

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 1, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

#### APPROVED CLAIMS ORDER NO. 1922

The Board of Commissioners approved payment of County claims in the amount of \$1,695,372.52 for a County payroll.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Copperfasten Technologies in the amount of \$12,000.00 for the Information Technology department

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Chonies Sports Bar to be used 8/3/19 – 8/4/19 for a quinceanera.

#### FILE IN MINUTES

The Board filed the Treasurer's quarterly report for April 1, 2019 thru June 30, 2019 and monthly report for June 2019 in today's minutes.

#### MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:46 a.m. to consider indigent decisions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Customer Service Specialist Robin Sneegas, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2019-1031, 2019-1024, 2019-1036, 2019-0711, 2019-1052, 2019-1042 and 2019-1001. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue initial denials with written decisions within 30 days.

Commissioner Dale made a motion to issue an initial approval with written decision on case no. 2019-1015. The motion was seconded by Commissioner Van Beek and carried unanimously.

Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign a subordination agreement on case no. 2010-100.

The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

#### INDIGENT MATTERS

The Board met today at 8:52 a.m. to consider indigent matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to continue the following cases accordingly:

Case no. 2019-396 – continue to October 10, 2019

Case no. 2019-727 – continue to August 29, 2019

Case no. 2019-652 – continue to September 26, 2019

Case no. 2019-572 – continue to September 26, 2019

Case no. 2019-582 – continue to August 29, 2019

Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue a final denial with written decision in 30 days on case no. 2019-763.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue a final approval with written decision on case no. 2019-589.

The meeting concluded at 8:54 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-724

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2019-724. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Donna Sharp with St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and second by Commissioner Van Beek, the Board voted unanimously to approve the case. The hearing concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-768

The Board met today at 9:16 a.m. to conduct a medical indigency hearing for case no. 2019-768. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Lukes, Amber Jones for St. Lukes, Interpreter Annie Chamberlin, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and second by Commissioner Van Beek, the Board voted unanimously to continue the case to August 29, 2019. The hearing concluded at 9:35 a.m. Two audio recordings are on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-594

The Board met today at 9:42 a.m. to conduct a medical indigency hearing for case no. 2019-594. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Lukes, Ashley Hesteness for St. Lukes, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the case. The hearing concluded at 9:51a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER MEDICAL INDIGENCY MATTERS

The Board met today at 9:53 a.m. to consider medical indigency matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. Neither the hospital nor the applicant appeared on the following cases: 2019-711, 2019-635, 2019-659, 2019-716 and 2019-695. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue final denials with written decisions in 30 days. The meeting concluded at 9:55 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER MEDICAL INDIGENCY MATTERS

The Board met today at 9:58 a.m. to consider medical indigency matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. Neither the hospital nor the applicant appeared for case nos. 2019-541 and 2019-568. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue final denials with written decisions within 30 days on the cases as read into the record. The meeting concluded at 9:59 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY TRADITION CAPITAL PARTNERS FOR A REZONE, CASE NO. RZ2019-0008

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Tradition Capital Partners for a rezone, Case No. RZ2019-0008. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Alan Mills, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property is 3.54 acres; the current zone is agriculture and the future land use is commercial on the northern portion and residential on the southern portion. The proposed rezone from Ag to C-2 and Ag to R-1 is consistent with the designation that exists on the property. There are 19 platted subdivisions within one mile with a total of 408 lots and an average lot size of 1.73 acres. There is commercial zoning within 463 feet of the subject property. R-2 zoning is located north of the subject property and the proposed rezone to C-2 and R-1 would fit with the mix of zoning designations that exist in the vicinity. The subject property is not located within a nitrate priority area. The current approach is permitted for single family residence only. The applicant will need to work with ITD to apply for the new approaches. Future development of the parcel will require trip generations to ITD and may trigger a traffic impact study. The applicant will be working with ITD as the development of the property continues. The property is located within the AE flood zone and will be required to adhere to zoning ordinance and FEMA requirements for development or platting within the flood plain. The P&Z Commission recommended approval on June 6, 2019. Staff has recommended approval finding the request meets the standards of review. Alan Mills testified in support of the request. There is another property to the east with a home on it. They have an approach side-by-side with the approach to this property and they've met with ITD and have a plan to consolidate the two. The use of the property will be kept to a low-volume use. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close the public hearing. Commissioner Dale said the request conforms with the comprehensive plan as far as the mix between commercial and residential and it is appropriate for the area. Commissioner Van Beek said the request is supported by the findings of fact and conclusions of law cited. Commissioner White made a motion to approve the request by Tradition Capital Partners for a rezone, Case No. RZ2019-0008 and to approve the findings of fact, conclusions of law and order as well as the ordinance. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Ordinance No. 19-032.) The hearing concluded at 1:45 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTIONS GRANTING REFUNDS TO CRAIG AND DEBRA PRUETT, AND SUPERIOR SIGNS

The Board met today at 1:46 p.m. to consider resolutions granting a refund to Craig and Debra Pruett due to a withdrawn application for a conditional rezone and development agreement, as well as a resolution to Superior Signs due to withdrawn applications for a sign permit and a rezone. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Alan Mills, and Deputy

Clerk Monica Reeves. Director Nilsson reported that after the Pruetts filed an application staff found they could accomplish their goal because they already had an available split. Staff didn't do any work on the case so they are recommending the Pruetts get their entire fee refunded in the amount of \$1,235. Superior Signs submitted some permits and then decided to annex into the City of Caldwell. Staff didn't do any work on the case and Director Nilsson is supporting a refunding of \$1,400. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to grant the refunds to the Pruetts in the amount of \$1,235 and to Superior Signs in the amount of \$1,400. (See Resolution Nos. 19-124 and 19-125.) The meeting concluded at 1:48 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH CANYON COUNTY CLERK AND CONTROLLER TO DISCUSS FY2020 BUDGET

The Board met today at 3:00 p.m. with the Clerk and Controller to discuss the FY2020 budget. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Accountant Marina Mendoza, Chief Civil Deputy P.A. Sam Laugheed, Captain Daren Ward, Sheriff's Financial Manager Dave Ivers, PIO Joe Decker, Facilities Director Paul Navarro, Ambulance District Director Michael Stowell, Kathy Alder, Hubert Osborne, Mike Pullin, other interested persons, and Deputy Clerk Monica Reeves. Controller Wagoner said the County has experienced tremendous growth and in response to that growth a large part of the budget is for personnel, which includes an investment in our current personnel, a recognition for a 2% cost of living adjustment, and when applicable a step forward on the pay scale for an extra year in position for those employees who are continuing to improve themselves and learn their craft. The budget also includes monies for new positions targeted in areas of growth. Commissioner Van Beek finds it problematic that this budget has not accounted for a revenue allocation to public safety. She said last year's property tax of \$52,191,430 plus this year's new construction of \$1,780,000 puts us at \$53,971,503 and if we take that to determine a levy rate by the current assessed market value (\$15 billion) that eliminates the 3% increase and would drop our proposed levy by 12%. She questions taking from the taxpayers, who will get less, and giving it to the employees who will get more. In the absence of a capital improvements plan and a facilities plan, she believes we need to go back and take another look because there are areas where there's an excess based on the year-to-date actuals and the projections. The trends are consistent and the numbers are consistent but the inflation on those numbers is not and she believes we are budgeting more than what the trend shows we should and have to get it down to where we don't have such a big burden on the taxpayer. Commissioner White asked what Commissioner Van Beek is proposing to be cut in order to allocate funds for public safety or capital improvement, and she spoke of the difference between the two proposed funds. Commissioner Van Beek said we have to identify revenue sourcing and dedicate a portion and rather than using current expense and fund balance and triaging where the immediate and urgent takes priority over the necessary and the long term; for instance, this year there is a request for \$3.5 million for improved voter experience. That takes the fund balance to a point where we've used all of the discretionary without allocation for streaming any revenue source to a building. Commissioner Van Beek spoke of Ada County's plan which takes a five-year look at what the vision for their county looks like. When you have a dedicated fund over time you're going to get to where you can use out of that pool and it can

be set up in a way that allows us to plan for the future. Clerk Yamamoto said one of the reasons we don't have anything in a capital improvement line is we don't have a plan or a prioritization of that plan so if that was to happen in a hurry we could perhaps do something, but it was his opinion that no one had the time. When he and the Controller met with each office and department, they asked what their needs are and they had one request and it was from the Assessor for a south Nampa and Caldwell DMV location, and possibly stopping service at the boulevard DMV. It was difficult for him to put something in the budget addressing the DMV request when he believes the bigger need is with driver's license wait times. The Clerk said they reason he included the \$3.5 million elections equipment in the budget is because of what they experienced in 2016 and what they project to happen in 2020 and the potential to have a problem with the current equipment. Commissioner Van Beek said she is working to have a facilitator meet with department heads and elected officials and have a coordinated effort as a whole, a unified effort where everyone hears the needs of the County. Her proposal is to keep the budget as lean as possible. She proposes we keep last year's property tax amount, plus new construction and build the budget and build the capital improvement and the facilities to strategic plan. She appreciates the time and effort spent on the employee compensation plan, but believes it should be kept at a 2% maximum, perhaps 1% equity and a 1% cost of living adjustment. And, it may mean that the new and refunded position requests may have to wait. She is compassionate to the elections equipment request, but believes we should wait on the purchase because we are 2 ½ years into the election cycle and we don't have all of the RFQ's or proposals in yet. She questioned why almost \$1 million has been put in the fair budget when the cost of the project is not yet known and there is a possibility there could be a donation of steel that could equate to several hundred thousand dollars. She suggests we remove that portion from the budget. Due to the parks department's fund balance and potential revenue source she recommends we not levy property taxes, it can come out of their fund balance. She does not support the funding request for the Clerk's vault issue as it will interrupt the work stream and because we need more cost information. Commissioner Van Beek and Clerk Yamamoto had a discussion about the definition of a balanced budget. Regarding the elections equipment request, the Clerk said he hasn't made up his mind and it's possible he may not make the purchase but he wants the option to do it if he is satisfied with the equipment. Commissioner Van Beek spoke of her concern with the taxing authority for the parks and fair funds and the moving of money between them. Controller Wagoner said we do not move monies between funds. We have different funds that levy tax and current expense is one of those funds, indigent is one of those funds, weed control, reappraisal, and when monies are levied for that specific fund that's where they stay. The property taxes are fund specific and that's where they are receipted and where they stay. The 3% is applicable to the County as a whole, not for each specific fund. Discussion ensued regarding calculation of the 3%. Regarding the fair budget, Controller Wagoner said we are utilizing almost \$1.5 million fund balance to balance that fund; we are not levying tax for a new building, we are using fund balance for a new balance. There is more happening in the county fair fund than just a building, there are the operations of the fair, the county extension office is paid out of the county fair fund, ongoing day-to-day expenses that need to be paid for. The \$1.5 million fund balance is in there from the sale of the land and that's the money for the building. The other revenues, property tax are for operational costs. Commissioner Van Beek said the number should be \$2.25 million. Controller Wagoner said the money is in the current year's budget, we're still operating in

FY2019. Commissioner White spoke about the employee compensation plan and how prior Commissioners put thought and discussion into it and it went forward. It has not been rolled out to its fullest to where we will see where the weaknesses are or where it needs to be tweaked. She is not in favor of making changes to the compensation plan. She said we should put \$500,000 in a capital line and then she asked what is the most we can plan every year. Controller Wagoner said we could look at possible revenue reallocation and get \$500,000 in the current expense fund in a capital investments line.

We could shift the \$3.5 million for elections equipment out of the Clerk's portion of the budget and into a line for current expense fund for capital investments because that project is of such importance to all of us. Commissioner White likes that idea. Commissioner Van Beek said we should also look at taking the expiring tax incentives, a portion of new construction. Commissioner Dale said growth has occurred at every level of government and employees are having to pick up the slack where they don't have enough personnel to meet the service needs. Our facilities are strained to the max and demands for service are up. There is a 2% adjustment for cost of living in a compensation plan and that moves the range of the plan, it doesn't mean that everybody is going to get a 2% raise. Those raises are dependent on the plan and where each position falls in that plan and where each individual employee falls in that range. The compensation plan needs to stay intact so we can retain people and so our employees have some predictability and ability to plan for the future and hopefully stay on here for their full career. In fairness to our citizens, that's what we're trying to do. We are budgeting a lot of money for public safety. The compensation plan that has allowed us to retain valuable employees, and by retaining experienced deputies that increases public safety. We also have money budgeted for Pod 6 to address the overcrowding in the jail. It's a temporary fix but it does get us 122 beds for female inmates to help open up space to take care of long delayed maintenance in the old jail and that is directly enhancing public safety. Commissioner Dale is in favor of a capital improvement plan, it'd be a great idea to put all capital needs in one place and so that we can prioritize those needs based on what we have available. With regard to the fair, we have to budget based on what we think the entire cost of the building will be. If we are fortunate enough to get donations towards the cost of the building that would be great, but it's not a guarantee so we have to budget for the full amount. Commissioner Van Beek said employees have to have predictability and that is also true of our citizens, they have to have to predictability. She objects to taking more from the citizens so we can be paid more. We need continued negotiation on the capital improvements plan; dedicating that by resolution is going to take a 2/3 majority vote by the public to say, we agree to reallocate. We need to put our heads together and identify a project that will qualify for infrastructure so the County can receive those funds that rightfully belong to that taxing district. We need a plan for the jail. if we were able to identify we could with some planning and push forward. We have to justify every expenditure and we have to weigh the compensation plan against what we're asking the citizens to do which is tighten your belt. Clerk Yamamoto said most of the counties in Idaho determine what the maximum levy rate is, set it, and then figure out how much taxes it will be, but we don't do that in Canyon County. We assess needs instead of taking everything we can take. Growth is killing us and the amount of the budget is killing him but he doesn't know what else to do with it. He is not keen on putting \$500,000 in the capital improvement line, but he is in favor of a plan, but as far as putting money there this year with the high level of taxes he's not in support of that but he is willing to compromise that we add

that line item. Sam Laugheed said Idaho Code, Section 63-802 sets the 3% growth factor for the taxing district and as has been discussed it doesn't go down to funds, it's the taxing district. In reference to the different language we're using and making sure we're sharing common terms he's hearing a couple different things being talked about in reference to a construction line. There has been some talk about a construction fund that's set by Idaho Code 31-1008, that if there's a separate levy for it there'd have to be a vote. If there's no separate levy for it then it's just monies that are available in the year that can be put into it and then there is capital line discussed by Commissioner White and those are different things. If we establish a line we don't have to get a 2/3 vote. Commissioner Van Beek said we'd have to be diligent to continue to dedicate and fund that in a way that it takes priority recognizing a long-term goal. Commissioner White said there are some questions and disagreements and we need to be comfortable with it. Controller Wagoner said it would be helpful if we were working towards putting \$4 million in a capital investments line in the current expense to begin thinking about how that will fit into the budget. Commissioner Dale said you may have to reduce a few lines to get that, but he is fine with the concept. Clerk Yamamoto said they worked on that when they thought we were getting urban renewal funds, but now that it appears we're not and it has changed their plans. Commissioner Van Beek appreciates the support and said we have to triage and stage the fulfillment of those needs with the priority list, which is what we're getting to so that we can be sustainable. The meeting concluded at 4:32 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2019 TERM

CALDWELL, IDAHO AUGUST 2, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

#### CONSIDER REQUEST BY TREVOR SOGGS FOR A DEVELOPMENT AGREEMENT AND ORDINANCE; CASE NO. RZ2019-0009

The Board met today at 8:31 a.m. to consider the development agreement and ordinance in the matter of Trevor Soggs' request for a conditional rezone from an "A" (Agricultural) Zone to a "CR-R1" (CR-Single Family Residential) zone. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Debbie Root, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The hearing was held on July 31 and the rezone request was approved but the matter was continued to this day to allow time for the applicant and his spouse to sign the development agreement. Debbie Root reported that she has obtained the notarized signatures of the applicant and his spouse. The conditions of approval that were approved through the signing of the Findings of Fact, Conclusions of Law, Conditions of Approval and Order are included in the development agreement. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted



unanimously to authorize the Board to sign the development agreement and ordinance for Case No. RZ2019-0009. (See Agreement No. 19-100 and Ordinance No. 19-033.) The meeting conclude at 8:32 a.m. An audio recording is on file in the Commissioners' Office.

#### OPEN PROPOSALS FOR THE ONGOING WOOD WASTE REMOVAL FROM PICKLES BUTTE SANITARY LANDFILL PROJECT

The Board met today at 9:01 a.m. to open proposals for the Ongoing Wood Waste Removal from Pickles Butte Sanitary Landfill project. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Brad Goodsell, Representatives from Timber Creek Recycling and Deputy Clerk Jenen Ross. Proposals were received from the following vendors:

***Enviro-Progress, Inc.***

Received via email August 1, 2019 at 10:56 p.m.

***Timber Creek Recycling***

Received August 1, 2019 at 2:52 p.m.

Both of the submissions will be forwarded to Director Loper for review and he is scheduled to give his recommendation to the Board next week. Copies of each proposal are on file with this day's minutes.

The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom left at 9:15 a.m., Deputy P.A. Mike Porter left at 9:19 a.m., Deputy P.A. Zach Wesley left at 9:15 a.m., Controller Zach Wagoner left at 9:13 a.m., Chief Deputy Sheriff Marv Dashiell left at 9:19 a.m., Jail Captain Daren Ward left at 9:19 a.m., Facilities Director Paul Navarro left at 9:15 a.m., Director of Juvenile Detention Steve Jett left at 9:12 a.m., Juvenile Detention Training Coordinator Shawn Anderson left at 9:12 a.m., and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing independent contractor agreement with Wayne R. Liddell and Associates for PREA audit for the Southwest Idaho Juvenile Detention Center:*** Director Jett explained he sent out solicitations to nine different auditors and Mr. Liddell was the only one who submitted a proposal. The proposal and agreement have been reviewed by legal. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board

voted unanimously to sign the agreement with Wayne R. Liddell and Associates (see agreement no. 19-099).

***Consider approval/denial of a purchase order to All Detainment Solutions for ADA compliance:*** Paul Navarro said this is for the rec yard wheelchair lifts at Pod 6 in order to be in ADA compliance as required by the State of Idaho Division of Building Safety. Per Controller Wagoner the funding for this will come from the Justice Fund. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the purchase order to All Detainment Solutions.

***Consider modifying extension request for water permit 63-34359:*** Dan Blocksom explained the Board previously signed a request for an extension of time for a water permit related to the museum dormitories, at that time a 5 year extension was requested. A few days ago an email was received from IDWR stating only 3 years may be requested. This document memorializes that the county will modify the extension request from 5 to 3 years. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the modified extension request for water permit 63-34359. A copy of the modified request is on file with this day's minutes.

***Consider signing Amendment No. 5 to Food Service Agreement with Summit Food Services:*** Mike Porter said this is an amendment to the existing contract that provided meals to both the adult and juvenile detention centers. The increase is 2.7% over last year, which is about the nationwide average. Commissioner Van Beek has requested the contract be reviewed as she feels there is some language that needs to be amended because there is a scope of work included that is being done by the county. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign amendment no. 5 to the food service agreement with Summit Food Service (see agreement no. 19-098).

