. There is a group that wants us to put the jail on the

former Van Buren school site but that would take millions of dollars in infrastructure work that would have to be done. Plus, city leadership is not going to reconsider putting a jail there. Sheriff Donahue said Commissioner White's concerns are valid but we have to deflect back to legal for guidance. Clerk Yamamoto believes the local option sales tax vehicle is the most equitable tax.

- Canyon County Crisis Center – Clerk Yamamoto said he supports the idea as long as we can get tied in with a hospital and get involuntary mental holds to be within that system. Last year the County paid out \$1.2M in involuntary mental holds and if some of that can be siphoned toward a crisis center it would be a better situation with better efficiency. Commissioner Dale said it's estimated we can divert 30% of the people who go in to involuntary holds from police responses to a crisis center and if you took 30% of that \$1.2M figure it would be over \$300,000 which is more than what we have committed to help fund this thing. He said the hospitals are supportive; Saint Alphonsus has committed to donate a building and St Luke's is involved with funding commitments as well.

Sheriff Donahue wants to reconvene in two weeks for a continued discussion regarding the jail. Clerk Yamamoto made a motion to adjourn the meeting; the motion was seconded by Prosecutor Taylor. The motion carried.

The meeting concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206 (1) (D) AND (I):
RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT
COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING
PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner White made a motion to go into Executive Session at 10:32 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) to discuss records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Civil Deputy P.A. Sam Laugheed, Prosecutor Bryan Taylor, Carl Ericson and Rick Ferguson from ICRMP, Ray Wolfe and Brian Baughman from the Hartwell Corporation, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward and Deputy Clerk Monica Reeves. The Executive Session concluded at 11:16 a.m., but then a request was made to immediately return to Executive Session for a continuance of the discussion. Commissioner White made a motion to return to Executive Session at 11:17 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i). The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Civil Deputy P.A. Sam Laugheed, Prosecutor Bryan Taylor and Deputy Clerk

Monica Reeves. The Executive Session concluded at 12:10 p.m. with no decision being called for in open session.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 27, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Mountain Home Auto Ranch in the amount of \$26,896.00 for the Fleet department
- Corwin Ford in the amount of \$45,000.00 for the Fleet department
- Paul C Buff in the amount of \$1376.83 for the Parks department
- R&H Wholesale Supply in the amount of \$5297.50 for the Parks department
- Overhead Door Company in the amount of \$7200.00 for the Parks department
- Platt Electrical Supply in the amount of \$2864.20 for the Facilities department
- Platt Electrical Supply in the amount of \$4691.64 for the Facilities department
- R&H Wholesale in the amount of \$2075.57 for the Information Technology department

APPROVED SALARY RATE REQUEST AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Lary Sisson.

MONTHLY MEETING WITH FLEET DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 8:35 a.m. for a monthly meeting with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following items: This is their busy time of the year getting vehicles built. He may need to look into hiring some temporary help in order to get all the installs completed if they start to fall behind. Two POs were presented to the Board for the purchase of CID vehicles which is budgeted thru the Sheriff's Office. The meeting concluded at 8:46 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND CONSIDER AGENDA ITEMS

The Board met today at 9:03 a.m. for a legal staff update and to consider agenda items. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Marv Dashiell (left at 9:07 a.m.), Clerk's Executive Assistant Taryn Peterson (left at 9:10 a.m.), Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. The agenda items were considered at follows:

Consider signing a resolution authorizing the retirement of Canyon County Sheriff's Office K9 "Hash": Mike Porter said this resolution has been reviewed by legal and there are no issues. Chief Dashiell said Hash has been with the county for 5 years doing work in field services. Hash is about 7 years old and has been doing a great job but is just getting old. Hash's handler, Deputy Craig, has already obtained another dog that is crossed-trained for apprehension tracking and drug detection. Hash will be retired to Deputy Craig. Upon the motion by Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the resolution authorizing the retirement of Canyon County Sheriff's Office K9 "Hash" (see resolution no. 18-026).