The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

**CONSIDER SIGNING ORDINANCE AND DEVELOPMENT AGREEMENT FOR THE RON AGUIRRE CONDITIONAL REZONE REQUEST, CASE NO. CR2019-0002**

The Board met today at 9:31 a.m. to consider the ordinance and development agreement for the Ron Aguirre conditional rezone request, Case No. CR2019-0002. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Debbie Root, and Deputy Clerk Monica Reeves. The request was heard at a public hearing held on July 30, 2019 at which time the Board approved the request but the signing of the development agreement was continued to allow time for staff to obtain the spouse's signature on the agreement. Today Ms. Root reported there are no changes and the notarized signatures have been obtained on the agreement. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to authorize the Board to sign the development agreement agreeing to conditions that are contained therein, as well as the

ordinance for the rezone for Case No. CR2019-0002. (See Agreement No. 19-097 and Ordinance No. 19-034.) The meeting concluded at 9:33 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING –REQUEST BY BOB COPE FOR A REZONE, CASE NO. RZ2019-0013

The Board met today at 10:00 a.m. to conduct a public hearing in the matter of a request by Bob Cope for a rezone from "A" (Agricultural) zone to the "R-1" (Single Family Residential, one-acre average minimum lot size) zone. Present were: DSD Director Tricia Nilsson, DSD Planner Dan Lister, Deputy P.A. Zach Wesley, Bob Cope, Leslie Robinson, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The property is located at 12301 Moss Lane in Nampa and it is zoned within that section as agricultural, but it is surrounded by the City of Nampa and City of Caldwell jurisdiction. There is R-2 zoning and commercial zoning in the area. The future land use shows residential and commercial uses. The City of Caldwell is showing this as a medium-density residential area where they foresee duplexes and triplexes in the future. It is well within the growth pattern shown in the area. Within a one mile radius there are 49 subdivisions with an average lot size of 0.56 acres. The traffic analysis zone forecasts this area will grow from 251 houses to 1,263 houses within the area. Staff is recommending the Board approve the rezone request. Commissioner Dale asked if the City of Caldwell expressed a desire for this property to be annexed. Mr. Lister said not at this moment. The next step is to do a land division; this is not going to require platting, it's just a land division application. This will still have to potentially meet their improvement requirements as part of that, or they can be waived or deferred at that point but that's up to the city. Commissioner Dale said when properties are contiguous he prefers they be annexed but if it's not been requested by Caldwell he's not going to force the issue. Commissioner Van Beek said there will be a total of two parcels and each will have a building permit, and potentially the impact in doing this without annexation into the city is that it could pock the development and they could divide it again and put more things on the land. Mr. Lister said this is a straight rezone that doesn't come with restrictions. One of the potential impacts is that this could be built out much more and so they are only asking for one division for family reasons. Without city services they can have a total of three parcels but it would require platting and they would have to come back to the County and city requirements would have to be met and at that point the city could say they want it annexed. Commissioner Van Beek said it's an odd shaped parcel that would be difficult to farm and it fits with the comprehensive plan. Bob Cope testified that he wants to give his daughter, Leslie Robinson, some land. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close the public hearing. Commissioner Van Beek made a motion to approve the findings of fact, conclusions of law and order for the rezone from Agriculture to R-1 on a 3.95 acre parcel, and to approve the change to the ordinance. The motion was seconded by Commissioner Dale and carried unanimously. (See Ordinance No. 19-035.) The meeting concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING TO DISCUSS NEW ALCOHOL LICENSE FOR AMANO RESTAURANTE LLC DBA AMANO

The Board met today at 1:36 p.m. to consider ratifying the resolution granting a new alcohol license to Amano Restaurante LLC dba Amano. Present were: Commissioners Pam White and Tom Dale, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. This resolution was originally agendized for Monday but was sent for legal review which Zach Wesley provided a written opinion on. There was no legal reason not to proceed as they meet all the requirement of the county ordinance. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to sign the resolution granting a new alcohol license to Amano (see resolution no. 19-126). The meeting concluded at 1:37 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 5, 2019

PRESENT: Commissioner Pam White, Chair – out of the office  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

## APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 8/17/19 for a wedding.

## MEETING REGARDING NEW JAIL MATTERS

The Board met today at 3:03 p.m. to discuss new jail matters. Present were: Commissioners Tom Dale and Leslie Van Beek, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, Clerk Chris Yamamoto, Controller Zach Wagoner, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward, Sheriff's Finance Manager Dave Ivers, PIO Joe Decker, Assessor Brian Stender, Rachel Spacek from the Idaho Press-Tribune, Hubert Osborne, Larry Olmstead, and Deputy Clerk Monica Reeves. Commissioner Van Beek said in the 2019 budget we allocated \$2.3 million for jail overcrowding and at the end of that five years that dollar amount could be redirected to support a payment on a jail. Caldwell Urban renewal also has a revenue allocation district which is getting ready to close and there is money that is accruing that's greater than what it takes to make the bond payment. There will be approximately \$2.5 million available and when that revenue allocation area sunsets and returns to the tax rolls that amount of new tax dollars will equate to approx. \$450M and that will translate to an annual "new construction" amount of \$1.9M. We also have new construction that we schedule for and right now that is also about \$450M, and if we take 15% of that represents a portion of the levy rate corresponding to that. We could take

approximately \$240,000 annually to dedicate to capital construction and in four years we'd have almost \$1M. The last of the funding options would be the retiring tax incentives that it is currently estimated at \$400,000. It is complicated and it takes people wanting to look at the numbers with some level of respect for the ideas and the integrity. The Caldwell Urban Renewal District was a 20-year vision and all the projects that were included in that taxing district have been completed and she believes that kind of revenue identification needs to occur at the County. She proposes we do not fund any new capital improvement projects without putting the needs of the jail first. She met with the Clerk last Friday and in the interest of evaluating the financial considerations in how to put that together, her proposal is that we contact Banner Bank, who worked with the City of Caldwell. We could coordinate the banks locally to provide a funding source and once the revenue is identified we have to protect that stream, it cannot be interrupted once we've identified it but if we can build our payment. She's looked at the numbers for the new proposed budget and in the last five years it's a \$21M increase but we haven't built any new municipal projects, but a lot of that amount has gone for employee compensation. She understands we want to pay our employees fairly, but we have to dedicate dollars and work in a unified way to identify the funding source that's going to move public safety forward. Commissioner Dale said Caldwell Urban Renewal has no intention of sun-setting that district early and they fully intend to spend all that money on projects. Clerk Yamamoto said the only way we're going to see any of those funds from the original "RAA" (revenue allocation area) is to go after that as a project with urban renewal and have a public vote. Commissioner Dale said the funds collected belong to the urban renewal district for their discretionary spending and it has been suggested that we should put together a project or two to present to them to see if they would fund it but they are not obligated to give us that money back. Controller Wagoner said over the next 3-4 years that money is Caldwell Urban Renewal's money to do with as they see fit. In FY2023, potentially, that RAA would sunset and at that point the County could increase its property tax levy by \$2M cash from the value we get – new construction. Commissioner Van Beek said the RAA closes, but the urban renewal stays open and they are going to reopen a new RAA and it's the city's intent to declare the urban renewal area where Pond Lane is located and we could look at that. All options would be on the table, which is important because there's some ambiguity and some unknowns and now is the time to look at that because that would equate to about \$2M that would come out of urban renewal. We need to see if there is property that is closer than Pond Lane. She has spoken to the Caldwell City Council and the Mayor and thinks we should invite them to the table and hear what they have to say. Commissioner Dale spoke about how the city council voted no two times on building in the downtown area and it did not mention other properties that may be closer. He suggested the Board also look at the Nampa Urban Renewal District as well as they have a district that will sunset in 2030.

Commissioner Van Beek received information from HOK which she shared with Captain Ward in hopes that he'd share it with the Sheriff. Sheriff asked if she's suggesting we do an RFI (request for information) to not just HOK, but to other companies as well. Sam Laugheed said an RFI is something that is not directly contemplated in Idaho statutes, but is something we've done in the past to try to consolidate information without favoring any one particular vendor who might have an interest moving forward in having a contract with us. In the winter of 2018 the County did an RFI as part of the initial process and we found it was

difficult to get vendors to lock in anything on such an exploratory process. We had people who were a lot more willing after it was over to say they could make a deal but when we were compiling information, they were reluctant to say much. Commissioner Dale said he met with Eric Herringer from Piper Jaffray a week ago regarding a letter he supplied to the Board. They have done a close analysis of what they believe is a legal means to do something like this, the private/public partnership and lease to purchase. They've done it several times with other governmental entities in Idaho and they cited a couple of court cases that have opened the door and made it legal without question. The cost of a lease to purchase is one quarter percent higher interest than a standard general obligation bond. Using the figure that have been talked about there is approximately \$7M that could be gleaned over a period of time. For the sake of discussion, \$7M would fund a \$115M facility over a 30-year lease to purchase. With that figure Mr. Herringer ran a calculation and the quarter percent extra interest that you're paying would amount to about \$170,000 per year over the cost of a general obligation bond. Commissioner Van Beek said the difference in interest between a 20-year bond and a 30-year bond is phenomenal. An amortization schedule would be appropriate to show that difference; she's not in favor of a 30-year bond. Sheriff Donahue asked what HOK is proposing. Commissioner Van Beek said they have found a niche market across the country because the principals are no longer with DLR, and so HOK is picking up those projects and they feel they could do it for \$120M. If we got \$100M with a \$7M a year payment that would leave a \$20M new property tax bond amount. HOK would like to make a presentation but she doesn't want to impugn their ability to be a part of the bid process. Sheriff Donahue said some of the principals are still at DLR, and then he asked if HOK is estimating a similar structural concept that DLR produced. Are they saying they can do 1055 beds for \$120M? Commissioner Van Beek said yes, that is what HOK is saying - bed for bed, classification for classification - they believe they could improve efficiencies. Sheriff Donahue said that's interesting because from the operational standpoint and the efficiencies, that's something they worked very closely with DLR on so he expects that when the time comes they would be looking at the Sheriff's Office to know where the deficiencies are and where the efficiencies are and what the must-haves are from an operational barebones standpoint. There are things we need to look at from an operational standpoint to make sure those things are met. Sam Laugheed said there could be informal communication with reports back to the main stakeholders, as long as it's clear to the vendors that they don't have any advantage and that there is no relationship. Another way would be to open it up to more potential vendors and what that would look like in an actionable forum is something he's been thinking about for a long time based on that RFI experience we had. We started from a place where we were looking at what the need was and the concept derived from the need and the money came afterwards. HOK is almost suggesting that we start with what the money is and reverse back from that. The easy analogy is to a design build so he's going to bring in the construction delivery options. The administration building was a design build process and that's fine for lower value construction, but for projects over \$100M he worries about setting it at \$120M (for example) and then bringing in people who could do it for \$120M which is the quick way to do it by saying we're looking to contract for some set amount, what can you give us? He thinks vendors would still be reluctant to put too much skin in the game without knowing they were getting a contract out of it. The other option is a design bid build which is traditional construction where we pay for a design and then we bid it out and HOK and others could bid and then it's the money the County puts in up front to get the design

complete which is why a construction manager general contractor would be the way to go. Maybe doing an RFP for a construction manager would help us on that path to be bringing in the HOK's and other national jail construction experts without unfairly giving anybody an advantage. Make it very clear that it's an informational meeting, there are no expectations attached with it. That opens us up to offering that same opportunity if other contractors ask for it. Sheriff Donahue said Mr. Laugheed is correct, we got nothing with the last RFI because they didn't want to put their stamp on their secrets of the trade. He likes the explanation of the design bid build, maybe thinking about that design and every company out there and many others that will come out of the woodwork will probably have a lower amount they could build it for, but it's a huge disadvantage to them to not have a design to work from. If you have a more narrow narrative by all those companies and they can more directly and accurately tell you what they can and cannot do or if they're even interested in the first place. Mr. Laugheed said the construction manager idea is a good in-between sort of design build and design bid build because it doesn't require complete construction-ready blueprint documents, but a percentage of it that would give more accuracy. We're never going to have 100% until we have construction documents, which is estimated to cost 10% of the construction costs. In the past the County has tried that and spent millions on blueprints and then not constructed so something in between basing it on a concept design and basing it on construction-ready documents could be a way to get more accuracy than we've had which would maybe enhance the ability of HOK and other vendors to talk about what they could deliver but we're still putting money into it; we've been able to use County resources so far and this would be more of a commitment to millions. Sheriff Donahue said that goes back to the issue of funding revenue streams. Theoretically, let's say urban renewal sunsets, would \$2M be available for the County? Controller Wagoner said we could increase our property tax request by \$2M and it would then come to the County. Commissioner Van Beek said there are two components: The first component is the amount being paid to the general obligation bond for the urban renewal projects that are in that district exceeds the amount of the bond payment so you have this accrual in that difference. That's one set amount and then the other portion when that revenue allocation area ends that's the other portion that if we keep the taxing stream the same – so a set figure but then when that returns as new construction you would have that. Controller Wagoner said the first pool of money is urban renewal's money, and it could all be spent in its entirety by 2023 and there could be nothing left. Commissioner Van Beek said she's heard if we can find a project, infrastructure, if we can get a public vote to build a building, if we can come together and identify a use that's allowed then the County could use those funds. Clerk Yamamoto said he agrees but that won't help us with a jail. The timing and the dollar amount doesn't work so if you had some other project, yes, that's a possibility. Commissioner Dale said there is no obligation of the urban renewal district board to say they'll do our project. Clerk Yamamoto said they can spend every nickel as long as they do not acquire new debt. Commissioner Van Beek said she understands from Alan Doornfest from the Idaho State Tax Commission that if the money belongs to the taxing district of Canyon County we have first right of refusal and so we need to identify something and claim it. Controller Wagoner said Mr. Doornfest was here a few weeks ago and they talked with him extensively and the key word there is *if*, if there is money remaining then it would be distributed to the taxing districts. Commissioner Dale likes the idea of utilizing monies that were already collected to help pay for this type of thing, that way as you had indicated if you were able to fund \$100M of a jail project without having to ask for new taxes.

If you needed \$120M you'd still have to get a bond for \$120M. Controller Wagoner said he's trying to figure out how it was determined that we have \$7M available for annual payments. Commissioner Van Beek referred to an amortization schedule that shows the annual payment amount of \$6.67M for \$96M. The four sources of revenue are as follows: \$2M for the FY2023 estimate, allocation of the dollars we spend every year for Pod 6, and if we add the dollars we are getting from new construction, and from the property tax exemptions that will drop off. Controller Wagoner said he's still not seeing \$7M. Our new construction in the FY2020 budget is largely allocated to the compensation plan, new positions and carrying out the day-to-day requirements. Commissioner Van Beek recognizes that a lot of work has been put into the compensation plan but she questions why the only things we have done in the last five years with \$21M is raise salaries and fund the health insurance fund. She said we need to look at what our revenue is and have that revenue pared down to what we really need. Speaking to the \$21M amount, Clerk Yamamoto said the reason that happened was because we didn't compensate our employees, we didn't fill positions, we didn't buy patrol cars, there is a long list of what was deferred and not taken care of and we got in a huge hole and that is why we had to make up for all the things we didn't take care of when we should have. The benefit package was down to almost zero because nothing was put in it. Sheriff Donahue spoke to the same issue and said in those years they lost a lot of employees because the law enforcement salaries were non-competitive. The compensation committee was formed and they looked at the market salary analysis across the board and now we are more competitive and in a position where people are coming to work for the County and staying here and that saves the taxpayers a lot of money. For the first time in a long time the Sheriff's Office is at full staff. He understands Commissioner Van Beek's point but we cannot sacrifice the employees to solve the jail problem because that will just create another problem. Commissioner Van Beek said from a marketing standpoint if we say we're going to try to hold the costs and if everybody makes a sacrifice to be in this together that has the potential to get the taxpayers on our side perhaps approve a 2/3 vote on the additional money required for the general obligation bond. Our expenses are outpacing our revenue so how do we solve that? She's not disrespecting the work that's done, she just saying it has to be a community effort. Sheriff Donahue gave the example of the Nampa Police Department which is giving its employees a 4.5% raise this year and 4.5% next year and we cannot compete with that, but the wider the chasm becomes the more staff we lose to the another agency. Prosecutor Taylor said we have to know what the actual cost of the jail is. He's heard amounts ranging from \$60M to \$189M; if we can get an additional 1,000 beds for a cost that is feasible without hurting the taxpayers let's do it. If it has to be less because that's all we can afford then those are conversations we have to have, but we have to do something to figure out what the cost is and have somebody put it in writing. Commissioner Dale asked how to get a more realistic understandable figure we can count on without going to an architect and paying \$10M to have them draw a plan? Sam Laugheed said in order to get a more precise number for the amount of beds we have to put some money into additional design development. Not complete blueprint-ready construction documents but going through additional design development based on the concept we have. If we're looking for a couple million for design development that could be the best bang for the buck at this point to move forward while keeping all these different options open about what a development would look like and so that could be an RFP for construction manager, it could be talking with architects and making it clear that we're talking about a percentage of design development. That is one actionable



road we could go down. The other thing he heard is interest on the part of several of stakeholders to hear more from vendors like HOK and potential bank and bond type lawyers. We could have pre-procurement informational meetings where a vendor could come in and talk to the Board and stakeholders, and we could have bond counsel come in and talk to the stakeholders, and have Banner Bank, and Zions Bank come in and see if they can generate other ideas. If we are looking at action he thinks the Board and stakeholders need to be prepared to talk about what kind of resources they want to put into design development, that's the next actionable phase besides information gathering. Clerk Yamamoto said construction costs will go down so if that's the case, what's the hurry? Pod 6 is coming on line and we should see what it does. He is not willing to spend another nickel on design or anything else until we have a clear path of how we're going to pay for it. Sheriff Donahue said Pod 6 will not solve the issue of 700 people on pre-trial. There is an urgency and Pod 6 will help us on our female population, and once we can get the females moved to that pod we can hopefully revamp Pod 3 to accommodate some male inmates. Once we move females we'll have 122 in the temporary and net gain will be 86 beds. But, there are still some classification issues. There are only four cells in that female unit that's hard cells so that means there are only four individual males once we convert it that we can put into a hard cell by themselves. The rest are dormitory unless we make some serious modifications and that's the problem we have. We have dormitory cells, we have Pod 5 – and we have Unit G and Unit F and that's not what we need because those people are on pretrial. Commissioner Dale said taxpayers are the only ones who can pay for this. We don't have the option to go for local option sales tax, we don't have grants that are available. Sheriff Donahue said it's very clear that nobody wants to raise property taxes. He's spoken to the legislature about local option sales tax and it's still an option and it shouldn't be up to people like Mike Moyle who is not from Canyon County, nor should it be up to Rep. Collins and Sen. Rice; they should allow the people the decision to have a vote and let there be committee hearings on both tax committees. Let the hearings be held and let the house speak for itself and let the senate speak for itself and let the people of every county speak for themselves. It's not up to the people to decide if they want to tax themselves. Commissioner Van Beek said someone emailed her with a suggestion about a lottery where a percentage goes back and can be dedicated for the revenue stream to fund a jail. Sam Laugheed said the lottery commission is at state agency and he's sure they have IDAPA rules and statutes that govern it, but he hasn't looked at those. Clerk Yamamoto said it's an uphill climb with local option sales tax, however, it's gaining some traction and the schools are getting in on the act now too. Commissioner Dale said he presented a resolution at the clerks and commissioners conference and it will be before the entire body in September for a vote to move forward once again and he thinks we need to keep it every year. We need to engage people to talk to their legislators and ask why they won't allow them to have a meeting and talk about this in committee and give the people an opportunity to vote on a funding source for a jail or a school, etc. It comes down to trusting the voters. Prosecutor Taylor said a previous meeting in May, he thought the Board had planned to invite Jim Rice and Gary Collins to this collective body and ask those questions. In response to a question from Commissioner Van Beek regarding the Skagit County, Washington blueprints, Sheriff Donahue said he will make an inquiry of that county. Commissioner Dale said we need to continue this discussion every week or once a month and we need to find out information about getting HOK and other interested parties to have an opportunity to meet with the Board and if they are concerned

about trade secrets we could do it in executive session. Sam Laugheed said we have to be conservative with what we would allow them to describe as trade secrets but that is an option. Commissioner Dale said we need to talk to our local legislators and get Collins and Rice and some others and have a discussion about local option sales tax. Commissioner Van Beek will invite Banner Bank to make a presentation. Commissioner Dale said and perhaps have Eric Herringer from Piper Jaffray and Nick Miller do a presentation on financing options. The first step will be to get some informational meetings with Banner Bank and talk about financing options and then have a subsequent meeting with the construction people, and the third meeting will be the legislators. He said one of the biggest mistakes in this process was that it's been 10 years since this issue was brought before the voters last and that's a lag and it says we're not doing anything about it. This is a big issue and it needs to be continually worked on. Chief Dashiell said working on finance is great, but if you work it backwards that your finances are going to determine what you build rather than having your construction vendors give you cost estimates for what you need you're going to end up doing the same thing the expansion from three years ago ran into where we said we have this much money so we'll build however many beds and we don't care what the results will be. That expansion was going to cost a lot more in the long run by trying to figure out how to operate it as to the advantages we were going to see. The meeting concluded at 4:23 p.m. An audio recording is on file in the Commissioners' Office.

**AUGUST 2019 TERM**  
**CALDWELL, IDAHO AUGUST 6, 2019**

**PRESENT:** Commissioner Pam White, Chair – out of the office  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

**APPROVED CATERING PERMIT**

The Board approved an Idaho Liquor Catering Permit for Agave Cantina to be used 8/10/19 for a wedding.

**APPROVED CATERING PERMIT**

The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 8/15/19 for a wedding.

**APPROVED CLAIMS ORDER NO. 8/9/19**

The Board of Commissioners approved payment of County claims in the amount of \$152,817.60, \$53,302.32, \$67, 570.72, \$348,111.16, \$51,840.98 and \$2992.70 for accounts payable.

#### APPROVED CLAIMS ORDER NO. 8/10/19

The Board of Commissioners approved payment of County claims in the amount of \$145,389.47 and \$51,061.86 for accounts payable.

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

The Board met today at 8:32 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale and Leslie Van Beek, IT Director Greg Rast, Assistant IT Director Eric Jensen and Deputy Clerk Jenen Ross. Director Navarro was not able to make today's meeting. Director Rast updated the Board on the following:

- One scanning project was just completed in the Clerk's Office; historical dockets where photographed instead of actually scanned.
- Discussion was had regarding electronic storage.
- Contract with Carousel Industries is a maintenance contract for the telephone systems – it provides 24/7/365 monitoring for any alarms.
- A meeting will be had next week with Century Link to discuss the fiber optic build out to the weed and pest office. There will be a \$25K install for the fiber circuit and a monthly charge of \$711 for 3 years. They anticipate a 30-90 day build.
- The Network Tech position has been filled, a Programmer position still open and they will be going to market soon.
- JobScore is done; there were concerns about Title VII but the issue has been resolved and the county is in compliance.

The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Tom Dale and Leslie Van Beek, Landfill Director David Loper left at 9:18 a.m., Director of Indigent Services Yvonne Baker, Deputy P.A. Brad Goodsell left at 9:18 a.m., Deputy P.A. Dan Blocksom, Representatives from Timber

Creek Recycling left at 9:18 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Receive written recommendation and consider signing notice of intent to award Ongoing Wood Waste Removal from Pickles Butte Sanitary Landfill request for proposals:*** There were two proposals submitted for this RFP – one from Enviro-Progress (the current vendor) and one from Timber Creek Recycling. Director Loper and his staff scored both proposals and they are recommending Timber Creek Recycling. Timber Creek offered two different proposals one is to remove the waste as is currently being done, the other is a slightly modified version of what is currently being done. Timber Creek also submitted a proposal for the removal of other waste types which Director Loper recommends evaluating at a later time and just staying with wood waste at this time. The intent would be for the contract to begin October 1, 2019. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the notice of intent to award the Ongoing Wood Waste Removal from Pickles Butte Sanitary Landfill project to Timber Creek Recycling. A copy of the recommendation and notice are on file with this day's minutes.

***Consider signing independent contractor agreement with Annie Chamberlain for interpreter services:*** This is a standard contract paid at \$30/hour with a one-hour minimum and automatic renewal. Mr. Blocksom spoke about the differences between a court certified interpreter and interpreters used for medical indigency. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreement with Annie Chamberlain (see agreement no. 19-101).

#### EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*A request was made to go into Executive Session to discuss as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:33 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:52 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.

#### PUBLIC HEARING - REQUEST BY NATE MITCHELL REPRESENTING BAAS GROUP, LLC, FOR A REZONE, CASE NO. RZ2018-0040

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by Nate Mitchell, representing BAAS Group, LLC, for a rezone, Case No. RZ2018-0040. Present

were: Commissioners Tom Dale and Leslie Van Beek, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. Mr. Lister requested the hearing be rescheduled to a later date. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to reschedule the hearing to August 15, 2019 at 1:30 p.m. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS POST-INCARCERATION PRESCRIPTION DRUG PROGRAMS

The Board met today at 1:30 p.m. with representatives from local care facilities to discuss prescription programs and needs for County inmates who are being released back into the community and have a roundtable discussion to problem solve on how to meet these needs. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom, Lt. Harold Patchett, Josie Murray-May, Health Service Administrator at the jail, Angie Davis from West Valley Med. Center, Heidi Hart with Terry Reilly Health Services, Sherry Ainsworth with Saint Alphonsus, Kelly Curtis, June Agee, and Michael Rawdan from St. Luke's, other interested persons and Deputy Clerk Monica Reeves. The focus centered on the 340B drug pricing program. Kelly Curtis said drug pricing program is put on HRSA, a government body, and it's provided to health systems who are eligible such as standalone cancer centers, certain children's facilities, and non-profit hospitals. When you're a 340B entity it entitles you to drug pricing about 30%-40% off what a non-340B entity would pay. The intent is to bring savings to the institution, not the patient. It's for the institution to extend care to further serve the community. All the money comes from pharma, not from tax dollars. Heidi Hart said the County does not qualify. It has to be a hospital, or a care facility, or a cancer institution; she does not believe a government entity can qualify. Commissioner Van Beek said inmates many times have prescription drug needs and once they leave the jail they may not have access to that and the County could end up seeing them again at a medical indigency hearing. She wants to know if there's a way to partner with health care leaders so that the burden doesn't fall to one hospital or care facility. Ms. Curtis said St. Luke's has programs in place for charity needs, in fact, they use the 340B savings towards more charity care. They have a medication access team funded from the program that helps patients who have little or no insurance enroll in medication/prescription assistance programs. To utilize this program the prescription has to be eligible and that only happens if it's written by a St. Luke's provider who owns the medical record for that patient, and they fill it at St. Luke's pharmacy. For profit facilities are not eligible for the program. Lt. Harold Patchett said in our jail system 20 days is the turnover rate for somebody to get released and come back in. They are given a small amount of medication when they leave, but it's just a seven-day supply. He wants to know how jail staff can treat them more like a patient rather than a criminal and get them the care they need. Josie Murray-May said it's an issue of access. She spoke of the procedure they use to dispense medications and the formulary they stick to. She said the medical unit at the jail is going through some major changes and is about to be taken over by a company (Vital Core) and she thinks that will affect the whole process because they will have discharge planning and that's huge because they will be able to set these folks up with appointments. They will have a lot more staff and will be able to do discharge planning to connect them with the community when they leave so it should open up new ideas for what does that end ideal look like versus what it looks like currently. At the last meeting she

mentioned some community meetings she was a part of and it started with a Jansen representative who provided them with an injectable for free and that was a huge benefit. They could get an injectable mental health medication in the hopes the patients would stick to it better than taking a pill and hopefully it would decrease the recidivism and so that's where that came from. They started having community meetings to get on the same page since they share the same patients. There was discussion about the coordination of care when someone leaves the jail. Commissioner Dale said the primary goal is to reduce recidivism that's directly related to the lack of access to ongoing mediations. Beyond that would be set up a sustainable plan so that in five years they are doing better than they were and they are not coming back to the jail. Ms. Hart said she does not see how the 340B program can help the jail when people are incarcerated. There's probably a better opportunity for it to help the patient when they're not in the jail, but she doesn't see how there's anything in there that could save the jail money or get access to medicine. Mr. Curtis asked if the County uses Dispensary of Hope. They work with pharma and they take donations; it's when pharma makes an oversupply of drugs they will donate to this company. They have a set formulary and you have to give a once a year fee of \$25,000, for instance, but after that you have access to the formulary medications and you can dispense them for free. The caveat is they cannot have any insurance. It's self-pay only. It's worth a phone call to see if it can help the jail. Ms. Hart said Terry Reilly has a contract with the Department of Health and Welfare/Department of Corrections to provide mental health services for people that are on probation/parole if they meet certain criteria. It covers their visits as well as their medication, but they have to be referred by their officer. It would take some coordination where the parole officer is engaged who could make a referral so the DOC could authorize/approve it and then that would be at no charge for the inmate once they are released. The funding is allocated through the middle of next year. Angie Davis said by implementing discharge planning in the jail that's setting the stage for where you want to go. Inmates should have a follow up appointment at the time of discharge and hopefully they will follow up. Lt. Patchett said from the patrol side of things they see a lot of times when a person needs help and that's what they're to figure out, how to direct them to a facility. Commissioner Van Beek asked what the group sees as necessary from the County side or health care side that someone needs in the way of resources when they leave the jail. The response was that discharge planning needs to be done and someone needs to sit down with the person and find out what they need access to and help them make appointments, etc. The plan of care is what they need to walk out the door with and so the continuity of care can occur. Ms. Murray-May said they have touched on all of this for years, but the problem is it stops quickly because they are short staff. Ms. Davis said the hospitals could help with checking into a program called Passport to see if the person is Medicaid eligible and share that with the jail. She said going forward if the jail is going to do discharge planning that's going to be beneficial. It was decided to wait until Vital Core comes on site and see how things are going in a few months before it's decided if the group should meet again. The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 7, 2019

PRESENT: Commissioner Pam White, Chair – out of the office  
Commissioner Tom Dale  
Commissioner Leslie Van Beek – out of the office  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

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

APPROVED CLAIMS ORDER NO. 8/9/19

The Board of Commissioners approved payment of County claims in the amount of \$180,268.13 (adjusted amount \$180,226.13) for accounts payable.

No meetings were conducted today.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 8, 2019

PRESENT: Commissioner Pam White, Chair – out of the office  
Commissioner Tom Dale  
Commissioner Leslie Van Beek – out of the office  
Deputy Clerk Monica Reeves / Jenen Ross

No meetings were conducted today.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 9, 2019

PRESENT: Commissioner Pam White, Chair – out of the office  
Commissioner Tom Dale  
Commissioner Leslie Van Beek – out of the office  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Two Horse Saloon to be used 8/12/19 for a team roping event.

No meetings were conducted today.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 12, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Ferguson in the amount of \$1417.11 for the Weed and Pest department
- Paessler AG in the amount of \$1264.38 for the Information Technology department

COMMISSIONERS' OFFICE STAFF MEETING

The Board met today at 8:32 a.m. for an office staff meeting. Present were: Commissioners Pam White, Tom Dale, Leslie Van Beek, Deputy Clerk Jamie Miller, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff and there was discussion regarding coordination of calendars for upcoming meetings. There was also discussion regarding a meeting with Anne Wescott from Galena Consulting regarding impact fees for fire districts and the Middleton Parks and Recreation District. Commissioner Van Beek would like Ms. Westcott to verify the population figures and she wants the Board to take a closer look at the fee proposal. She suggested the meeting with Ms. Wescott be scheduled after the FY2020 budget hearing. The items discussed were general in nature. No Board action was required or taken. The meeting concluded at 8:54 a.m. An audio recording is on file in the Commissioners' Office.

FINALIZE FY2020 TENTATIVE BUDGET

The Board met today at 9:02 a.m. to finalize the FY2020 tentative budget. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Coroner Jennifer Crawford, Sheriff



Kieran Donahue, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, Chief Probation Office Elda Catalano, Juvenile Det. Director Steve Jett, Juvenile Field Training Coordinator Shawn Anderson, DSD Director Tricia Nilsson, Fleet Director Mark Tolman, HR Director Sue Baumgart, IT Director Greg Rast, Director of Court Operations Denise Kennel, Weed Control Superintendent AJ Mondor, Indigent Services Director Yvonne Baker, Audit Supervisor Shawna Larson, Landfill Director David Loper, Public Defender Aaron Bazzoli, Fleet and Fuel Analyst Dawn Pence, Ambulance District Director Michael Stowell, and Deputy Clerk Monica Reeves. Clerk Yamamoto said they have decided to alter the Clerk's original suggested budget. Controller Wagoner said they are constantly evaluating actual revenues - monies in and actual expenditures out - and based on the strength they are seeing in revenues in multiple areas it is his feeling they could forgo the 3% property tax increase, which would be roughly \$1.5M in property tax. He believes we can still meet all the needs and for the onetime significant type projects those projects will rely on fund balance. Commissioner Van Beek wants to see an outline of the projects where we're going to use fund balance, she would like to see what resources have been allocated for alternative revenue sources for funding a public safety facility. Controller Wagoner said in the FY2020 current expense fund they have included a \$4M line for capital investments. \$3.5M of that for elections equipment and \$500,000 for possibilities that may arise during the year. We have roughly \$2M in the County fair fund reserved for the fair expo building so that's money that's already in the bank for that building. Those types of activities would be the more significant uses of fund balance proposed in the 2020 budget. Regarding the elections equipment, Commissioner Van Beek said she's not negating the need that exists, but we have not vetted all the requests and we haven't addressed the additional years of maintenance agreement that's almost \$90,000. She asked about the status of the RFP/RFQ process for the equipment. Clerk Yamamoto said he is waiting for the certifications from the state which should be coming within 30 days. It's a timing issue, and if it doesn't work out with the equipment they won't move forward, but if it does work out we need to have that equipment and use it in an election prior to the 2020 Presidential Election. Commissioner Van Beek said collectively we need to make a decision on how to allocate those funds, prioritize it with a capital improvements plan and identify a revenue. She referred to an email she received asking what is being done to improve the long wait times at the DMV. Sheriff Donahue said he's asked for an additional position which will address some of the need but not all of it. He's talked about moving two of the part-time positions to fulltime positions around the first of the year but there needs to be more discussion with the Chief Deputy on that subject. He spoke about how the Star Card program, which is a federally mandated project, has prompted discussions about the possibility of having another facility and hiring more personnel. We need to be more strategic rather than just throwing personnel at the issue. Commissioner Dale asked what two additional fulltime employees (eliminating one part-time position) at DMV would do to our need for revenue. Controller Wagoner said it would increase the cost by \$25,000-\$30,000 on an annual basis. Commissioner Dale said one of the biggest headaches for citizens is the hours it takes to get through the DMV and he thinks they would understand if we spent extra to improve the DMV experience. Clerk Yamamoto said they've had those discussions and it's ongoing; the Assessor has been looking at the possibility of moving out of the current DMV location and having a Nampa location and a Caldwell location with driver's license taking over the entire facility on Graye Lane. Chief Deputy Sheriff Dashiell said they risk losing three part-time

employees by going with another fulltime position because of the way they work with their schedules. Commissioner Van Beek asked if the parks and weed/pest departments have levying authority and if so, could their amounts could be removed from the property tax request. She said some department administrators are frustrated because they are not sure what their revenues sources are. Controller Wagoner said the taxing district is Canyon County and the property taxes levied are allocated between the various funds. For instance, a certain amount of property tax goes to the fair fund, the property tax is combined with revenue generated at the fair. The parks department gets a certain dollar amount of property tax as well. Those entities also generated revenue streams, charges for services and other fees and it's combined with property tax to carry out operations. Commissioner Van Beek said the difference is that it would give department heads greater control over their budget and we wouldn't be guessing; in the 2020 property tax dollars leveled there's almost \$1M for a fair project and yet the project has not been bid out. Commissioner White said the expected expense for the fair building is \$2M and even though we don't have a plan completed we know the expected expenses so we put a figure in the budget, and we know the expected expense for the election equipment, also recognizing that we still have the RFP. It's a savings account/capital investments line. Rather than removing the 3% allowable, she proposes we take 1%, which is approximately \$500,000, and commit it to the capital fund giving us a total of \$4.5M. Commissioner Van Beek said in the absence of a capital improvements plan with a resource identification we are just "stabbing in the dark." She asked the Sheriff and the Prosecutor how they feel about allocating \$3.5M to improve the voter experience rather than putting that amount toward public safety. Sheriff Donahue said he's going to rely on the Clerk telling us what they need in the election's office. With the jail he thinks we need to be looking for any type of funding stream. He believes we should take the 3% and put it into a capital investment fund. The jail is the number one priority right now but it's also the hardest one to come by. Prosecutor Taylor said he will defer to the Clerk on what the elections office needs. He agrees that the public is looking for us to set forth a capital plan; he likes the 1% aspect as suggested by Commissioner White. Commissioner Dale said we are allocating a ton of money to public safety. We have \$2M going to the temporary jail as well as all the money in the Sheriff's budget which is used for public safety. Regarding the 3%, it is not a levy number, it's a budget number. We are allowed to increase property tax budget by 3%. What that does to the levy is dependent upon what happens in the assessable value, it's not a 3% levy increase. We do not have independent taxing districts – there is no taxing district for the fair, or the parks department, indigent services, or weed control. There are funds that get allocated a certain amount of dollars from the taxing district of Canyon County. The 3% is allowed by state statute because of inflation. The cost of doing business goes up and it happens every year and we are allowed to take that 3% to make up for inflation. The added tax revenue from the increased assessable value within the County hopefully takes care of most of the growth. Fund balances should be used judiciously for onetime expenses – if you're counting on utilizing fund balance annually for operational expenses, you're going to dig yourself a hole as happened here 10 years ago. It's very wise in the long run to take that inflationary factor into account understanding if you leave it on the table you don't get it back. He thinks we should take at least 1%, maybe more, and he likes the idea of putting it into the capital fund. We don't have a capital improvement plan located in one book, but department heads and elected officials know what they need for the future. He does support putting it into one place, and he feels we should be putting something aside for that.

Commissioner Van Beek supports the decision to not take the 3%. In good faith to taxpayers we need to have the plan and the funding identified, it shows coordination as a County. Controller Wagoner said whatever we do not take this year we cannot go back in time and change things so there has to be balance between protecting the financial wellbeing of the county, ensuring that we have adequate reserves to respond to emergency or unanticipated situations, and there has to be a balance for the needs of the taxpayer. 1% is an option and that's a fair option - we're not taking everything we possibly could, we're taking what we think we need to preserve adequate fund balances and still look out for the taxpayer. Clerk Yamamoto said most counties don't argue about forgone because they don't have any. They take all they can every year, but that's not the case in Canyon County, we have left \$72M on the table since he's been in office. His recommendation is to forgo the 3% and leave \$1.5M in the local economy. The Board had a land use hearing scheduled at 10:00 today so the budget discussion was continued to 1:30 p.m. this afternoon. The meeting concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY JAY WALKER REPRESENTING KOLO, LLC, FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NOS. RZ2018-0037/OR2018-0007

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by Jay Walker representing KOLO, LLC, for a comprehensive plan map amendment and rezone, Case Nos. RZ2018-0037 and OR2018-0007. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Dan Lister, DSD Director Tricia Nilsson, Deputy PA Zach Wesley, Assessor Brian Stender, Kerry Calverley, Laverne Smith, Lori Smith, Carol Huffman, Rudy Dewinkle, Cindy Lower, Larry Crist, Butch Frish, Sam Moore, Steve Huffman, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request is to change the comprehensive plan map from Agricultural to Residential and a rezone from Agricultural to Rural-Residential. The land was previously split, the applicants have exhausted their land division uses so they are requesting additional splits. In 2007 the owner at the time received a conditional use permit for four lots but it has expired. The applicant's request is for a total of four lots, however, they have submitted a letter explaining that after hearing the neighbors' concerns they are fine with having the comprehensive plan portion denied and are seeking an alternative for the rezone portion. The property is zoned Agricultural, except for a small portion that is R-1. The history behind it is a subdivision was approved prior to changes to the County's comprehensive plan and zoning ordinances. It was agreed upon at that point to rezone it to match what it was really going to be and that's why there is an R-1 zone in the middle. Most subdivisions in the area are five acres or more but they were created at a time that does not match our zoning. The soils are moderately suited, and the neighbors have provided evidence that it is farmable. The neighbors are concerned that the four lots will change the character of the area possibly impacting agricultural uses. The future land use map shows nothing but agriculture in the future. It's not a growth area. The applicant has provided a letter saying they just want one additional split, as it is now they can have a house and a secondary dwelling. They are requesting an alternative for the rezone basically asking to create two lots that are over 5-acres in size. If they are over five acres in size they can be granted an agricultural exemption through the

Assessor as long as they can show they are using it for agricultural purposes. They just want to split it once. They would also give up their secondary housing rights as part of a development agreement that would be required. They would have a primary dwelling on each lot and no secondary housing after that. It would be up to the Board if more restrictions are added. Staff is recommending denial of the request. Kerry Calverly testified that she represents Calvera Capital, the owner of the property, and their initial plan was to subdivide the land into four parcels. A year and a half ago they were working with Jay Walker and he had done a lot of their representation, but in the meantime they had a partner helping with the process so the timeline took a little longer and when he stepped away from the process they had to step in a figure out how to proceed. They had the preliminary plat finished and when they went back to seek final plat approval, they found the opinion and direction of the County is more about keeping south Nampa in more agricultural preservation. She said the 11-acre parcel is farmable but given its rocky loam soils it is difficult to irrigate. Their original direction was to subdivide but as we went to the P&Z Commission there was strong opposition so as a compromise they decided to changed their position and ask for two five plus acre parcels with a structure on each parcel. It's conducive to what's already around it. Testimony in opposition was offered by Lori Smith, Carol Huffman, Rudy Dewinkle, Larry Crist, Steve Huffman, Butch Frish, and Cindy Lower. Concerns were summarized as follows: Newcomers moving to the area and complaining about existing dairy and farming operations; development could negatively impact the rural lifestyle the neighbors enjoy; there should be protection for the dairy operations in the area; the applicants should have done their due diligence prior to purchasing the property so that they would have known it is an Agricultural area; the aquifer will not sustain the additional housing; and there is an indoor arena on Sunrise Avenue and the horse trainer who operates a business there is concerned with how additional residences will impact his operation. During rebuttal Ms. Calverly said they heard the neighbors' concerns and they made changes to their application. They are not bigtime developers trying to change things; she cherishes farmland and its traditions. She is a realtor and she values property rights. She is not going to live on the property, but she said there are people who want to live in the area and have what the neighbors have. Upon the motion Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close the public hearing. As part of Commissioner Van Beek's comments said we have a good P&Z Commission and they've taken a lot into consideration and their recommendation is well thought out. We have an out-of-county developer with no intention to live there and if we allow this exception it will set a precedent that we can continue to chop up small pieces of land. She believes the request should be denied. Commissioner Dale said the change to two five-plus-acres is significant, but his mind is not made up. Currently they can build two houses on the land and they can build as many outbuildings as they want. If we put a development agreement allowing two homes there could be a restriction on how much land has to stay available for crop farming or pasture ground. That would minimize the impact that is already available there. Commissioner White said it's an 11-acre piece that a home can be built on, and it's still farmable. The P&Z Commission gave extreme consideration and due diligence with its decision. She is not in support of a conditional rezone. Commissioner Dale said there are people who want a change of lifestyle and they cannot afford 11 acres but they could afford five or six acres; he will go along with the majority of the Board. Commissioner White made a motion to deny the request for the conditional rezone for Case No. RZ2018-0037. Commissioner Van Beek

seconded the motion. Commissioner Dale made a motion to deny the change to the comprehensive plan map. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

#### CONTINUED DISCUSSION TO FINALIZE FY2020 TENTATIVE BUDGET

The Board met today at 1:32 p.m. for continued discussion to finalize the FY2020 tentative budget. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Civil Deputy PA Sam Laugheed, Coroner Jennifer Crawford, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, Chief Probation Office Elda Catalano, Juvenile Det. Director Steve Jett, Juvenile Field Training Coordinator Shawn Anderson, DSD Director Tricia Nilsson, Fleet Director Mark Tolman, Fleet and Fuel Analyst Dawn Pence, HR Director Sue Baumgart, IT Director Greg Rast, Weed Control Superintendent AJ Mondor, Audit Supervisor Shawna Larson, Accountant Marina Mendoza, Landfill Director David Loper, Ambulance District Director Michael Stowell, Public Defender Aaron Bazzoli, Asst. TCA Benita Miller, Admin. Assistant Tara Hill, Director of Misdemeanor Probation Jeff Breach, and Deputy Clerk Monica Reeves. This afternoon's discussion was continued from this morning. Commissioner Van Beek asked what the \$1.5M that is suggested to be removed was allocated for. Controller Wagoner said it was allocated for general operating activities and expenditures and because they have seen strength in revenues outside of property tax they feel they don't need that \$1.5M for day-to-day operational-type expenditures from property tax. They are not making any cuts on the expenditure side, they are proposing that revenues outside of property tax are increasing and those revenues will be used to provide support for services. Commissioner Van Beek asked for a list of projects that would be funded from fund balance. Controller Wagoner said that would be the elections equipment, the fair expo building, and we have talked about carrying forward \$1.5M of fund balance for the Pod 6 project. There is a budgetary increase for landfill equipment/operations of \$1.1M and \$3.5M for elections equipment. Commissioner Van Beek said the landfill is cash flowing and the revenue will be up so why are we including expenditures for that when they can cash flow outside of the current expense. Controller Wagoner said they are not in the current expense fund and in order to spend money it needs to be included in an expenditure budget. It's not co-mingled, it is in its own separate fund, the landfill enterprise fund. The 21% number is an overall countywide increase including both governmental funds and the enterprise fund. Clerk Yamamoto said those accounting practices are what our outside auditor wants to see. Commissioner Van Beek said they do not audit the internal controls so there are limitations on what they review. Controller Wagoner said we have been through audits with multiple accounting firms and Eide Bailly's audit is extremely thorough and we've passed with flying colors many years in a row. They do look at internal controls. Clerk Yamamoto said the property taxes in Canyon County in general are too high and the Board can send a strong message to the voters and taxpayers that we are forgoing the 3%. The Board could also go with 1% (\$500,000) but that's a token and he thinks the token is better spent by telling the taxpayers we are making every effort to take care of their money the best way we know how. His suggestion is to forgo the 3%. Commissioner Dale said he trusts the Clerk and Controller

and he said their methodology is bulletproof as proven by the audits year after year. He understands we're good this year, but looking down the road in the next year, or five years, does he have assurance that by forgoing the 3% it will not damage the County in the coming years? Controller Wagoner said yes, our fund balances will still be appropriate adequate amounts, there will still be reserves available to respond to emergency type needs, or unanticipated shifts, and we will still have healthy reserves to respond appropriately, if needed.