Consider signing independent contractor agreement for court interpreter Pinkie Lwin: Taryn Peterson says Ms. Lwin speaks Karen and Burmese and will mostly be used as a back-up. However, if a case goes to trial both interpreters on the roster will need to be flown in. Mike Porter said the contract has been reviewed by legal and there are no issues, it is similar to contracts for interpreters that has been used in the past. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the independent contractor agreement for court interpreter Pinkie Lwin (see agreement no. 18-022)

There were no items for discussion at the legal staff update. The meeting concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE FAIR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:31 a.m. for a monthly meeting with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following items: They are still receiving a lot of positive feedback on the improvements that have been made to the fairgrounds and buildings. They received the first gas bill since installing the new heaters and saw a \$2000 savings. Ms. Sinner is continuing to work with Director Navarro to complete further updates including new lighting, partitions in the restrooms and having the swine pens rebuilt and painted. A 4H horse judging was hosted this past weekend and a ranch horse competition will be held in the next couple of weeks. The mainstage acts for all three nights of the fair have been confirmed and they are working on getting contracts signed; opening acts are continuing to

be worked on. Albertsons, Idaho Press-Tribune, Farm Bureau, College of Western Idaho, Project Filter, Radio Rancho and CSB/Spectra are all confirmed fair sponsors and they are continuing to negotiate with Sportsman Warehouse and Carl's Cycle Sales. They will be meeting with D&B Supply, Dennis Dillon, Title One Corp. and St. Alphonsus over the next couple weeks to discuss sponsorship. Zach Wesley conducted a workshop with the advisory board at their last meeting where they went thru the bylaws which will need some revising; the board members came with names for additional members and then they will also be advertising to fill the openings. Ms. Sinner would like to add some advisory committees that are volunteer based that would work with the advisory board in the hope of creating a structure for when there are openings on the board they can pull from those committee members in order to ease the transition. There has been a proposal by the extension staff regarding the 4H horse show, the 4H leaders have proposed to move the horse show to Birt's Arena in Nampa mostly due to having access to multiple arenas, warm-up areas and it will condense their show from four days to two. Traditionally the horse show is held a few days before the fair officially opens but doing it this way would move the horse show to the weekend before fair. Ms. Sinner believes this is a really good solution as it may bring more visitors being on the weekend and then she's been told 4H would stall their horses at the fairgrounds during fair. Ms. Sinner along with another staff member attended training on the ticketing system which she felt was very beneficial. Commissioner Dale asked Ms. Sinner to discuss some of the representations made by Jim Bower. There have been several meetings lately between the city, the county, the rodeo, the college and the fair to discuss ways to improve relationships and partnerships and ways to improve the facility to make it work for everyone. A discussion ensued regarding the changes the Caldwell Night Rodeo would like to make and the way it affects the other entities. Commissioner Dale suggested Ms. Sinner meet with Mayor Nancolas about this. Commissioner Rule said that Ms. Sinner is welcome to conduct any meetings between the entities in front of the Board so there is a record of the conversations. The meeting concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IC 74-206(1)(B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RELATED DOCUMENTS

Commissioner White made a motion to go into Executive Session at 1:17 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss personnel issues related to specific employees and related documents. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale and Pam White, Public Defender Aaron Bazzoli, HR Generalist Demi Etheridge, and Deputy Clerk Monica Reeves. The Executive Session concluded at 1:20 p.m. with no decision being called for in open session.

MONTHLY MEETING WITH PUBLIC DEFENDER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:31 p.m. for a monthly meeting with the public defender to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. Mr. Bazzoli gave the Board a brief review of budget numbers; they've had a little bit of turnover and with that and due to salary changes he's tried to space out hiring in order to catch up some of the salary budget. The Office Manager interviews have been conducted and he anticipates hiring someone soon. Mr. Bazzoli gave a review of attorney active caseloads and the year-to-date numbers of cases that have been opened and closed and the number of new preliminary felony cases happening just this week. The meeting concluded at 2:04 p.m. An audio recording is on file in the Commissioners' Office.