Clerk Yamamoto said if we see the economic status stay static or improve, we are great, and if it stalls out we are okay, but if the economy takes a crash we're going to be hurting. He thinks we'll have a decent economy for the immediate future and he is completely comfortable with the recommendation they've made. Commissioner White likes the idea of 1% going into the capital fund, and, she appreciates the diligence and the commitment the Clerk and Controller have to doing it right. Commissioner Van Beek appreciates the Clerk and Controller for their evaluation of the information over the weekend and the good faith that's been extended to the taxpayer in forgoing the 3%. Commissioner White said the consensus of the message is we will forgo the 3%. Controller Wagoner will format the notice and send copies to the Board this afternoon or evening and the original will be signed tomorrow morning at 8:30 a.m. Commissioner Van Beek wanted to make the point that the levy rate is made up of the called for budget divided by the total assessed market value of the asset base so it is important because what it shows is economic development against what our expenses are and it does make a difference in that number. Commissioner Dale said the Clerk has presented a really good budget, a conservative budget that acknowledges the growing cost of providing services and acknowledges the good progress we've made with retention and the adoption of the compensation plan three years ago and it continues that progress. It meets some of the needs on a priority level of the capital needs we are facing and he is committed to looking at those in a comprehensive fashion and getting them in one location so we can have comparative discussions throughout the County. The meeting concluded at 2:02 p.m. An audio recording is on file in the Commissioners' Office.

## AUGUST 2019 TERM

CALDWELL, IDAHO AUGUST 13, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

## APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Core & Main in the amount of \$18,034.50 for the Solid Waste department
- JMR Painters in the amount of \$3600.00 for the Solid Waste department

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Cowgirls to be used 8/17/19 for a family reunion.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for GRIT to be used 8/17/19 for a wedding.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 8/24/19 for a wedding.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 8/24/19 for a wedding.

#### MEETING WITH CLERK AND CONTROLLER TO CONSIDER SIGNING THE FY2020 TENTATIVE BUDGET

The Board met today at 8:31 a.m. with the Clerk and Controller to consider signing the FY2020 tentative budget. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Public Defender Aaron Bazzoli, Audit Supervisor Shawn Larson, Accountant Marina Mendoza, Asst. TCA Benita Miller, Admin. Assist. Tara Hill, Juvenile Detention Director Steve Jett, and Deputy Clerk Monica Reeves. Controller Wagoner said the tentative expenditure budget is \$104,751,356; also included are the budgets for the pest control at \$307,475, and the Melba gopher district at \$12,000. The grand total is \$105,070,831. The total property tax request is \$54,119,386. Commissioner Van Beek said there is a new line for capital investments of \$4M which is a great plan. Commissioner Dale said there are ongoing legislative meetings regarding how to fund Medicaid expansion and we don't know how it will impact our indigent department, or if that will be another line item that we have to fund through property tax. Clerk Yamamoto said a recent news article said the state is looking at passing the cost down to the counties. Commissioner Van Beek had additional follow-up questions of the Controller regarding the budget. Following discussion Commissioner Dale made a motion to authorize the publication of the tentative budget for FY2020. The motion was seconded by Commissioner Van Beek and carried unanimously. The public hearing will be

held on August 28, 2019 at 5:00 p.m. The meeting concluded at 8:44 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER AUGUST 13, 2019 AGENDA ITEMS

The Board met today at 9:00 a.m. to consider the August 13, 2019 agenda items that were scheduled for 9:00 a.m. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Dan Blocksom, Chief Deputy Sheriff Marv Dashiell, Juvenile Detention Director Steve Jett, Deputy P.A. Mike Porter, and Deputy Clerk Monica Reeves. The items were considered as follows:

**Consider signing resolution to transfer alcohol license to George or Kayla White doing business as Keystone Pizza and consider signing resolution for a new alcohol license for Local First** – Commissioner Dale said the applicants have completed the requirements and there are no disqualifying factors in their paperwork, and then he made a motion to authorize the Board to sign transfer license to George or Kayla White dba Keystone Pizza, and to approve the new alcohol license for Local First. Commissioner White questioned why the transfer license used the word *Or* rather than the word *And* in the applicants' name. Commissioner Van Beek had other questions related to the license. Commissioner Dale withdrew his motion. Zach Wesley said he is not comfortable with the word "Or" as noted so he will figure out what's intended. Commissioner Van Beek wants legal counsel to review the application for Local First as well. She then made a motion to delay action on both applications until legal has had a chance to investigate. The motion was seconded by Commissioner White. Commissioner Dale was opposed to the motion to delay. The motion carried by a two-to-one split vote.

**Consider signing Ada County Sheriff's Office Jail Housing Billing Agreement** –The fee is \$80, which is down from \$92. Commissioner Van Beek asked questions of Chief Dashiell regarding services under the contract. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to sign the Ada County Sheriff's Office Jail Housing Billing Agreement. (See Agreement No. 19-102.)

**Consider Signing Request for Proposals and Legal Notice for FY2020 Southwest Idaho Juvenile Detention Center Food and Commissary Services** – Mr. Wesley said Summit, formerly known as CBM, provides food services for the jail and the juvenile detention center. The juvenile center receives a reimbursement through the school lunch program, a federal program administered by the state department of education but they have advised that we would not qualify for that reimbursement because our contract with Summit/CBM has been in place for five years and the federal law requires we go out for procurement every five years so because we're at the sixth year they require we go through a procurement process. Summit is aware of the requirements and they intend to submit a proposal. Hopefully a contract is in place by October 1<sup>st</sup>. Commissioner Van Beek made a motion to sign the RFP and legal notice for the FY2020 Southwest Idaho Juvenile Detention Center Food and Commissary Services. The motion was seconded by Commissioner White and carried unanimously.

As part of the legal staff update, Deputy P.A. Mike Porter requested the Board go into Executive Session as follows:



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

Commissioner Dale made a motion to go into Executive Session at 9:25 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss a personnel matter, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Dale, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale, Leslie Van Beek, Deputy P.A. Mike Porter and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:37 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.

MONTHLY MEETING WITH THE HUMAN RESOURCES DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION; AND TO CONSIDER APPROVING AND SIGNING AN ENGAGEMENT LETTER WITH JENNIFER JONES HOOFT FROM HIGHER RESOURCES, LLC

The Board met today at 9:37 a.m. for a monthly meeting with the Human Resources Director to discuss general issues, set policy, and give direction, as well as consider a letter of engagement with Jennifer Jones Hooft from Higher Resources, LLC. Present were: Commissioners Pam White, Leslie Van Beek and Tom Dale, HR Director Sue Baumgart, Deputy P.A. Mike Porter, and Deputy Clerk Monica Reeves. Mike Porter said this is a continuation of the discussion regarding training for the directors, this is an agreement with the provider who would teach specifically on avoiding situations of harassment, sexual harassment in the workplace. They solicited four different people, absent an attorney they thought might be a conflict, and this was the least expensive alternative. The trainer comes with a lot of accolades. Director Baumgart said she is scheduled for two separate training times with the directors for a total cost of \$800 and she has an additional date on hold that she wants to add on for \$350. She would like the Board's support to make it mandatory for all employees under the Board which is why she wants that third date. Commissioner Dale said the training is highly valuable and he supports making attendance mandatory. He asked if there are other training dates scheduled because that's a lot of people (nearly 300) for three days. Director Baumgart said additional classes are \$350 and if the Board wants she could open it up to the entire County personnel, but for right now it's just for those under the Board. She has not yet discussed it with the other elected officials. Mr. Porter said they wanted to get the Board's approval to enter into an agreement and spend the money. Commissioner Dale said the next step is to reach out to the other elected officials and make them aware of this opportunity and see if they are interested in case we need to schedule more days beyond that. Commissioner Van Beek is not in favor of delaying this just because people don't attend a mandatory meeting; there are three days and if we need to space them out we can do that. This is one segment of training but we want others and so we want to spend the dollars in a way where we can get as many varied topics as possible. Director Baumgart said she has budgeted for the training; she takes into account countywide trainings that are mandatory as well as her own department trainings. Commissioner Van Beek asked if online training has been considered. Director Baumgart said the Equal

Employment Opportunity Commission has certain standards they have changed and made recommendations specifically for sexual harassment training and in-person training is one of those changes. Mr. Porter said they will set the three dates and check attendance and evaluate after the first two dates. We want to make sure if something happens we are not accused of failing to train or failing to supervise because that greatly limits our liability. Ms. Jones Hooft is affiliated with someone we know and who does a good job. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to sign the engagement letter with Jennifer Jones-Hooft with Higher Resources for training. (See Agreement No. 19-103.) Mr. Porter left at 9:51 a.m. Director Baumgart reported that she'd been working to get the training organized with Jennifer Jones Hooft with Higher Resources, LLC, and she has been working on the Security Director position. Commissioner Van Beek asked what kind of workload the administrative assistant would have. Director Baumgart said she hasn't had any explanation on that but it was her understanding the director would dictate that the HR office would be available to help write that job description. Commissioner Dale said the discussion has been that we will hire the director who would determine the needs for the administrative position. Director Baumgart reported that she's been working on Job Score, a job posting source, and it's been a very smooth process has been saving time and the departments are very happy with it. One of her employees has returned from leave and is handling front desk duties until they can get coverage for that. The meeting concluded at 9:56 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

WEED AND PEST COUNTY CONNECTIVITY DISCUSSION AND CONSIDER SIGNING CENTURYLINK ORDER FORM FOR INTERNET SERVICES TO WEED AND PEST DEPARTMENT BUILDING

The Board met today at 10:00 a.m. for a discussion regarding County connectivity for the Weed and Pest Control office, and to consider signing a CenturyLink order form for internet services to the Weed and Pest Control Building including a one-time \$25,000 expenditure. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, IT Director Greg Rast, Assistant IT Director Eric Jensen, Weed Control Superintendent AJ Mondor, IT Operations Manager Don Dutton, Controller Zach Wagoner, Deputy P.A. Dan Blocksom, and Deputy Clerk Monica Reeves. Dan Blocksom addressed the legal side of the document and Greg Rast can explain the operational benefits of it. He asked CenturyLink about changes and modifications, but he has not heard back from them. Director Rast said the master service agreement is done with the State of Idaho and our existing account is under that so the things we are concerned about are probably already in there in the government clauses. We currently have an existing service with Century Link in 5-6 different locations. There was an RFP project but it was cancelled because the costs were out of bounds so he reached out to CenturyLink, who merged with Level 3, a company that provided our internet service and they provided more options. The best option is for a 50 mg connection, which is 10-12 times faster than the current connection, plus it gives a whole different type of delivery circuit. It's a 3-year term. There is a \$25,000 one-time cost plus a new monthly rate of \$711. Over the course of three years the cost will be \$50,596, which is the fiscally more

responsible option of the three provided. Controller Wagoner said if you look at the three options over three years there is nearly a \$20,000 savings and from a budgetary standpoint in the 2019 budget we included roughly \$80,000 for this project. We went through the RFP process but the price tags were significantly above \$80,000. He appreciates the solution to raise the speed by 12 times at a cost of \$25,000. Director Mondor said we're currently paying over \$800 a month for what little service we have and with this option we'll save \$100 a month and increase the speed. Commissioner Van Beek prefers to have all the legal things in place, unless we're going to lose something in the two days it takes to wrap up the contract issues. Commissioner Dale asked if there is a way to authorize the Board to sign the agreement contingent upon the adequate answer to the questions. Mr. Blocksom said if the Board wants to delegate authority to Director Rast for the purposes of this contract you could because the statute has been recently amended so that the Board can delegate purchasing authority to different department heads or elected officials. Director Rast wants to make sure the \$25,000 is spent out of this fiscal year because we have to pay it before the work starts and he's hoping to have the work completed in calendar year 2019. Commissioner Van Beek prefers we set a date certain to come back for a status report. Controller Wagoner said there is no allotment for this in the FY 2020 budget so we need to have this completed by September 30 to pay it out of FY2019 funds. Director Rast has a purchase order ready but he can send that at the next meeting when the contract is ready. The meeting concluded at 10:16 a.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2019 TERM

CALDWELL, IDAHO AUGUST 14, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

#### APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Dave Duncan, Robert Culley and Elena Lagunas.

#### CONSIDER SIGNING DESIGNATED EXAMINER AGREEMENTS WITH BRAD LEVITT, JACOB ATKINSON, PHARES BOOK, RICHARD SONNENBERG, AND RYAN HULBERT

The Board met today at 10:01 a.m. to consider signing designated examiner agreements with Brad Levitt, Jacob Atkinson, Phares Book, Richard Sonnenberg and Ryan Hulbert. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Indigent Services Director

Yvonne Baker, Deputy P.A. Dan Blocksom, and Deputy Clerk Monica Reeves. The rate has increased from \$100 per examination to \$125 per examination. The rest of the changes are updates in the boilerplate terms. Director Baker said the budget line item for this expense has been increased from \$80,000 to \$100,000. Commissioner Van Beek had questions for Mr. Blocksom and Director Baker regarding the exemption from the formal procurement requirements and licensure as well as the process utilized by indigent services in requesting a designated examination. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to sign the designated examiner agreements with Brad Levitt, Jacob Atkinson, Phares Book, Richard Sonnenberg and Ryan Hulbert. (See Agreement Nos. 19-105 through 19-108.) The meeting concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

**AUGUST 2019 TERM**  
**CALDWELL, IDAHO AUGUST 15, 2019**

**PRESENT:** Commissioner Pam White, Chair  
Commissioner Tom Dale – out of the office  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

**APPROVED CLAIMS ORDER NO. 1923**

The Board of Commissioners approved payment of County claims in the amount of \$1,602,652.30 for a County payroll.

**SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE**

The Board approved an Alcoholic Beverage License for Local First, LLC dba Local First. See resolution no. 19-127.

**MEDICAL INDIGENCY DECISIONS**

The Board met today at 8:45 a.m. to consider medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Indigent Services Director Yvonne Baker, Indigent Financial Specialist Lina Millar, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to issue denials with a written decision to be issued within 30 days for the following cases: 2019-1091, 2019-1053, 2019-1079, 2019-1082, 2019-1093, 2019-1083, 2019-1066, 2019-1200, 2019-1078, 2019-1096, 2019-1075, 2019-1212, 2019-1214, 2019-1215, 2019-1034, 2019-1088, 2019-1113, 2019-1097, 2019-1084, 2019-1029, 2019-1089, 2019-1092, 2019-1069 and 2019- 1190. Upon the motion of Commissioner Van Beek and

the second by Commissioner White, the Board voted unanimously to issue approvals for the following cases with a written decision in 30 days for Case Nos. 2019-1085 and 2019-1121. The meeting concluded at 8:47 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-788

The Board met today at 9:14 a.m. to conduct a medical indigency hearing for Case No. 2019-788. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Deputy P.A. Jim Cornwell, Financial Specialist Lina Millar, Hearing Manager Kellie George, Steven Deville from Saint Alphonsus Regional Medical Center, the applicant and her spouse, the applicant's son, Interpreter Grace Almeida, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to September 12, 2019 with the stipulation that the applicant does not have to be present. The hearing concluded at 9:26 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-549

The Board met today at 9:30 a.m. to conduct a medical indigency hearing for Case No. 2019-549. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Deputy P.A. Jim Cornwell, Financial Specialist Lina Millar, Hearing Manager Kellie George, Cassie Cacciopo from Saint Alphonsus Regional Medical Center, the applicant and his daughter, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve Case No. 2019-549. The hearing concluded at 9:37 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-691

The Board met today at 9:42 a.m. to conduct a medical indigency hearing for Case No. 2019-691. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Deputy P.A. Jim Cornwell, Financial Specialist Lina Millar, Hearing Manager Kellie George, the applicant, and Deputy Clerk Monica Reeves. The hospital did not appear for today's hearing. Commissioner Van Beek made a motion to deny Case No. 2019-691, and then following comments from staff she withdrew her motion and made a motion to adjourn to Executive Session.

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

Commissioner Van Beek made a motion to go into Executive Session at 9:53 a.m. pursuant to Idaho Code, Section 74-206(1) (f) to communicate with legal counsel

regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners White and Van Beek, Deputy P.A. Dan Blocksom, Deputy P.A. Jim Cornwell, and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:09 a.m. with no decision being called for in open session.

The indigent hearing resumed at 10:09 a.m. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Deputy P.A. Jim Cornwell, Financial Specialist Lina Millar, Hearing Manager Kellie George, the applicant, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to deny Case No. 2019-691. The hearing concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

### INDIGENT MATTERS

The Board met today at 10:11 a.m. to consider indigent matters. Present were: Commissioners Pam White and Leslie Van Beek, Financial Specialist Lina Millar, Hearing Manager Kellie George, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to issue continuances as follows:

<b>Case No.</b>	<b>Continuance Date:</b>
2019-710	September 12, 2019
2019-726	September 12, 2019
2019-810	October 10, 2019
2019-690	October 10, 2019
2019-782	October 10, 2019
2019-851	September 12, 2019
2019-786	October 10, 2019
2019-686	October 10, 2019
2019-713	October 10, 2019

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to issue final denials for Case Nos. 2019-754 and 2019-818 with a written decision in 30 days. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to issue a final approval for Case No. 2019-828 with a written decision in the next 30 days. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to issue a final denial for Case No. 2019-733 with written decision in the next 30 days. The meeting concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY NATE MITCHELL REPRESENTING BAAS GROUP, LLC, FOR A REZONE, CASE NO. RZ2018-0040

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by Nate Mitchell representing BAAS Group, LLC, for a rezone from an "A" (Agricultural) zone to a "C-2" (Service Commercial) zone, Case No. RZ2018-0040. Present were: Commissioners Pam White and Leslie Van Beek, DSD Planner Dan Lister, DSD Director Tricia Nilsson, Nate Mitchell, Bonnie Cooper, Michael Kalafactic, and Deputy Clerk Monica Reeves.

Dan Lister gave the oral staff report. The zoning ordinance describes a C-2 zone as an area where activities of a service nature, which are more intense in character than in other commercials, may be carried out. It's a heavier commercial designation that they are requesting. The area is currently zoned agricultural, and the future land use plan shows a multi-designation of residential and commercial which is consistent with Middleton's future land use plan for the city impact area which is a mixed commercial residential use. The parcel is surrounded by 29 subdivisions within a one mile radius and is adjacent to four subdivisions. The soils are moderate to least suited soil and so it's not ideal for agricultural use especially against a highway. The TAZ shows that by 2040 there will be 10-39 job opportunities in this area, however, if you look at the radius of that area there are roughly 1,100 jobs anticipated in the entire area. This is an area that is anticipated for commercial growth. There are two impacts that staff identified and that the P&Z Commission agreed upon and that is the commercial use – we don't know what the use will be and being that close to an existing residential subdivision and neighborhood. The neighbors are concerned about potential impacts from the commercial use as in traffic noise emissions that may decrease their property value and their enjoyment of the property so staff provided a land use matrix showing what the C-2 zone could allow which is vehicle repair, trucking terminals, warehousing, food processing facilities that could potentially create these impacts. Canyon Highway District said Old Highway 30 is a designated as a principal arterial and is experiencing 5,800 average daily trips already. ITD identified the highway as being congested and without knowing they want a traffic impact study either as part of a development agreement or before it came to the hearing bodies for decision. The P&Z Commission recommended denial because at the time the applicant did not want to do a development agreement. Staff is recommending denial because they feel it needs a development agreement.

**Nathan Mitchell** said some of the concerns expressed by neighbors are valid and there are things staff has pointed out about some of the allowed use that could take place in a C-2 zone that aren't really what his clients have in mind but they are out there and if the property were sold and it were zoned blanket C-2 somebody could come in with a food processing plant, however, he doesn't think that is the intention. According to Mr. Mitchell, they have not come up with a specific use but rather a list of uses they would like to be zoned for and that they would be willing to put into development agreement recognizing that this is evolving as we speak. Staff hasn't had an opportunity to assess the impact of each individual one but we've tried to narrow it down to what we think the use of the property is going to be. First would be the RV mini-storage with a caretakers unit – those are two separate uses in your zoning ordinance so we would ask for both of those. RV Park – one of the allowed uses we think is appropriate because of the proximity to the freeway and Old Highway 30 is

contractor shops. Their concept of that is having an area where somebody could be build a shop and store material and employees could show up for work and come back at night and park their work trucks at the end of business hours. They are not asking to alter the definition in code for a contractor shop but that is one of the uses they identified as a potential use. They are not looking for welding shops or similar uses but for technical trade people to be able to park their company vehicles and have an office space for a bookkeeper and receptionist.

Mr. Lister said all the uses except for the RV storage, mini-storage, and caretaker are the only ones that are not allowed in the current agricultural zone. RV parks and contractor shops are allowed with a conditional use permit. The contractor shops they typically see are associated with a residential use where they want to use their house as a portion of that contractor shop where they run their office and they store things on site. Code requires that they are stored behind a structure of some sort. It doesn't change the character of the neighborhood. They could be allowed through a conditional use permit to conditionally have that type of use in that agricultural zone. If it's changed to commercial it's just an allowed use, they can run their contractor business through it. Mr. Mitchell said the key difference between a commercial park and an industrial park is we wouldn't be manufacturing product on site. We wouldn't have a welding shop, building trailers, that's more of an industrial park rather than a commercial park where people are operating their business out of it but their business is elsewhere. The two big ones they would ask for would be vehicle fueling with convenience store and retail stores or personal service shops. They recognize the concerns of the neighbors and staff regarding traffic, and they understand the congestion on Highway 44 and Old Highway 30, but Canyon Highway District retains the ability to issue an approach permit and he is confident they will require appropriate traffic studies necessary for whatever use they apply for at that time. The owners of the property are Casey Kensley and Jake Smith. They are having thoughts of a combination of mini-storage and contractor yard development that they will do themselves. Mr. Kensley farms ground which is owned by the owner of Republic Storage so they've discussed partnering on some mini-storage and they have discussed doing some contractor shops outside of that. Mr. Smith's relative owns 208 Storage so there has been some pressure to do some partnering for mini-storage on the property.

**Michael Kalafatic** offered neutral testimony. He shares a property line with the applicants and his concern is not knowing what's going in there and getting zoned C-2 with all the possibilities and if it is storage facility and it can be zoned ag with a conditional use permit he would have no opposition to that but for it to be wide open C-2 where the sky is the limit is concerning to him.

Director Nilsson said a conditional use always requires a site plan and then you can look at what mitigating conditions to have the use fit in to respect neighboring properties or land uses. With a straight rezone we don't have a design review process where we can control any of that. The highway district can control the intensity through the approach permit, but any landscaping or lighting we don't have any ordinance standards to apply. Making the uses conditional you would have that process or standards within a development agreement if the Board felt some mitigation was warranted. If the Board does see the C-1 as an option she believes that would be a material change and we might have to have another hearing before the Board on that so we might not want to make a decision, or continue that and have that discussion with legal counsel. Mr. Mitchell said if the Board is more comfortable with a C-1



zone he thinks that will put his clients in a better position. He then asked the Board to consider two options: A development agreement with the uses they requested or a C-1 zone. He said they can live with either one of those, either one would have to come back before the Board. They do not want to have a single use identified and therefore be tied to a specific use on the entire property. That's why they came up with the short list. If C-1 is more acceptable and staff feels they can administer that better they would be comfortable with it. Director Nilsson said the applicant might want to consider if there is a logical definition to have the northern portion be C-1 and this other portion C-2. We can have two different zones but without a specific uses desired that's another option. Mr. Mitchell said they are not going to put a food processing plant or other intense uses on the property. C-1 adds an additional step to come back to P&Z and as property owners they don't want additional steps. He said Director Nilsson is correct, the properties to the north are residential and if they do CUP's on those there is a lot more leeway in requiring a transition or a buffer to them than if they just have to get a building permit and that is understandable and acceptable.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said the P&Z Commission was unanimous in its denial. There are too many loose ends to make a decision or to even allow the conditional uses; she is also concerned about the letters of objection. ITD sent a letter stating in order for them to withdraw the objection to the proposed rezone the applicants would need to provide an avenue for determining the possible traffic mitigation needed by development of the parcel. A possible solution would be to enter into a development agreement for the parcel requiring a site plan and necessary traffic analysis prior to construction. She wants to make sure the neighbors' safety concerns are mitigated. Safety and mobility are paramount to ITD and they said they cannot remove their objection until sufficient information has been provided to determine traffic impacts. She wants to see the property owners and hear their position on the property. Commissioner White noted the objection of the neighbors and ITD and she encouraged Mr. Mitchell to come in with a more concept plan of what they want to see on the property. She is leaning towards a new public hearing to decide on a C-1 zone. She would also like to see a development agreement. Commissioner Van Beek said the applicant needs to come back with something concrete. Director Nilsson said hearing that the Board wants a site plan, some certainty, it might be helpful to the applicant if you think beyond just a C-1, do you think there is a need to have a development agreement for some basic standards. We can work with the applicant on some basic mitigation buffers, such as fencing or things like that and what those triggers would be when the use develops. If there is a concept plan it can be referenced in the development agreement. Commissioner Van Beek said it clearly states in the staff report that some of the uses under either a condition for C-1 or allowed for C-2 would negatively impact the residential area and the surrounding neighbors and a vehicle fueling station with a convenience store was specifically cited to have a negative impact so we either have to exclude that under C-1 and C-2. Mr. Lister said the C-1 would make it a conditional use permit and they would have to prove they can mitigate for that if not we couldn't make those findings and we'd recommend denial. ITD feels they will miss their chance to look at whatever use goes in and that's why they are deeply concerned but if it's a CUP they will have the chance to review it before it goes to a hearing body and they will be able to express their comments at that point. Commissioner Van Beek said if they come back as a C-1 designation the areas of concern that would be conditioned would have to be overcome or it would be

denied. Commissioner White said the applicant's representative submitted that they would be open to a C-1 designation and the uses of C-1. The Board is not forcing C-1, the applicant contributed to that decision. Commissioner Van Beek made a motion to direct staff to look at this application from an Agricultural designation to a C-1 designation so that we can review this under different zoning criteria and schedule a new public hearing. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 2:25 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS RETAIL ALCOHOL BEVERAGE LICENSE FOR GEORGE AND KAYLA WHITE DBA KEYSTONE PIZZA, AND LOCAL FIRST

The Board met today at 2:44 p.m. to discuss a retail alcohol beverage license for George and Kayla White doing business as Keystone Pizza (transfer license), and for Local First (new license). Present were: Commissioners Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. The transfer license for Keystone Pizza will be rescheduled to allow time for staff to provide further review. When the application for Local First was considered at a previous meeting there was a "hiccup" in the application but legal has reviewed the documentation and provided explanation to the Board's satisfaction. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution for a new alcohol license for Local First. The meeting concluded at 2:45 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2019 TERM CALDWELL, IDAHO AUGUST 16, 2019

**PRESENT:** Commissioner Pam White, Chair  
Commissioner Tom Dale – out of the office  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

#### APPROVED CLAIMS ORDER NO. 8/16/19

The Board of Commissioners approved payment of County claims in the amount of \$24,033.32 for accounts payable.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 9/1/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 9/13/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 9/15/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 9/7/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 9/18/19 for a reunion.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 9/28/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 9/29/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 9/20/19 for a wedding.

CONSIDER AUGUST 16, 2019 AGENDA ITEMS

The Board met today at 9:06 a.m. to consider the August 16, 2019 agenda items. Present were: Commissioners Pam White and Leslie Van Beek, Assessor Brian Stender, Deputy P.A. Dan Blocksom, Deputy P.A. Zach Wesley, IT Director Greg Rast, and Deputy Clerk Monica Reeves. The items were considered as follows:

- **Consider signing appraisal agreement with Robin Brady, Integra Realty Resources, and an appraisal review agreement with Robin Brady, Integra Realty Resources:** Mr. Blocksom said there are two agreements for Mr. Brady, one is an appraisal and the other is an appraisal review. Assessor Stender referred to a sheet which noted some properties owned by RCG (JC Penney's and Macy's) in the Nampa Gateway area. In 2018 the Assessor started out with a value of \$29 million, but the board of tax appeals reduced it to \$20,995,000, but the owner's opinion of value is about \$12 million. He is requesting to hire Robin Brady as a third-party independent appraiser to see what his value would be on the facility, and once they get that back the Assessor's Office may be in a stronger position in negotiations. Commissioner Van Beek had questions regarding the cost for Mr. Brady's services against the amount of tax revenue, and in previous conversations it was said it may end up being a break even situation. Assessor Stender said the total difference between two years is \$328,000 and the appraisal is \$17,500. Commissioner Van Beek said there are a number of cases going to court that will need to be appraised and what she understood from legal counsel was that hiring the appraiser will get it closer. At the point the appraisal comes back there will be a re-evaluation of how close or how far apart we are and how we pursue that. Assessor Stender said this is odd in that we are defending the board of tax appeals' decision and we are trying to get a third-party opinion of what they believe the assets are. One of the facilities, Circus Trix, sold for about \$4.5 million and the owner wanted \$2.5 million on the building alone so there is some correlation between the Assessor's numbers and what has actually been sold. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the appraisal agreement and the appraisal review agreement with Robin Brady of Integra Realty Resources. (See Agreement Nos. 19-109 and 19-110.)
- **Consider signing appraisal services agreement with Steven Johnson, Newmark Knight Frank Valuation & Advisory, LLC:** Assessor Stender said this is another property owner who was not happy with the way his value went through BOE and he decided to bypass the board of tax appeals and is going straight to district court. Steven Johnson, who specializes in this industry, is going to appraise several other properties and the Assessor's Office would like to have this one added to the list while he is here. The 2019 assessed value was \$5.4 million, but the owner would like a value of \$4.4 million. The facility sold within the last couple of years for around \$6 million. Commissioner Van Beek said on the earlier contract that was signed there was a not to exceed but on this one it's a flat fee of \$5,500, unless we have to go to court. She asked for an explanation of "fee simple estate." Mr. Blocksom said if somebody owns a piece of property as fee simple, not as a leased interest or

something else, how much is it worth. Assessor Stander said it's not encumbered by anything else, it's not a leased interest – you own the whole bundle of rights with the property. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the appraisal services agreement with Steve Johnson with Newmark. (See Agreement No. 19-111.)

- **Consider signing legal notice of entering into a personal services contract with Steve Johnson, MAI; and Robin Brady, MAI:** The County is required to publish notice of entering into a personal services contract if payment may exceed \$10,000. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the legal notice of entering into a personal services contract with Steve Johnson, MAI and Robin Brady, MAI.
- **Consider signing sole source declaration for CenturyLink connectivity service order to the Weed and Pest Department building:** Mr. Blocksom said this item is a follow-up to a meeting held earlier in the week. There are several different ways to procure things without having to go through a formal procurement process and it's possible that at least two would apply to the CenturyLink situation but we haven't been able to get concrete confirmation on those. Just in case those other exemptions do not come through we can also go through a sole source procurement and that would definitely work in this case. If the others don't come through, on September 6 the Board can consider the CenturyLink contract that would provide the services to the Weed and Pest department. Commissioner Van Beek said we set aside money in 2019 for the fiber optic project and this came in significantly over that which basically shut it down in the best interest of the taxpayers. We want to have a legally defensible contract and we want to wait for information, but on the other side we can do sole source to move ahead and secure it. Director Rast explained the contract he's had with CenturyLink and how we got to this point. He feels comfortable moving to the sole source side of it. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the sole source declaration for the CenturyLink connectivity service order to the Weed and Pest Department.

At 9:28 a.m. Deputy P.A. Zach Wesley requested the Board go into Executive Session as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 9:28 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) to discuss records exempt from public disclosure and attorney-client communication, communicate with legal counsel regarding pending/ imminently likely litigation, 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 Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:13 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.

#### AUGUST 2019 TERM

CALDWELL, IDAHO AUGUST 19, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Staples in the amount of \$1679.88 for the Sheriff's Office

#### APPROVED CLAIMS ORDER NO. 8/19/19

The Board of Commissioners approved payment of County claims in the amount of \$108,664.27 for accounts payable.

#### APPROVED CLAIMS ORDER NO. 8/26/19

The Board of Commissioners approved payment of County claims in the amount of \$129,241.47 for accounts payable.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Family Dollar, Inc. dba Family Dollar #27513 and Jackson Food Stores, Inc. dba Extra Mile #164. See resolution no. 19-130.

## SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for George & Kayla White dba Keystone Pizza. See resolution no. 19-129.

## LEGAL STAFF UPDATE AND CONSIDER AUGUST 19, 2019 AGENDA ITEMS

The Board met today at 9:00 a.m. for a legal staff update and to consider the August 19, 2019 agenda items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Jennifer Almeida, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The first item considered was the request for a refund to Jay Walker/All Terra Consulting on behalf of Mike Provost for the withdrawal of a short plat application. Ms. Almeida said the applicant submitted applications for a rezone, short plat and a private road, the total fees were \$2900. On July 23 the applicants requested to withdraw the applications and requested a partial refund. They are working with the City of Greenleaf to annex into the city. Based on the work completed by staff, specifically the rezone was the application that was worked on by staff we are requesting that not be refunded, but the fee for the short plat be refunded for \$2,050. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek the Board voted unanimously to sign the resolution granting the refund in the amount of \$2,050. (See Resolution 19-128.) Ms. Almeida left at 9:03 a.m. As part of the legal staff update a request was made to go into Executive Session as follows:

### EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:03 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) discuss records exempt from public disclosure and attorney-client communication, and to communicate with the legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Dale, Van Beek, and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Monica Reeves. Deputy P.A. Mike Porter arrived at 9:08 a.m. The Executive Session concluded at 9:22 a.m. with no decision being called for in open session.

While in open session the Board resumed its consideration of the agenda items as follows:  
**Consider Request for Reconsideration for Karcher Farm, LLC & SS Karcher, LLC, Case No. OR2018-004** – Zach Wesley said the Board received a letter from Morrow and Fischer on June 28, 2019 regarding the Karcher Farms, LLC, and SS Karcher, LLC comprehensive plan map amendment that came before the Board on June 17, 2019. The letter is from the law firm of Morrow and Fischer signed by William Morrow and it states that the letter is on behalf of Mr. Morrow's clients who have property in the area, although he does not identify the clients. There is not an obligation to review an anonymous letter just because it came from a law firm in order to have a land use matter before a court or before this Board, the parties

have to identify their names and how they are affected, that's a prerequisite before going forward so Mr. Wesley's recommendation is the Board deny this request on those grounds. Commissioner Dale said with the explanation, regarding Case No. OR2018-004, which is a request for a reconsideration regarding the Karcher Farm, LLC decision the Board made on June 17, 2019 he made a motion based on the fact they have not met the fundamental requisite for standing on recordation, that the Board deny the request for reconsideration. The motion was seconded by Commissioner Van Beek and carried unanimously. (Mr. Wesley left at 9:26 a.m.)

**Consider new and transfer alcohol licenses for Extra Mile #164 (new license); Family Dollar #27513 (new license); and George and Kayla White dba Keystone Pizza (transfer license)** - Commissioner Van Beek noted her concern about the number of alcohol licenses, new or otherwise, in the Treasure Valley. She is not into prohibition but she is into managing the amount of alcohol and seeing what the County's tolerance is. Commissioner Dale said he reviewed the applications and they have met all the requirements to receive licenses from the County. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the resolutions for new licenses for Extra Mile #164 and Family Dollar #27513, and to approve the transfer license for George and Kayla White dba as Keystone Pizza.

The meeting concluded at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY BRECKON LAND DESIGN ON BEHALF OF LEIGHTON, LLC FOR A PRELIMINARY PLAT, IRRIGATION, AND DRAINAGE PLAN FOR LEIGHTON LAKE ESTATES SUBDIVISION, CASE NO. SD2018-0008

The Board met today at 10:05 a.m. to consider a request by Breckon Land Design on behalf of Leighton, LLC, for a preliminary plat and an irrigation and drainage plan for Leighton Lake Estate Subdivision, Case No. SD2018-0008. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Debbie Root, Jon Breckon, and Deputy Clerk Monica Reeves. Debbie Root gave the oral staff report. The request is for a 17-lot subdivision in an R-R zone on an existing mineral extraction site. The applicant received a rezone to R-R zoning and the current plat is consistent with the R-R lot size of a minimum two-acre average. They have received, via a director's administrative decision, a road width reduction from 60 feet to 50 feet to accommodate the septic systems on site. It's a layout location issue because of the live water of the ponds. Prior to the rezone being approved they had also received water rights from the Idaho Department of Water Resources for the accessory use of the ponds once they re-fill from the mineral extraction. There is some mineral extraction still occurring on the site and they are completing that. They have reclaimed and prepared portions of the site already in preparation for the development. They have dedicated future roadways on this site. Lot 12 will be dedicated for future roadways, there is an irrigation easement for Middleton Mill. ITD has confirmed that the approach permit for the current commercial access is in place for the change of use for the residential use. It will be residential and commercial combined access at the existing location onto Highway 44. The plat is in substantial conformance with Idaho Code and the County code for subdivision planning. The Northwest Pipeline gas line runs through this property. The easements have



been provided and staff has consistently encouraged the applicant to ensure that potential buyers are aware of that. It is clearly noted on the plat and the documents. Staff recommends approval of the request. Following her report, Ms. Root responded to questions from the Board regarding the technical details of application and the plat. Jon Breckon testified in support of the request. The highway frontage and approach are in the works. They have a permit for the gravel extraction which is a commercial use and once the gravel extraction is complete ITD will require that permit to be changed to a residential use. It's anticipated that will not require any additional modification to the approach because when they started this project the owner was required to widen Highway 44 and put in a turn lane. They did a traffic impact study at that time. The traffic engineering is doing an update to the traffic study to make sure the current turn lanes meet current requirements. Mr. Breckon responded to questions from the Board regarding the irrigation, roads, the gas line, and the lakes on the property as well as his plans for the property. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close the public hearing. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the preliminary plat, irrigation and drainage plan for Leighton Lake Estates Subdivision, Case No. SD2018-0008. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to approve the Findings of Fact of Conclusions of Law and Order for Leighton Lake Estates Subdivision. The hearing concluded at 10:33 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONTINUE THE PUBLIC HEARING IN THE MATTER OF A REQUEST BY LEIGH SALISBURY FOR A PRELIMINARY PLAT AND FINAL PLAT FOR STITES FARM SUBDIVISION; CASE NO. SD2019-0003

The Board met today at 1:30 p.m. to continue the public hearing in the matter of a request by Leigh Salisbury for a preliminary plan and final plat for Stites Farm Subdivision; Case no. SD2019-0003. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross. Ms. Almeida said the applicant is working on completing the road improvements as well as the irrigation and needed a little more time. The road is near completion and they plan to submit a letter of credit for the irrigation to finish those improvements in the fall. Commissioner Van Beek made a motion to continue the hearing to September 5, 2019 at 1:30 p.m. The motion was seconded by Commissioner Dale and carried unanimously. The meeting concluded at 1:31 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 20, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale

Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- SHI in the amount of \$36,042.00 for the Information Technology department
- BOE in the amount of \$45,000.00 for the Information Technology department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Slicks Bar to be used 8/24/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 9/21/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 9/14/19 for a wedding.

APPROVED CLAIMS ORDER NO. 8/26/19

The Board of Commissioners approved payment of County claims in the amount of \$7380.23, \$25,183.53 and \$106,923.10 for accounts payable.

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

The Board met today at 8:30 a.m. with the Directors of Facilities and Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Facilities Director Paul Navarro, IT Director Greg Rast, Assistant IT Director Eric Jensen and Deputy Clerk Jenen Ross.

Director Navarro updated the Board on the following:

- Fair is done for the year and all cleaned up although there is still one issue to deal with at Gabiola Fields. The fair midway took place on the field and was immediately

followed by the rodeo thus ruining the newly planted grass. He feels the best course of action would be to meet with Director Sinner and the stakeholders to determine how cost will be divided to repair the lawn as both the fair and rodeo have some amount of culpability. The County installed and paid for the sprinkler system, the college paid for the grass seed but there is some contention about who owns the property so the County has stepped out but has not heard anything more from the city.

- They are about 70% complete on the Norman property project and anticipate being done in 2-3 weeks.
- The Security office is almost complete and anticipated to be complete in 2-3 weeks.
- There are several projects that different Eagle Scout groups will be helping with including at the gun range, Lake Lowell and Celebration Park.
- Discussion was had about the roof on the animal shelter. The project will not have to go out for RFQ due to being able to use the architect of record.
- The process to remodel the Lake Lowell office has been started.

Director Rast updated the Board on the following:

- There was a \$37K PO for a printer in the print shop that has been voided as the machine did not perform as expected and has been sent back to Boise Office Equipment. BOE has a certified pre-owned machine for \$45K which includes a booklet maker. Director Rast spoke about his budget and how it will allow for this purchase. A new PO was presented to the Board for consideration.
- Several years ago the county fell behind on Microsoft licensing. Director Rast created a 5 year plan to get everything caught up and this is the last 100 licenses. He presented a PO to the Board for \$36K, however only \$18K was budgeted but he has found savings in other areas as he feels this is more important in order to get the county into compliance with Microsoft.