RECEIVE FISCAL YEAR 2017 FINANCIAL AUDIT REPORT FROM EIDE BAILLY

The Board met today at 2:07 p.m. to receive the FY2017 financial audit from Eide Bailly. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Clerk Chris Yamamoto, Controller Zach Wagoner, Accountant Shawna Larson, Jody Daugherty and Morgan Brown from Eide Bailly, and Deputy Clerk Monica Reeves. Zach Wagoner said the Auditor's Office is responsible for the production of the comprehensive annual financial report and they have put a tremendous amount of energy and effort throughout the entire year to make sure the numbers are accurate and reliable. Eide Bailly's role is to test that accuracy and validity and they audit and review our work to make sure that what we are reporting is accurate and correct. It's important to have personnel in place that can generate these financial statements that way Eide Bailly can maintain their independent to audit, review and test what we are doing. Clerk Yamamoto said he is very proud of the audit department and the work they do.

Morgan Brown gave the audit presentation. With respect to the basic financial statements they are expressing an unmodified (clean) opinion which is the highest level of assurance they can render. On the required supplementary information they don't express any assurance over those financial statements as well as the budgetary comparisons for the general fund and special revenue fund. They look at the information for consistency purposes but they don't do the same amount of work as they'd do if they were auditing a number in the basic financial statements. Another objective is to plan the audit, they review the design of the internal controls and test control for implementation. They don't express an opinion on it but depending on the outcome of the test that could affect their planned audit procedures on the basic financial statement. If they find deficiencies or issues or problems this report would refer to findings and those findings would be included in the audit report. It does not refer to any issues or internal control findings – they didn't find anything as a result of those procedures. They test compliance with grants and contracts and we are required to do that for any material impact on the basic finance statement – they didn't see any issues.

(Commissioner Rule left at 2:15 p.m.)

Highlights from the review of the report were as follows:

- There is \$11.7M in unassigned funds and \$3.2M in capital outlay. Last year it was \$6M but we used \$3M for property tax relief so that left \$3.2M as assigned fund balance for a capital project. Commissioner Dale wants establish a specific jail construction fund that could be restricted for jail construction. Mr. Wagoner said we can look at doing that. Ms. Daugherty said in order to be restricted it has to be restricted by an outside party or enabling legislation; she doesn't know if a property tax levy would necessarily restrict it. Mr. Wagoner said we're talking about some very technical accounting terminology, but from their perspective internally they view it as limited for this specific purpose. He said we can work towards that.
- Mr. Wagoner said in considering our unassigned fund balance of \$11.7M, it's helpful to compare that to how much money was spent: \$25.5M. \$11M to \$25M is about 45%, which is above the 33% fund balance ratio we don't want to go below. Commissioner White asked if that is too high, but Mr. Wagoner said given the circumstances and the urgent pressing needs upon the County he believes the number is okay. They have worked that number down quite a bit over the past few years; The County should not stockpile cash to no end, there needs to be an appropriate level of fund balance – not too low or too high. Commissioner Dale asked if we can take put \$1M into the jail courthouse line item. Mr. Wagoner said we could structure that the budget. Commissioner White said the legislators want to connect property tax relief to a funding source and she asked if that could be part of the budget so that it's in plain sight that we're working toward it. Clerk Yamamoto said a lot of taxing entities figure out what they are allowed by levy to take and that's what they take, but in the Auditor's Office they figure out what the County needs – not what it can take. Since he has been in office the County has left \$61M on the table. Commissioner Dale said he would be building up some funds to assist in the construction of a jail. We have to bond in some fashion whether it's property tax or sales tax but in the meantime we should establish that and perhaps take our 3% and put it in the jail fund. Mr. Wagoner said the kicker is there would have to be a revenue source, there has to be some cash to fund that.
- It is noteworthy that Canyon County has no debt on its balance sheet.