The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEM

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed left at 9:36 a.m., Facilities Director Paul Navarro left at 9:09 a.m. and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing declaration and notice of professional services contract with Houston-Bugatsch Architects for architectural and engineering services for the Canyon County Animal Shelter roof:*** Mr. Laugheed explained that an architect needs to be hired for the architectural and engineering services. Rick Bugatsch was the principle architect for Olsen and Associates in 1999 and was the one who stamped the drawings for the current shelter and roof. There is an exception for A&E services in Idaho code for projects that are associated or phased and this project comes close to meeting those requirements. They have combined the phased/associated project with the same kind of notice that is done for sole source giving the public opportunity to offer comment. Noted for the record there is a significant savings in having the project move forward in this manner. Director Navarro spoke about the necessity of a new roof and materials that could be used to better serve the shelter and make it more energy efficient. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the declaration and notice of professional services contract with Houston-Bugatsch Architects for architectural and engineering services for the Canyon County Animal Shelter roof.

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

*A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:09 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records that are exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:36 a.m. with no decision being called for in open session.

After the executive session the following action items were considered:

***Consider signing a resolution for a new alcohol license for Family Dollar Store #27267 and The Farmhouse Tap House:*** Commissioner Dale made a motion to sign the resolutions granting new alcohol licenses to Family Dollar Store #27267 and The Farmhouse Tap House (see resolution no. 19-131). The motion was seconded by Commissioner White. The motion carried by a majority vote with Commissioner Van Beek choosing not to vote. The meeting concluded at 9:38 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 10:00 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Juvenile Detention Steve Jett, Field Training Coordinator Shawn Anderson and Deputy Clerk Jenen Ross.

Director Jett updated the Board on the following:

- Numbers are currently down which is normal for this time of year with school starting.
- Currently there are 4 open positions, 3 officers and one clerical, although the clerical position will not be filled at this time.
- Use of force training is coming up, along with a PREA annual training and a first aid/CPR training recently took place.
- PREA audit is coming up at the end of September.
- The food contract RFP is continuing to move forward.
- Four people will be attending the National Partnership for Juvenile Services Leadership Institute and the National Symposium for Juvenile Services will take place in Salt Lake City this year which Director Jett will be attending.
- Recently a \$500 grant was received from an organization in Nampa for use in the garden.

The meeting concluded at 10:15 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:14 a.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Probation Officer Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Controller Zach Wagoner left at 10:20 a.m. and Deputy Clerk Jenen Ross.

***Director Breach updated the Board on the following:***

- The Odyssey system does not want any fees collected that are not part of state statute – for his department that means the urine analysis fees. The solution to this would either be to collect the fee in CMS or write off the charges for indigent persons. So far this year only \$50 has been collected for this fee and Mr. Wagoner feels the cost of trying to collect the fee in CMS far outweigh the return. The Board agreed it would be best to just write off the fee and not try to track in CMS.
- A DUI diversion program is being explored by the Prosecutor's Office and Public Defender's department where they would want Misdemeanor Probation to monitor

participants. Director Breach feels this could be a fair amount of people to manage and hasn't committed to anything at this point until he knows some real numbers.

- He is continuing to work to fill the vacant PO position.
- Update of numbers: 1304 on supervised probation; 477 on bench warrant status; 301 in the community service program with an addition 10 problem solving courts people that are on a recurring sanction.

***Ms. Catalano updated the Board on the following:***

- Spoke about her department's use of CMS to track and collect fees for urine analysis.
- Transferring of cases between different juvenile probation departments and the issues associated with it.
- Currently have 299 kids being supervised by the probation department; of those kids, 652 hours of community service were completed in July.
- Kickball tournament/truancy event will take place this Saturday. About \$7000 was promised to put the event together; 120 backpacks will be put together for give-away; several bikes will be given away. All portions of the event are done by donation only.

The meeting concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

**MEETING WITH JEFF BRADLEY FROM HOK TO DISCUSS CANYON COUNTY JAIL**

The Board met today at 2:02 p.m. for a meeting with Jeff Bradley from HOK to discuss the Canyon County Jail. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Jeff Bradley and Curt Parde from HOK, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward, Lt. Harold Patchett, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, Clerk Chris Yamamoto, Controller Zach Wagoner, PIO Joe Decker, Chuck Staddick, and Deputy Clerk Monica Reeves. A PowerPoint presentation was given by Mr. Bradley and Mr. Parde, a copy of which is on file with this day's minute entry.

They gave examples of other projects HOK has done:

Wichita County Jail – 672 beds for \$70M

Hays County Jail – 634 beds for \$69M

Davidson County Jail – 1132 beds for \$123M

Wayne County Jail – 2422 beds for \$476M

Indianapolis County Jail Campus – 3000 beds for \$626M

They spoke of projects where they came in after an initial master plan was done and showed owners a different solution. Their philosophy is to establish a scope of work for a county, a budget that supports the scope of work, and designing to that budget. It's a process where they establish the needs and developing a solution that supports those needs and a budget for that project that supports that scope. The Hays County project is an example of a stalled project where HOK came in. The county had a master plan for \$187M and soon after they didn't know what to do, they knew they couldn't put that large of a bond referendum out to the constituents. Two years later HOK was hired to come up with a different scope and

different ideas, and they came up with a \$106M solution that enabled the project to get underway. HOK was able to do similar work on projects in Pueblo County, and Wichita County. Commissioner White noted that HOK did not submit a proposal for Canyon County's design; she asked if it's their general business to watch what counties are doing and then come in and make presentations. Mr. Bradley said he has Google alerts for bond measures and failed jail projects and that's how they know who to meet with. It's not all they do, it's probably about 20%-30% of their business and the other 70%-80% is working with counties initially and developing their needs assessment, master plan, schematic design, and cost estimate. Commissioner Van Beek asked what HOK's contingency amount is, and if they are familiar with the DLR firm. Mr. Parde said they include a 10% contingency at master planning because they feel that is enough to cover things that might come up during the design of the project. It gives the ability to add something during design and construction phase if needed. And yes, they are familiar with DLR and they know they had a 27.5% contingency factor built into their design. A question and answer session ensued and there was discussion about HOK's experience and knowledge of the industry. In their presentation of about facility design, bed space, and program space, Sheriff Donahue asked the gentlemen if they are aware that what they're talking about is in the DLR plan. We don't have mental health facilities in this state. Prosecutor Taylor asked if HOK has evaluated the Pond Lane site, and he asked what the difference is in cost between HOK vs. DLR. Mr. Parde said having driven by what the County has downtown he doesn't think we would "dream of adding a bunch of stuff onto that jail facility" and try to reuse what we have. Putting 1000 beds here is not an option. Mr. Bradley said HOK didn't want to spend their time going over a plan they were told wasn't moving forward; they were told the DLR plan was a greenfield site so that's what they focused on. Prosecutor Taylor asked if HOK can do the project for a cheaper cost and if so, what is the cost? And, how do we build a jail cheaper than what DLR proposes. Mr. Parde said what got their attention a year and a half ago was then \$541 price per square foot. That's a lot and he doesn't understand why it would be that much. They have been successful in working with counties to try to reduce the amount of money they have to spend on these facilities and just to be able to get a bond passed and tell voters that this is what you need and what it costs so they have the confidence you are doing everything you can to make this project work. Commissioner Dale asked if we should be doing a complete architectural drawing and rendering so we know what it will cost. He asked if HOK is proposing they can get us hard numbers to tell the citizens this is a good number because we have "X" amount of drawings, renderings completed and projecting forward this is a good number to go from? Mr. Parde said they work with some of the largest construction companies in the world and they have third-party cost estimators that help them get the right numbers, so yes, they can get Canyon County to that point. If it made more sense to design a building completely and then have it priced he thinks everyone would be doing it, but nobody does that because that's would mean we have to pay someone \$15M (based on a project cost of \$187M) to get to that point, that's unconscionable and we shouldn't have to do that. The CMGC process sometimes, if done properly, is designed to have a contractor selection process done at the beginning of the design phase so that they are mirroring the design process and providing cost estimates on what they think the building will cost, add schematic design, design development and construction documents. They said the County has said it needs 1055 beds by the year 2037 and so HOK asked what the reasoning is for building all of those now. He described the process they would go through with us as we look at the amount of scope for the project.

Sheriff Donahue talked about the extensive work the Sheriff's Office has done with DLR on the needs assessment and the options they looked at. He is confused by the statement that the County needs 1055 beds in 2037 – the County needs 1055 beds today. Mr. Parde said the 1055 beds was in the final cost estimate they looked at. Early in the package there are different options of the number of beds based on the type of growth line you want to consider and it looked like they were including the 1055 as the option that they were moving forward with for the year 2037. Sheriff Donahue said he doesn't want to fill it up as soon as it's built; by 2037 we will have already expanded to handle the additional growth. He talked about the temporary jail trailers (Pod 6) that are being brought in to help with overcrowding but that's only going to net an additional 86 beds. He said they are going to ask the Board to shut down forever the 1948 jail and so we'll lose beds. There are a lot of variables here and he wants to make sure we're on the same page. Captain Ward said the 1055 beds is what they were hoping to reach by 2037 but if you look at the study there were two additional pods to be put in there to bring the capacity up to about 2100 on the Pond Lane site knowing that with the growth in this County 1055 beds will not take us through that 20-year period. Mr. Parde spoke of cost-savings design trends: normative environment, day reporting and inmate programs to reduce recidivism, direct supervision, minimize inmate and staff movement, distributed rear chase maintenance, mental health and pretrial diversion, specialized housing – acute/subacute mental health. Mr. Bradley said in the last 10 years HOK has designed facilities with specialized beds for mental/medical health and transitional needs. Sam Laugheed said architectural and engineering services above \$25,000 have to be awarded on the basis of demonstrated qualifications and experience. Three years ago the County went through an RFQ process and entertained presentations remarkably similar to this one today, and most of what he's heard today has been heard several times and it's not new to most of us. We selected a firm, we went through six months of in-depth discussion and we came up with a concept that before we were able to take it to bond we had HOK and others saying they could do it for much cheaper so we're stuck going well, we could have gone through an RFQ process with you, but instead we're at this point. The County spent \$200,000 on a study and it's a lot of what we're hearing here today. He asked HOK what they are proposing and what unique thing they can offer. Mr. Bradley reviewed more slides of projects they've worked on and he spoke about potential designs and what HOK can deliver. They are good at saving tax dollars and getting buildings built. Commissioner Dale said we have a high level of confidence in the strategic analysis of jail needs and we believe what DLR projected is accurate. HOK is talking about master planning which is interchangeable with what we did with DLR. He asked if HOK is able to use those projections and results that DLR produced without having to start over and do everything again. Mr. Bradley said they call it re-validation. They need to have feedback and input; we are not going to make their future depend on what another firm said Canyon County should do. To do a targeted master plan it's a matter of spending time with the Sheriff's Office. It can be a quick turnaround. Commissioner Dale said it's been two years since DLR started their study so revalidation would be very appropriate to get to the next bond. We're not going to be able to build anything like this even at HOK's lower cost without having a bond. We need to continue this conversation so we can look at the alternatives in both construction and financing and see what's out there. He believes HOK has some good ideas. Mr. Bradley said the longer projects stretch out we are using between 5%-6% in annual cost escalation. Clerk Yamamoto said cost escalation was figured into DLR's number. Commissioner Van Beek thanked those who



attended the meeting and said there is a commitment to work together. Commissioner White said we have to get a map and figure out where we go from here and continue the thoughts. No Board action was required or taken. The meeting concluded at 3:34 p.m. An audio recording is on file in the Commissioners' Office.

## **AUGUST 2019 TERM**

**CALDWELL, IDAHO AUGUST 21, 2019**

**PRESENT:** Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

### **APPROVED PURCHASE ORDER**

The Board approved the following purchase order(s):

- Scottco Distributors, Inc. in the amount of \$4829.37 for the Parks department

### **APPROVED CLAIMS ORDER NO. 8/24/19**

The Board of Commissioners approved payment of County claims in the amount of \$429.00 for accounts payable.

### **MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM**

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley left at 9:02 a.m., Juvenile Detention Deputy Director Sean Brown left at 9:02 a.m. and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing addendum no. 1 for FY2020 Southwest Idaho Juvenile Detention Center food and commissary services request for proposals project:*** Zach Wesley noted for the record that no questions were received and no corrections are needed so there is no addendum necessary. Proposals are scheduled to be opened on August 28, 2019.

### **EXECUTIVE SESSION – ACQUISITION OF AN INTEREST IN REAL PROPERTY, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS**

*A request was made to go into Executive Session as follows:*

Commissioner Dale made a motion to go into Executive Session at 9:04 a.m. pursuant to Idaho Code, Section 74-206(1) (c), (d) and (i) regarding acquisition of an interest in real property, records that are exempt from public disclosure and to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Brad Goodsell and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:27 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.

RESCHEDULE PUBLIC HEARING - REQUEST BY JAY WALKER FOR A PRELIMINARY PLAT, FINAL PLAT, IRRIGATION & DRAINAGE PLAN FOR KACHUPA RIDGE SUBDIVISION, CASE NO. SD2018-0005

The Board met today at 10:00 a.m. to reschedule the public hearing for Kachupa Ridge Subdivision. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Ms. Almeida reported that the applicant updated her on the status of the improvements for this project. They've had issues with the contractor being busy on a more pressing project which has not allowed them to complete the storm drain improvements or the improvements required by the highway district so they are requesting a date towards the end of September. This case has been continued several times so Ms. Almeida asked if the Board would direct staff to re-notice the hearing so the surrounding property owners are aware of the new date and time. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to reschedule the hearing for Kachupa Ridge Subdivision, Case No. SD2018-0005, to September 27, 2019 at 10:00 a.m., and to direct staff to re-notice the hearing to provide notice to surrounding property owners. The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH MAYOR KLING TO DISCUSS MANAGEMENT OF THE CANYON COUNTY HISTORICAL SOCIETY NAMPA TRAIN DEPOT MUSEUM AND CONSIDER ACTION ITEM

The Board met today at 11:04 a.m. with Mayor Kling to discuss management of the Canyon County Historical Society Nampa Train Depot Museum and to consider action item. Present were: Commissioners Pam White and Tom Dale, Commissioner Van Beek arrived at 11:13 a.m., Clerk Chris Yamamoto, Controller Zach Wagoner, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend, PIO Joe Decker, Mayor Debbie Kling, Amy Bowman, Joe Bell, David Ferdinand and Deputy Clerk Jenen Ross. Director Schwend gave background information about the Historic Preservation Commission and the grant process. Discussion ensued on the following points:

- There are two issues to be considered: the organization is struggling but still in charge of the care of the building but the application meets all the requirements for historical funding.
- The Nampa Train Depot is still owned by Union Pacific.
- Concerns have been raised about why the \$1.5M the Canyon County Historical Society has been given since 1974 hasn't been used for maintenance and care of the building.
- Mayor Kling spoke about the commitment of the city to the train depot and how they won't let it go. She discussed the struggles of the volunteer community aging out and that there are very few, if any, grants available for the administration portion of organizations. She cannot attest to how funds were used in the past but is committed to the present and future and since 2013 there has been a better accounting and allocation of the funds.
- Director Schwend reviewed the request for FY2020 as follows: \$19,850 for the professional inspection, repair, cleaning, coating and restoration of the building's entire 400 linear feet of 1920's era gutter system on the Union Pacific building. She also spoke about the importance of the repair to the gutters.
- Suggested to the city for the historical society to apply for a grant for a capital improvement and maintenance plan which could help with the direction and organization of the historical society which could be encouraging for more people to volunteer.

Commissioner Dale made a motion to approve the historic preservation funding to the Canyon County Historical Society. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 11:42 a.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2019 TERM

CALDWELL, IDAHO AUGUST 22, 2019

PRESENT: Commissioner Pam White, Chair  
 Commissioner Tom Dale  
 Commissioner Leslie Van Beek  
 Deputy Clerk Monica Reeves / Jenen Ross

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Acapulco Mexican Restaurant to be used 9/2/19 for a wedding.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Goodwood Barbecue Company to be used 9/2/19 for a wedding.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- SHI in the amount of \$1270.68 for the Information Technology department

#### MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:49 a.m. to consider indigent decisions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility requirements for county assistance: 2019-1119, 2019-1172, 2019-1221, 2019-1044, 2019-1257 and 2019-1255. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days.

Case no. 2019-1211 is pending a resource. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to place the case into suspension.

Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue an initial approval on case no. 2019-1217.

Director Baker brought to the Board's attention two cases for one applicant that have both been approved, case nos. 2019-121 and 2019-825. The applicant has been diagnosed with cancer, the previous applications did not include radiation therapy so an additional request has been submitted to include that treatment. Director Baker, with advice from the PA's Office, suggest this treatment just be added to the existing, approved case. It is the same dates of service and the county has already paid its \$11K for the catastrophic year so this would go straight to the catastrophic fund for payment. Commissioner Van Beek made a motion to include these dates of service for approval. The motion was seconded by Commissioner Dale and carried unanimously.

The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Jim Cornwell, Deputy P.A. Brad Goodsell left at 9:15 a.m., Landfill Director David Loper left at 9:15 a.m., Director of Juvenile Detention Steve Jett and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution rescinding the transfer of PIN 04972000 0 to the Caldwell Housing Authority:*** Brad Goodsell explained this property was taken by tax deed and transferred to the Caldwell Housing Authority but there have been some issues raised about whether the transfer was proper. Instead of going thru litigation the housing authority has agreed to quitclaim the deed back to the county so the original owner will have the opportunity to redeem the property. Mr. Goodsell said the previous owner was asked to tender the checks for redemption and reimbursement to the housing authority and those certified checks have been given to the Treasurer's Office. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution rescinding the transfer of PIN 04972000 0 to the Caldwell Housing Authority (see resolution no. 19-132).

***Consider signing agreement for ongoing wood waste removal from Pickles Butte Sanitary Landfill:*** A notice of termination will be sent to the current contractor to terminate on September 30<sup>th</sup> if the Board chooses to move forward with the new vendor; the new contact would begin October 1, 2019. Director Loper spoke about the two proposals that were received and the savings offered by Timbercreek Recycling, LLC. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the agreement for ongoing wood waste removal from Pickles Butte Sanitary Landfill (see agreement no. 19-112).

***Consider signing MOU with Twin Falls County for the assignment of Steve Jett to conduct PREA Audit:*** Twin Falls County has accepted all the terms and Canyon County has been indemnified. Director Jett will do the inspection and provide the report to Twin Falls County who will reimbursement all costs to Canyon County. At the request of Commissioner Van Beek, Mr. Jett spoke about the audit process. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the MOU with Twin Falls County for the assignment of Steve Jett to conduct PREA audit (see agreement no. 19-113).

The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH PUBLIC INFORMATION OFFICER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:30 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Tom Dale, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker updated the Board on the following:

- Budget hearing is next Wednesday and he is working with Zach Wagoner to get some additional information up on the website.
- A reporter will be here today to interview the code enforcement officer for DSD.
- Bryan Taylor has an interview today with Emily Lowe regarding the Clark decision which was the Idaho Supreme Court ruling regarding misdemeanor arrests.
- Election is next Tuesday and the logic and accuracy test will take place today.
- Last week he and the PAs Office met with Nicole Foy regarding public records requests to show the process and the number of requests received.
- Commissioner White is scheduled to be on KBOI in September.
- Commissioner White asked about an email she received to live stream meetings. Mr. Decker gave his opinion of what might be able to be done and potential issues. He will check with IT about possibly live streaming the budget meeting.

The meeting concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING – REQUEST BY TREASURE VALLEY RENEWABLES, LLC, FOR A DEVELOPMENT AGREEMENT MODIFICATION AND SIGNATURE, CASE NO. DA2019-0006

The Board met today at 10:03 a.m. for a public hearing to consider a request by Treasure Valley Renewables, LLC, for a development agreement modification and signature, Case No. DA2019-0006. Present were: Commissioners Pam White and Tom Dale, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Commissioner White opened the hearing by stating she wants all three Commissioners to be in attendance to consider this request because it's a big decision and it has been a "divided house" in the past. Following a brief discussion about a proposed new hearing date/time, Commissioner White made a motion to reschedule the hearing to September 13, 2019 at 1:00 p.m. The motion was seconded by Commissioner Dale and carried unanimously. The meeting concluded at 10:07 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 23, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

## APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

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

## MEETING TO DISCUSS PROGRESS ON THE TEMPORARY JAIL PROJECT

The Board met today at 9:01 a.m. to discuss progress on the temporary jail project. Present were: Commissioners Pam White and Tom Dale, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Paul Navarro, Captain Daren Ward, Deputy P.A. Mike Porter, Sheriff Kieran Donahue, PIO Joe Decker, and Deputy Clerk Monica Reeves. Director Navarro said they found the insignias and they are shipping them to the third-party inspector. The City of Caldwell has reviewed the plans, and the building permit is a staggering cost of \$112,000. Captain Ward spoke with ADS last week and the first 12 trailers will be on the road September 6 and are due to arrive in Caldwell on September 9. He will travel to Missouri next week for a final inspection. Director Navarro reported that ADS does not yet have a contractor's license and a building permit will not be issued until they have obtained their license. Also, they took their public works exam but they have not been issued their public works license. Commissioner White asked if ADS could hire a contractor and sub out the work, but Director Navarro said that's a question for legal counsel. He also reported there is another issue involving paint. Sheriff Donahue said there are other issues for this meeting, such as: 1) Is the Board going to approve the change order to paint the exterior walls of the temporary facility. As was pointed out by legal counsel, the most expedient solution is for the Board to sign the change order. 2) If the Board is going to approve the change order it would seem prudent to have ADS do the painting in Missouri and we should get that resolved. 3) If the change order is approved but the County is going to do the painting he sees no reason to amend the special use permit (SUP). Commissioner White said if it has to go back through planning and zoning it could push it out another 60 days. The painting has to be done because it's in the SUP and therefore we need to keep it moving forward. Director Navarro said they reached out to ADS and asked for a paint bid and to make sure the color matched the skirting and he expects to have those numbers by early next week. The SUP was very clear that the color has to match the Dale Haile Jail. Commissioner Dale said he agrees with Sam Laugheed's assessment of the process, and he recalls conversations where they assured us they could paint the trailers and make it look the right way and it was understood that it would be required. Clerk Yamamoto said ADS was given three color swatches and so he's curious as to why this issue is coming up now. He agrees with the premise to get it done but we need to know what the cost is and if ADS is trying to make up some ground with the paint job that's where we need to negotiate. The units are not stainless steel, they are powder-coated (aluminum, metal and tin) on the outside. When asked if the facilities staff can paint the trailers, Director Navarro expressed concerns about the prep work and weather. Sheriff Donahue said he doesn't believe ADS is trying to pull a fast one. The contract was signed and the tentative SUP was in place but we did not have the paint in the contract so it's not ADS's fault, it's ours. They have to be painted based on the SUP and that comes back on the County. The longer we delay the prices will go up. He said if we are

thinking about changing the SUP and going back 3-4 months they should shut the project down. He expressed his frustration with the pitfalls and setbacks associated with the project and he said we need to get this moving forward. The SUP is an important piece and the County agreed to it. Commissioner White said we were fortunate to the SUP and we want to keep moving this forward as efficiently as we can. Sheriff Donahue referred to an email from Commissioner Van Beek who suggested the County consider amending the SUP, but he is opposed to that idea because the SUP has been finalized. He asked if there's an opportunity for the Board to approve the change order, and if so, we need to decide if we're going to have ADS paint them in Missouri or in Caldwell. Commissioner White agreed that we do not need to revisit the SUP, and with regard to the paint, she wants to do what is the most efficient and cost effective. She thinks the trailers should be brought here and painted once they're in place. Commissioner Dale and Sheriff Donahue agreed. Clerk Yamamoto said ADS should do the painting because we don't want to muddy the water with the warranty, and he urged the Board to not take any action until a cost has been affixed to it. Where the trailers are painted or how they are painted is up to the ADS, we need to stay out of that. Commissioner White said we need to stay involved to make sure it's the least expensive for us. Director Navarro said we can go back to ADS and ask them to expedite the price quote but please, no further delays. Sheriff Donahue said that message needs to come from the Board. Commissioner Dale said that message can be sent by Director Navarro based on the Board's direction today. Director Navarro will send an email and copy everyone, and Captain Ward can follow up with a telephone call. He will also ask about the status of their contractor registration and their public works license. Commissioner Dale said that needs to be pursued because we don't want any hiccups with getting the license while the trailers sit here. The state needs to know this is an alternative solution to jail overcrowding and we need help to expedite it. Director Navarro said perhaps ADS should contact the state. He also said if ADS erects the trailers without the building permit the penalty will be four times the cost of the permit and we'd be looking at a fine of half million dollars. They need their license to do ANY work. Commissioner White asked Director Navarro to follow up and let ADS know that. Sheriff Donahue said he's certain ADS is aware they would face a stiff penalty and they're not going to try to erect anything and we're not going to allow that. Commissioner Dale said if someone has contact information for the state agency he will contact them. Director Navarro said he will forward the contact information for the director of the Idaho Bureau of Occupational Licenses which is where they are getting their contractor registration. Captain Ward said we make progress and then there's a pitfall and so he asked if Director Navarro can check for any other issues that could come up. Director Navarro said this is not a normal construction project and the hiccups are unknown to him too; he's never had a building constructed in another state and inspected by a third-party. He said the erecting of the trailers and putting them in place is going to be the easiest part of the process. We have to build the fence and provide landscaping before occupancy, and we have to submit an emergency evacuation and fire plan. As soon as the trailers are placed staff will be right behind them with the fence. Commissioner White asked Director Navarro to prepare a checklist for the project. In addressing the Sheriff, Commissioner Dale said any communication with ADS or the City of Caldwell needs to go through "you guys", not anyone else. The meeting concluded at 9:32 a.m. An audio recording is on file in the Commissioners' Office.



PUBLIC HEARING – REQUEST BY BRENT COMPTON FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NO. OR2019-0003 & RZ2019-0007; AND A REQUEST BY BRENT COMPTON FOR A PRELIMINARY PLAT AND FINAL PLAT FOR COMPTON SUBDIVISION, CASE NO. SD2019-0007

The Board met today at 10:08 a.m. to conduct a public hearing in the matter of a request by Brent Compton for a comprehensive plan map amendment and rezone, for Case No. OR2019-0003 & RZ2019-0007, and a public hearing for preliminary plat and final plat approval for Compton Subdivision, Case No. SD2019-0007. Present were: Commissioners Pam White and Tom Dale, DSD Planner Jennifer Almeida, Kris Compton, Brent Compton, Tyler Compton, Jackie Mayo, David Mayo, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report for both cases. The subject property is currently designated as agricultural on the 2020 future land use map. There is a residential designation to the north of the property. It is within Nampa's impact area, and the city designates the property as low-density residential with one to three dwelling units per acre. The surrounding area contains residential and agricultural uses. There are two platted subdivisions within one mile for a total of five lots; those lots have a 2.92-acre average lot size. To the north of the subject property is a platted subdivision, Joplin View, which contains four residential lots. There is rural residential zoning located north of the property. The property is not located within a nitrate priority area; it does have frontage on Joplin Road. The Canyon Highway District said there is a gravel driveway for the existing residence that accesses the public road system. Driveway access facing onto a major collector road is 210 feet. Any new accesses will require approval of an approach permit and that can be obtained at the time of building permit. The highway district indicated there would not be any significant traffic impacts from the proposal. The P&Z Commission recommended approval on June 20, 2019. Staff is recommending approval of comprehensive plan map amendment and rezone. Regarding the plat, Ms. Almeida said Compton Subdivision will contain two residential lots, one of the lots contains the existing residence. The subdivision utilizes individual domestic wells and septic systems, gravity irrigation and both lots will have frontage on Joplin Road. Keller and Associates has reviewed the plats. The City of Nampa has no concern with the application. The requested right-of-way of 40 feet is shown on the plat. The domestic well for Lot No. 2 lies within the 40-foot dedication shown on the plat. The applicant gained approval of a variance from the highway district on April 18, 2019. No written objections to the plat have been received. The P&Z Commission recommended approval on June 20, 2019. The plat and irrigation plan meet Idaho Code requirements. Staff is recommending approval of the pre plat and final plat. Brent Compton testified that they started this process a year ago, and the main purpose is to split off a lot to allow their son to build a home on the property. They have obtained agency approvals. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to close the public hearing. Commissioner Dale said this is very straightforward case where all requirements have been met and he feels both applications should be approved. He then made a motion to approve the findings of fact, conclusions of law and order for Compton Subdivision, Case No. SD2019-0007. The motion was seconded by Commissioner White and carried unanimously. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to approve the comprehensive plan map amendment and the resolution that goes along with

it. (See Resolution No. 19-133.) Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to approve Case RZ2019-0007 for a rezone and to sign the ordinance for Brent Compton. (See Ordinance 19-036.) Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to approve the preliminary plat and final plat for Compton Subdivision, Case No. SD2019-0007. The hearing concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS MOU WITH THE CITY OF NAMPA

The Board met today at 1:19 p.m. to consider signing the 2019 Byrne Justice Assistance Grant (JAG) Program MOU with the City of Nampa. Present were: Commissioner Pam White, Commissioner Tom Dale via tele-conference, Controller Zach Wagoner and Deputy Clerk Jenen Ross. Commissioner White read into the record that City of Nampa will pay \$26,167 of JAG funds to the county and will retain \$40,626. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to sign the Byrne Justice Assistance Grant with the City of Nampa (see agreement no. 19-114). The meeting concluded at 1:21 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2019 TERM

CALDWELL, IDAHO AUGUST 26, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Idaho Tower Construction Co. in the amount of \$2141.76 for the Information Technology (16-4138)
- Idaho Tower Construction Co. in the amount of \$2141.76 for the Information Technology department (16-4139)

#### APPROVED CLAIMS ORDER NO. 8/26/19

The Board of Commissioners approved payment of County claims in the amount of \$75,140.73, \$66,228.55, \$72,385.09 and \$50,818.76 for accounts payable.

### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:30 a.m. for an office staff meeting. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy Clerks Jenen Ross and Jamie Miller, and Monica Reeves. The Board reviewed this week's schedule with staff. The meeting concluded at 8:44 a.m. An audio recording is on file in the Commissioners' Office.

### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Mike Porter, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing FY2020 Indigent Defense Financial Assistance agreement form:*** The Public Defenders' office is receiving additional funds this year to help offset the new caseload requirements. A discussion ensued about how the monies will be applied. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the FY2020 Indigent Defense Financial Assistance agreement form (see agreement no. 19-167).

A letter was presented to the Board to terminate the contract with Enviro-Progress, Inc. for wood waste disposal at the landfill. A signed copy of the letter is on file with this day's minute entry.

The meeting concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

### ELECTED OFFICIALS' MEETING

The Board met today at 9:30 a.m. for an elected officials' meeting which took place in the public meeting room of the administration building. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Prosecutor Bryan Taylor, Deputy P.A. Dan Blocksom, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Chief Deputy Assessor Joe Cox, IT Director Greg Rast, PIO Joe Decker, and Deputy Clerk Monica Reeves. Clerk Chris Yamamoto at 10:20 a.m. The following topics were discussed:

Joe Cox reported the Assessor's Office has been working on the discovery process for BOE appeals that have been filed. He also reported there are 11 pending applications for projects that are seeking the property tax exemption.

Commissioner White reported the employee appreciation luncheon will be held on Friday, October 4. To-go orders will not be prepared this year; however, supervisors will be able to prep box lunches for their staff that are unable to attend the event.

Director Rast reported on IT security issues that have arisen due to employees clicking on suspicious links. He wants to do a quarterly phishing campaign to bring awareness to the issue. Elected officials will be given reports listing the names of their respective employees (if any) who are clicking on the suspicious links. Other updates referenced remote access, the VPN policy and the mobile device policy. IT's focus is on security.

Commissioner Van Beek said the FY2020 budget hearing will be held on August 28, 2019 at 5 p.m. and she would like to have a conversation about designating a funding source for public safety as a fund or a line item for capital improvements. The Board has authorized HR to implement harassment training starting with the Board's employees. The security director interviews will be held on September 3.

Commissioner Dale spoke about how we need everyone's involvement on the jail project. It's a group effort and we all need to be on the same page if we're going to find a solution. He's excited for Pod 6 to be set up.

Coroner Crawford reminded the group that the IAC conference will be held the week of Sept. 23<sup>rd</sup>. It was agreed that the next elected officials' meeting will be rescheduled to September 30, 2019.

Dan Blocksom reported on a resolution the PA's Office drafted regarding personal identifying information in public records. Public records contain a great deal of personal and confidential information, such as dates of birth, birthplaces, account and routing numbers, account passwords, credit card numbers, insurance policy numbers, and the like. Current statutes allow for redactions of this kind of sensitive information if contained within law enforcement investigatory records, but not as clearly if contained in non-investigatory records. Releasing such information could violate personal privacy interests as well as facilitate identity theft. The draft resolution includes some options for IAC to consider. The PA's Office proposes enacting legislation that allows for redacting sensitive information in contexts currently not expressly enumerated in statute and they suggest three options for legislative language, along with pros and cons of each option, which could protect this sensitive information. Option 1: Create a new section in Idaho Code 74-106(35); Option 2: Amend current language in Idaho Code 74-106(8); and Option 3: Add a new section in Idaho Code 74-106(35) that creates a balancing test similar to that contained in Idaho Code 74-124 for investigatory records. (A copy of the draft resolution is on file with this day's minute entry.) Prosecutor Taylor said if the elected officials are supportive of the resolution, which needs to be brought to the legislature, he will send it to Seth Grigg, the executive director of IAC. The elected officials present today agreed that it should be sent on so that it can get on the agenda for the upcoming IAC conference. (Mr. Blocksom left at 10:08 a.m.)

Sheriff Donahue reported on the August 23 discussion regarding the special use permit (SUP) for Pod 6 (the temporary holding units that are being manufactured by ADS.) Progress

has been delayed due to a paint issue. The County has to paint the exterior of the temporary units. When the county signed the contract with ADS to supply the units the SUP had not been issued by the city so the County agreed to have them built and then the city said we have to paint the exterior. The issue at hand is who has to pay for that and according to legal counsel, the county will have to do a change order with ADS to paint the trailers either in Missouri where they're being built or when they get on site. There was discussion about whether facilities staff could paint the units, but the Sheriff and Clerk believe ADS should paint them so it's covered under the warranty. There is a 12-inch metal band that connects the two trailers and there's a question about whether it can or should be painted. ADS is waiting on a couple of things: pricing, the quality of material, availability of the material, and whether it's possible to apply the paint on site during cold temperatures and inclement weather conditions, or, should it be done before they get here. ADS is waiting for their contractor's license in the state of Idaho which has not yet been issued. According Sheriff Donahue ADS had to go through a different agency in Idaho by the name of Norwood Manufacturing so they are piggy-backing on that established company who has a contractor's license. They thought they would have the paperwork for the state early this week. Legal advice is that the simplest, most expedient solution is for the Board to execute a change order and move forward. Pricing information is necessary before a change order can be done. In Friday's discussion Director Navarro was asked to create a timeline and a checklist of all the things that have been done, that are currently being done, and that need to be done on Pod 6 because the group is tired of being surprised by all the issues that have arisen. It's really important we get that.

Treasurer Lloyd reported that she attended a Treasurers' conference a couple of weeks ago and they had a great discussion regarding public administrator cases and it was decided to form an interim committee to look at legislative changes in how the cases are handled. In some counties Treasurers are retrieving prescribed medications rather than calling the proper authorities. Training and changes are in order. Discussion ensued regarding the overlap with the Treasurers, Coroners and Sheriffs respective offices. The issue will be discussed at the upcoming IAC legislative conference. (Commissioner Dale left at 10:30 a.m.)

Clerk Chris Yamamoto arrived at 10:20 a.m. and reported on the upcoming elections to be held tomorrow, and the FY2020 budget hearing which will be held on August 28. He attended a recent court case where a Mandarin Chinese interpreter was needed and although she wasn't a certified interpreter she did a great job. If the case goes to trial a certified interpreter will be used.

The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 27, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for El Gallo Giro to be used 8/31/19 for a wedding.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- BOE in the amount of \$12,375.00 for the Information Technology department

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom left at 9:22 a.m., Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell left at 9:19 a.m., Director of Indigent Services Yvonne Baker left at 9:22 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing agreement to provide school resource officer services to Notus School District No. 135:*** Chief Dashiell said this is a renewal for a School Resource Officer. The agreement hasn't changed in several years and provides a resource officer for 6-8 hours a week at minimal cost. Chief Dashiell spoke about the role of a resource officer and addressed several questions about training posed by Commissioner Van Beek. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the agreement to provide school resource officer services to Notus School District No. 135 (see agreement no. 19-126).

***Consider signing psychiatric services agreements:*** Director Baker explained the contracts are renewals and no changes were made. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign psychiatric services agreements with the following: John Bates, M.D. (agreement no. 19-125); Jacob Christopher White, D.O. (agreement no. 19-118); Coire Wethers, M.D. (agreement no. 19-115); Hamilton Warren Sutton, M.D. (agreement no. 19-124); James Piktel, M.D. (agreement no. 19-123); Charles Novak, M.D. (agreement no. 19-116); Roberto Negron, M.D. (agreement no. 19-117);

Eric Gilbreath, M.D. (agreement no. 19-122); Tamara Helfer, M.D. (agreement no. 19-119); Michelle Cullinan, N.P. (agreement no. 19-121); Marc Bostick, M.D. (agreement no. 19-120).

***Consider signing legal notice of entering into personal services contract for psychiatric services and designated examiner evaluations with John Bates, MD; Jacob Christopher White, D.O.; Coire Wethers, M.D.; Hamilton Warren Sutton, M.D.; James Pikel, M.D.; Charles Novak, M.D.; Roberto Negron, M.D.; Eric Gilbreath, M.D.; Tamara Helfer, M.D.; Michelle Cullinan, N.P.; Marc Bostick, M.D.; Brad Leavitt, Psy.D.; Ryan Hulbert, Ph.D.; Phares Book, Psy.D.; Richard Sonnenberg, Ph.D.; Jacob Atkinson, Psy.D.*** Mr. Blocksom said this is done as a precaution in case the county spends over \$10K with any one of the providers. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the legal notice of entering into personal services contract for psychiatric services and designated examiner evaluations.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

*A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:23 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records that are exempt from public disclosure and attorney-client communication and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:00 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 PUBLIC DEFENDER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:05 a.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. Mr. Bazzoli updated the Board on the following:

- A review of the budget was given. Mr. Bazzoli addressed a question posed by Commissioner Van Beek regarding a more financially beneficial way to provide psycho/sexual evaluations. He will work with the PA's Office on some other options.
- Review of monthly case type count for FY2019, monthly case type count for August 2019, cases opened by date and case type, attorney active cases and clearance rates.
- They have adjusted how their office is working with recent personnel changes with some people leaving and new people starting. His intention is to now have two people covering the front desk/phones.
- Commissioner Van Beek asked if there was any interest from the Sheriff, PD or PA to put on a community forum for parents to get information regarding sex-trafficking and ways to protect their children. Mr. Bazzoli addressed what his department's potential role would be.

The meeting concluded at 10:35 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:35 a.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Landfill Director David Loper and Deputy Clerk Jenen Ross. Director Loper updated the Board on the following:

- Waste amounts were up 6.05% for July, FY19 is up approximately 4.6%.
- Director Loper spoke about the gas collection/piping project and the preliminary work that has been done.
- CUP/Site Certifications are on hold right now; he is waiting to see where we're at with possible purchase.
- Wood waste contract is moving forward; they are trying to gather insurance information from the vendor and working with them on the transition. A new sign may need to be purchased to indicate the location for 'green waste'. Due to the amount of wood waste currently on site the current vendor will probably not be able to get it all addressed before the contract ends. Director Loper will work with the new vendor to remove the left over wood waste.
- The Household Hazardous Waste Collection event will take place on September 11, 2019 at the O'Connor Fieldhouse. The community seems to like the quarterly event vs. the yearly but some feedback has been received about it taking place on a weekday vs. weekend. They are continuing to work on ways to combine both weekends and weekdays for next fiscal year.
- Haul roads were constantly changing and putting water on them was the best solution for dust control but they are now to a point where they will be using one specific haul road and he would like to explore using some kind of dust control compound instead of just water.



- A Tetra Tech work authorization was discussed. The authorization is for the development and design of PB-16 which is the replacement well for PB-4. This has been budgeted for in FY20 but before it can be replaced it needs to be designed and DEQ and IDWR approve of the design. Director Loper will work with Brad Goodsell in order to go out bid.
- Dirt from Anderson Corner will probably start coming in this week so they are working with DEQ on the best process for accepting it.

The meeting concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REZONE REQUEST BY ROBERT AND SYBIL ARNETT, CASE NO. RZ2019-0018

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by Robert and Sybil Arnett for a rezone, Case No. RZ2019-0018. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Robert Arnett, Sybil Arnett, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request is for a rezone from an Agricultural zone to an R-1 (one-acre minimum average lot size) zone. The applicants are requesting this to allow the one-acre pasture to be sold off; that parcel has already been split through a land division and they are just asking for one more. The parcel is near other rural residential and R-1 zones and it's within an old subdivision that was created prior to 1979. Other cases have been approved allowing for R-1 and R-R and even R-2 zoning within the area. The future land use map shows this as a rural residential area, it is an area designated for some residential growth where eventually the City of Middleton will add it into its impact area. Soils are considered moderate to not good. This parcel is only three acres. It is in a TAZ area where it's not a huge amount of residential growth, it's more of a low density rural residential area for growth until the city can grow into that area. It is near where residential growth is anticipated. Canyon Highway District said they will have to use that existing access, to share the access, and they will have to dedicate a 10-foot right-of-way to the district as part of this. The request is unopposed. Staff is recommending approval. Robert Arnett and Sybil Arnett testified in support of their request. They have three acres and they have one acre they don't need. They have water rights but they don't have access to do anything with the land so they want to sell it and hopefully find someone to build a nice house on the property. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close the hearing. Commissioner Van Beek made a motion to approve the request by Robert and Sybil Arnett for a rezone and to approve the Findings of Fact, Conclusions of Law and Order as well as the ordinance for Case No. RZ2019-0018. The motion was seconded by Commissioner Dale and carried unanimously. (See Ordinance No. 19-037.) The hearing concluded at 1:41 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 28, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 8/30/19

The Board of Commissioners approved payment of County claims in the amount of \$868.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 8/26/19

The Board of Commissioners approved payment of County claims in the amount of \$137,041.26 for accounts payable.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Fair Director Diana Sinner left at 9:10 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing contract with Cole Architects for the Canyon County Fair Expo building project:*** The County went thru the RFQ process to select architect for the Fair Expo building design project; a number of proposals were received and the committee recommended Cole Architects. Mr. Wesley along with Directors Sinner and Navarro have been negotiating with Cole Architects on the scope of work which they have reached an agreement on and now have a final contract for the Board to consider. The contract includes the supplemental services such as the expert in fair design that they will use. The contract will come at a flat rate of \$149,500 for construction ready design documents. Director Navarro was very involved in the negotiation and made suggestions of items that could be broken out, such as landscaping and the concrete floor. If the county does chose to have some of the excluded items included at a later date there may be change orders to add those items. Mr. Wesley reviewed the items the contract includes at this time. Payment is phased so if it were to end the county would only be responsible for the work that had been done to that point. Cole Architects is aware the county would like the building to be operational for the 2020 fair. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to sign the contract with Cole Architects for the Canyon County Fair Expo building project (see agreement no. 19-127).