No Board action was required or taken. The meeting concluded at 3:28 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2018 TERM
CALDWELL, IDAHO FEBRUARY 28, 2018

PRESENT: Commissioner Tom Dale, Chairman
Commissioner Pam White
Commissioner Steve Rule

APPROVED CLAIMS ORDER NO. 1811

The Board of Commissioners approved payment of County claims in the amount of \$1,539,013.20 for a County payroll.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- SBI Contracting Inc., in the amount of \$3575.00 for the Fair
- Hanson Janitorial Supply in the amount of \$2899.40 for the Sheriff's Office
- Wall 2 Wall Flooring in the amount of \$3728.90 for the Facilities department

CONSIDER SIGNING IDAHO DAY PROCLAMATION

The Board met today at 9:05 a.m. to consider signing the Idaho Day proclamation. Present were: Commissioners Tom Dale, Pam White and Steve Rule, PIO Joe Decker, and Deputy Clerk Monica Reeves. A former state representative asked the Board to recognized Idaho Day in Canyon County so Mr. Decker prepared a proclamation for the Board's consideration which proclaims March 4, 2018 as Idaho Day. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to sign the proclamation. The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY MICHAEL FREER FOR APPROVAL OF A REZONE, CASE NO. PH2017-70

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by Michael Freer to rezone 20.11 acres an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone. The subject property is located on the west side of Hartley Lane at the intersection of Flower Lane and Hartley Lane in Middleton. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Director Tricia Nilsson, DSD Planner Jenn Almeida, Alan Mills, Shelly Fisher, Michael Freer, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property consists of 20.11 acres and is zoned agricultural, and the future land use is residential and it is located within Middleton's impact area. The applicant is requesting to rezone to "R-1" single family residential. There are 36 platted subdivisions within one mile for a total of 1,355 lots. The proposed designation would be commensurate with the average lot size within one mile. The area is transitioning from agricultural uses to residential as evidenced by the adjacent platted subdivisions and

the close proximity of the city limits. Canyon Highway District has no objection; Southwest District Health has indicated a subdivision engineering review will be required the results of which will dictate how many lots can be developed. The property is within a nitrate priority area and the developer will be required to adhere to any additional requirements that may be required. The request meets the requirements of the zoning ordinance and is harmonious with the comprehensive plan. The P&Z Commission recommend approval and staff has prepared Findings of Fact, Conclusions of Law and Order. Alan Mills stated the applicant has held neighborhood meetings and a follow up discussion; they found some issues but they will be resolved through the platting process. They are working with the neighbors to get a plan together that will work for both parties. The applicant has completed a nitrate priority study, level 1; it has been approved by Southwest District Health and they have set the density. They will follow up with a subdivision engineering review on each lot. Mr. Mills said the neighbors want this to be rural because it's rural to the north and the south. With regard to access, they have yet to get a determination whether the highway district will want a renaming of a different lane or whether it will continue to be called Flower Lane. The key point is how to access off Hartley Lane because the highway district wants it in the same location as Flower Lane but they'll have to do surveying to see how the alignment is. The issues will be addressed during the platting phase. Upon the motion of Commissioner Rule and the second by Commissioner White the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to approve the rezone from "A" (Agricultural) to "R-1" (Single Family) and to approve the Findings of Fact, Conclusions of Law and Order. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to approve the ordinance directing amendments to Canyon County Zoning Map for Case No. PH2017-70 (See Ordinance No. 18-007.) The hearing concluded at 1:45 p.m. An audio recording is on file in the Commissioners' Office.

The minutes of the fiscal term of February 2018 were read and approved and found to be a proper record of the proceedings of the Board of Canyon County Commissioners, Canyon County Idaho. Dated this 19th day of April, 2018 and signed by Commissioners Tom Dale and Pam White. Attest: Chris Yamamoto, Clerk by J.Ross, Deputy Clerk