***Open proposals for FY2020 Southwest Idaho Juvenile Detention Center food and commissary services:*** One proposal was received from Summit on August 26, 2019 at 9:43a.m. The proposal will be sent to Director Jett for review and then will come back to the Board with a recommendation. A copy of the proposal is on file with this day's minutes.

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

*A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:12 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:15 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.

PUBLIC HEARING - REQUEST BY LONESTAR LAND, LLC FOR A PRELIMINARY PLAT AND AN IRRIGATION AND DRAINAGE PLAN FOR LS RANCH SUBDIVISION, CASE NO. SD2019-0016

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Lonestar Land, LLC, for a preliminary plat, and irrigation and drainage plan for LS Ranch Subdivision, Case No. SD2019-0016. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Lance Warnick, Thayne Warnick, John Cotner, Sam Huff, Tracy Kasper, Casey Collier, other interested citizens, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The property was zoned R-1 single family residential on December 14, 2018, it is designated as residential on the future land use map and is also located within Caldwell's area of city impact. LS Ranch subdivision contains 91 residential lots and 11 common lots and is anticipated to be developed into four phases. It will utilize domestic water provided by the City of Caldwell, individual septic systems and pressurized irrigation. It will have internal public roads with stub roads to adjacent properties for future connectivity. Keller and Associates has reviewed the preliminary plat, and the City of Caldwell did not provide any objection to the plat. An email was received in which they indicated since no comments have been submitted there are no significant revisions needed. The Caldwell Engineer is a signatory on the final plat for projects within Caldwell impact area. Canyon Highway District has approved the plat as submitted, subject to the conditions outlined in Exhibit 7. Staff has recommended Condition of Approval No. 3 requiring the applicant to adhere to the requirements of the highway district. No written objections to the plat from the public were received. The P&Z Commission recommended approval on July 18, 2019. Staff is

recommending approval of the plat with the proposed conditions of approval as out lined in Exhibit 1 of the staff report. Lance Warnick testified on behalf of the applicant and said they have had numerous meetings with the City of Caldwell and the highway district. The configuration of the roads were primarily controlled by the highway district. Florida Avenue bisects the property from north to south along the quarter section line, it was intended to act as that main corridor. They are stubbing a road to the west and on the east side of the property. In terms of bringing water, there is a city well so they anticipate bringing a water main down Indiana Avenue and the farm access road coming through. They have an agreement with the adjacent property owner to create an easement through that property. A suggested condition is that the easement would have to be recorded prior to the Board signing the final plat. In regards to sewer, they would have to construct some type of regional sewer lift station but that's just not practical. At the time they rezoned the property the City of Caldwell outlined a detailed letter with their expectations and support of septic in this location. They have met with the health department and the fact that they do have access to city water does alleviate a lot of the concerns the health department had. With each phase of the project they will be excavating test holes and submitting a subdivision engineering report. They far exceed the minimum separation distance between septic systems and live water supplies so they don't have any concern about the proximity to the lake in terms of impact. Irrigation will be provided via two different sources. There is an existing well located in the southwest portion of the property, and there is also the Deer Flat Canal that goes through the easterly third of the property. Each will be used to create two systems that will each irrigate about half of the project; they will not be interconnected so generally the westerly portion will be irrigated with the existing irrigation well and the easterly portion will be irrigated with the surface water rights. With the development of the property they will be creating a pressure irrigation pump station at the northeast corner of the Deer Flat Canal at Lone Star Road. Following his testimony, Mr. Warnick responded to questions of the Board. John Cotner testified that his vision for developing high-end subdivisions and this location suits itself because of the topography with large acreages and view lots that will accommodate larger upscale homes. There will be four phases. They are working with a farmer to continue the farming of the upper phases while they are developing the lower phase. Phase one is believed to be go fast because there is pent up demand, but subsequent phases will be market driven. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close the public hearing. Commissioner Dale said it's a good plan and it will be a beautiful amenity. Commissioner Van Beek said she appreciates the commitment to quality and then she made a motion to approve the request by Lone Star Land for preliminary plat approval of LS Ranch Subdivision, Case No. 2019-0016, and to approve the findings of fact, conclusions of law and order for LS Ranch Subdivision, The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 1:59 p.m. An audio recording is on file in the Commissioners' Office.

#### FISCAL YEAR 2020 BUDGET HEARING

The Board met today at 5:19 p.m. to conduct the Fiscal Year 2020 Budget Hearing. The hearing was held in the public meeting room of the Administration Building located at 111 11<sup>th</sup> Avenue North in Caldwell. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner Kathy Alder, Paul Alldredge, Thomas Tippets, various elected officials, department administrators and employee as well as other interested citizens, and Deputy Clerk Monica Reeves. Commissioner White said there is no careless spending or greedy grabs for unnecessary requests. She thanked the elected officials and department administrators for their participation during the budget process and for their thoughtful discretion in preparing their budgets. She also thanked the Clerk and Controller for their preparation of the budget book which has been a valuable tool for the budget preparation. Clerk Yamamoto said property taxes are too high. There are over 60 taxing entities in Canyon County and the tax bill contains more than just county taxes. If a person lives in a city one-third of their bill is for city taxes, one-third is for schools, one-quarter to one-third is for the County, in addition to the other taxing entities in an area. The county is required to provide certain services and the cost of those services has been rising partly from inflation but more significantly from growth and we are experiencing explosive growth. He spoke about how the state has a habit of passing costs down to the county levels, for example, Medicaid expansion. He also noted that the federal government has raised its fees for passports while lowering the county's fees for the same service. Those are examples of things that are passed on to us and consequently passed onto the taxpayers. He said we must take some burden off property tax whether it be local option tax, impact fees, or other options. Canyon County has implemented a compensation plan borne out of necessity and increased wages to attract and retain personnel. Past Boards of Commissioners did not seem to see the benefits to paychecks in parity with the community and consequently we had the Sheriff's Office with 25-30 vacancies at any given time because we were losing too many good people to better paying jobs. Additionally, our self-insurance plan that was on the verge of bankruptcy, but thanks to the efforts of this Board our retention of employees is beginning to work. He spoke of how this Board was forced to make up for all of the deferred expenditures of past Boards in terms of salaries, insurance, patrol cars, etc. The 2019 budget was a huge step toward catching that up so much so that we were able to leave the 3% on the table. He credits Commissioners White and Dale for the courage to get us back on solid ground and provide services at an appropriate level. Zach Wagoner reviewed the Fiscal Year 2020 Budget and a copy of the PowerPoint is on file with this day's minute entry. Revenues in the county are up in multiple areas; expenditures are in control and where they should be and because of those factors we are going to leave the 3% property tax increase of \$1.5M in the pockets of taxpayers. With a property tax request of just over \$54M, it's estimated that our 2020 levy rate will be .00357, which represents a decrease of 11% for FY2019. In his review of levy rates he went back to 1993 and did not find a levy rate that was lower than what is projected for 2020. He reviewed how the property tax levy is distributed and how property tax monies are being used. He reviewed expenditure budgets by type.

Some of the major initiatives Canyon County is investing in include:

Fair expo building - \$1,600,000

Elections equipment - \$3,500,000

Jail Pod 6 lease payment - \$2,250,000  
Detention medical services contract - \$1,643,000  
Compensation plan - \$2,560,000  
23 New and Re-funded positions - \$1,396,422

It's wonderful news that we are not taking our 3% allowable increase and yet we are continuing to provide a high level of quality services.

Public testimony was offered as follows:

Kathy Alder thanked the Board for not taking the 3% increase. The last budget she worked on was 2015 and during that time property taxes were \$34M and now we're up to \$54M, and that's a lot of money in a short period of time. During that same time our other revenues were \$26M and now it's \$40M. The money has been brought into the coffers and we have put nothing aside for a jail and to be fiscally responsible we need a fund where the money goes into the jail. She hopes by not taking the 3% increase in property tax it's something that will continue on and she hopes that with the additional \$30M the County doesn't have to keep asking for more money. She said it would be valuable to the citizens if the County puts the salaries for positions, and the compensation plan itself, on the website. She said the \$4M capital investment fund includes election equipment at a cost of \$3.5M. She is concerned with the amount of money that's been taken in but we're still not putting funds aside to let the citizens know that the jail matters.

Paul Alldredge asked why the fund balance at \$40M is so large. Controller Wagoner said the largest portion of that is dedicated for the landfill enterprise fund of \$18M and those monies are restricted for landfill purposes including close and post-closure care. The \$40M is the total including all the County's government funds and the landfill fund. Fund balance is financial freedom, by having an appropriate amount of fund balance it allows the County to respond to any type of changes or emergencies. We strive for a level of fund balance in our current expense fund of 33%. Mr. Alldredge said the Board needs to consider impact fees with the rate of growth we are experiencing and the tax burden it puts on people who live here. We have been talking about the jail since 2006 and if we'd had a capital fund since that time the County would be well on its way to paying for a jail without a bond. He asked if there is an explanation for why we don't have a capital fund.

Thomas Tippetts works as a supervisor in the Sheriff's Office and he appreciates the work of County officials regarding retention and trying to hire qualified personnel. The raises for the department have been much appreciated and they are starting to see people wanting to stick around. Recently he heard there was discussion to forego raises and use that money to help fund a jail, but he thinks that would be an unwise choice because all the hard work would be for naught and we'd start losing people again. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to close the public hearing. In response to the questions from the audience, Clerk Yamamoto asked how much they would like to see put into the capital fund, and where should the money come from? Kathy Alder said the Board should re-examine the county health care and perhaps it's time to have the employees help pay for the individual premium. She said the Board put \$10M

into the health fund, which is self-funded so we need to figure out how to make it self-funded. Controller Wagoner said we call it self-funded because we pay ourselves and then we pay the claims; the idea is we have good experience we keep that money to use in future years. Contributions were not increased by \$10M, the fund was nearly bankrupt a few years ago and we increased contributions by roughly \$4M. The total contribution from the county was around \$10M. Commissioner White wants to budget \$500,000 for that fund every year. Commissioner Van Beek said we have expiring tax incentives and we could look at taking a portion of new construction. She thanked the elected officials, department administrators, and employees and said she is committed to working together with mutual trust, respect, and transparency that includes the taxpayer. The County is in sound financial position and that happens with good leadership. She spoke about having the opportunity for elected officials and department administrators to meet with a facilitator to help coordinate and look at the needs for personnel and capital improvements. She recognizes there is a push to look at impact fees, but it's a complicated process that needs to be reviewed. Regarding Mr. Tippet's concern, Commissioner Van Beek said she spent a lot of time with the compensation committee and that plan is impressive. The average salary in Canyon County is \$45,000 and we have a range that's lower than that and a range that's higher than that and we looked at a lot of different ways to make that feel more equitable to the taxpayer at a higher pay scale and that's where her comment was borne out of. She appreciates law enforcement and the work they do. Commissioner Dale thanked the Clerk and Controller who do an incredible job keeping the County going in the right direction. The building of the budget is a team effort and we have incredible public servants who work to provide services the citizens deserve and need and they try to do that in the most efficient and effective manner possible and they do it in a dedicated way. He then gave an example of how the facilities director recently saved the County \$50,000 by getting a bid on planters associated with the Pod 6 project, and he referred to other departments who work hard to save the County money. He said the budget is responsible and conservative and acknowledges the need to keep up with annual inflationary costs. It holds the line on spending while acknowledging there is a cost of doing business and that cost of providing services continues to increase on an annual basis. It maintains margins with which our financial experts are comfortable. Commissioner Dale is an advocate for impact fees and we need to explore impact fees for public safety. He is in favor of putting money aside for a jail, but we'll still need a bond at some point although he understands that if we had more of a savings account we could use that to pay down what we need to ask for in a bond. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to authorize the Board to sign the resolution adopting the budget for FY2020. (See Resolution No. 19-134.) The Board also signed the 2019 Dollar Certification of Budget Requests (also known as L-2 worksheets) for Canyon County, Pest Control and Melba Gopher. The hearing concluded at approximately 6:20 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 29, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Jim's Metal Works in the amount of \$24,003.00 for the Facilities department

APPROVED MAY 2019 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of May 2019 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

CONSIDER MEDICAL INDIGENCY DECISIONS

The Board met today at 8:48 a.m. to consider medical indigency decisions. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2019-1150, 2019-1258, 2019-1236, 2019-1279, 2019-1182, 2019-1208, 2019-1114, 2019-1222, 2019-1047, 2019-1163 and 2019-1297. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days.

Commissioner Dale made a motion to place case nos. 2019-1216 and 2019-1263 into suspension pending a resource. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-839

The Board met today at 9:01 a.m. to conduct a medical indigency hearing for case no. 2019-839. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Lukes, Ashley Hesteness with St. Lukes, Representative of the applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale 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 9:12 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-769

The Board met today at 9:18 a.m. to conduct a medical indigency hearing for case no. 2019-769. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Becky Herrera with St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to approve the case with a written decision within 30 days. The hearing concluded at 9:38 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-787

The Board met today at 9:44 a.m. to conduct a medical indigency hearing for case no. 2019-787. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Jim Rice for the applicant, Becky Herrera for St. Alphonsus and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to continue the case to September 26, 2019. The hearing concluded at 10:00 a.m. There are two audio recordings (one starting at 9:44 a.m. and the second at 9:47 a.m.) on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-741

The Board met today at 10:06 a.m. to conduct a medical indigency hearing for case no. 2019-741. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Lukes, Timothy Ryan for St. Alphonsus, Dahlia Torres for St. Lukes, Applicant and acquaintance and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to continue the case to September 26, 2019. The hearing concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-628

The Board met today at 10:21 a.m. to conduct a medical indigency hearing for case no. 2019-628. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Bryan

Nickels, Donna Sharp with St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to continue the case to October 24, 2019. The hearing concluded at 10:37 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-879

The Board met today at 10:06 a.m. to conduct a medical indigency hearing for case no. 2019-879. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Donna Sharp with St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to approve the case with a written decision within 30 days. The hearing concluded at 10:45 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-728

The Board met today at 10:49 a.m. to conduct a medical indigency hearing for case no. 2019-728. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Timothy Ryan with St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Commissioner Dale made a motion to continue the case to October 24, 2019 but at the request of the hospital made an amended motion to continue the case to December 19, 2019. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 11:00 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-770

The Board met today at 11:04 a.m. to conduct a medical indigency hearing for case no. 2019-770. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Becky Herrera with St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to approve 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. 2019-582

The Board met today at 11:11 a.m. to conduct a medical indigency hearing for case no. 2019-582. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Donna Sharp with

St. Alphonsus and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale 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 11:13 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-727

The Board met today at 11:16 a.m. to conduct a medical indigency hearing for case no. 2019-727. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Attorney Bryan Nickels for St. Alphonsus, Steve DeVille with St. Alphonsus and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to continue the case to October 24, 2019. The hearing concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

#### INDIGENT MATTERS

The Board met today at 11:21 a.m. to consider indigent matters. Present were: Commissioners Pam White and Tom Dale, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicant appeared for case nos. 2019-831 and 2019-752. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to issue final denials with written decisions within 30 days on the cases as read into the record.

Commissioner White made a motion to continue case no. 2019-817 to October 24, 2019. The motion was seconded by Commissioner Dale and carried unanimously.

Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to issue final approvals with written decisions on cases 2019-708, 2019-768 and 2019-790.

Commissioner Dale made a motion to issue a final denial with written decision within 30 days on case no. 2018-1452. The motion was seconded by Commissioner White and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to issue final approvals with written decisions within 30 days on case nos. 2017-557, 2018-617, 2017-988 and 2017-1657.

The meeting concluded at 11:25 a.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION – PERSONNEL MATTER

*Note for the record: As properly noticed the Board met today at 11:31 a.m. for a legal staff update and a request was made to go into Executive Session.*

Commissioner Dale made a motion to go into Executive Session at 11:32 a.m. pursuant to Idaho Code, Section 74-206(1) (b) to discuss a personnel matter. The motion was seconded by Commissioner White. 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 Pam White and Tom Dale, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. The Executive Session concluded at 11:45 a.m. with no decision being called for in open session.

#### PUBLIC HEARING – APPEAL BY DORIS FUENTES FOR A VARIANCE, CASE NO. ZV2019-0002-APL

The Board met today at 1:30 p.m. to conduct a public hearing in the matter of an appeal by Doris Fuentes for a variance, Case No. ZV2019-0002-APL. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planner Randall Falkner, DSD Director Tricia Nilsson, Todd Lakey, Doris Fuentes, Tim Tyree, other interested citizens, and Deputy Clerk Monica Reeves. Randall Falkner gave the oral staff report. The P&Z Commission denied the variance request of 17 feet, 6 inches to the rear setback requirement of 20 feet in the agricultural zone to allow an existing structure to remain 2 feet 6 inches from the rear property line. The actual measurement from the eave to the property line is 12 inches so it is a request of 19 feet, not 17 ½ feet. The property is zoned agriculture and is designated as agriculture on the future land use map. No comments or concerns were expressed by agencies. The P&Z commission denied the application based on variance criteria, consistency with comprehensive plan property rights policy no. 11, which states property owners shall not use their property in a manner that negatively impacts surrounding neighbors or neighborhoods and based on variance criteria conflicts with the public interest. They found that based upon testimony from the property owner to the north the request for the variance will have a negative impact as a result of incompatible uses, create material injury, unsafe conditions, and deprive the property owner from the use of their property. The adjacent property owner, V&L Ranches, is opposed to the request. Staff believes their request is consistent with property rights policy no. 1 and no. 11. The parcel is limited in where they can place the home because of well and septic and absorption fields and other structures currently on the property. Staff does not find evidence that the variance would deprive property owners of property rights; the variance does not appear to create material injury or unsafe conditions to adjacent property owners or deprive them from the

use of their property. It is a limited site; irrigation pipe runs along the back and staff believes that would provide sufficient space for farming activities. Staff is recommending approval of the appeal and recommends the Board grant the application for a variance of 19 feet to the rear setback requirement of 20 feet to allow an existing structure to remain one foot from the rear property line. Staff recommends the condition that the applicant must apply for a building permit prior to occupancy within 30 days of approval of the variance. The Board had follow-up questions for staff. Todd Lakey testified on behalf of the applicant who he said received bad advice that they did not need a building permit. Their action was not intentional and as soon as they learned about it they stopped and submitted the appropriate applications. He said the Board should approve the request because the variance is needed and appropriate. This is for a secondary residence, it's an allowed use in this zone and is something they are entitled to get. They don't have to get a rezone or apply for a conditional use permit as long as they meet those secondary residence criteria. The zoning in this case is the stronger policy question, setbacks are a subset of that and a variance provides for allowed uses that may not fit under the existing state of a current site. You cannot say that because somebody is violating a setback that they are violating public policy, because they are an allowed use and if they meet the criteria they can have a variance. That setback can be modified under the appropriate circumstances. In this case we meet those criteria for a secondary residence. The owner lives on the property and there will be a secondary address. It's a small modest home and fits well within the site. There was an allegation that the eaves extended over the property line but that's not the case. It abuts an 8-acre parcel and in the past it's been an alfalfa field. It presents minimal risk to the agricultural operation from a fire standpoint; the greater risk is to the owner's fence. It is an allowed use in this zone. With a variance you look at the characteristics of the site and whether that creates an undue hardship. His clients are of modest means and not granting a variance would be devastating to them financially but that's not the primary focus. The primary focus is on the characteristics of the site. You look at what exists as far as allowed uses, existing features and structures, in other words you don't have to knock things down that are on the site currently to grant a variance. You look at those things in determining the characteristics of the site and whether a variance is appropriate and each site is unique. Complying with the setback would create a hardship; it presents significant safety risks. It is not in conflict with the public interest. The purpose is to allow deviation from a setback standard for an allowed use. From a safety, regulatory, and access standpoint this is the proper location for that home. The location of the house in this spot is safer than compliance with the setback. It minimizes the proximity to the adjacent homes and shop. If you move it forward to comply with the setback you are almost touching the shop and that's an 8-10-foot strip of grass. Putting habituated structures in extreme proximity to each other creates a risk of fire spreading between the structures and creating a more dangerous situation than currently exists with the house in this location. The human safety aspect of this far outweighs that small risk. If moved past those homes you will have a similar situation only caddy corner then you're blocking primary access to the site and you would have to locate the drain field to behind the property and it simply doesn't fit. It's an allowed use that meets the criteria for a variance and it's the proper location on this site based on the human safety factor and the regulatory compliance with existing facilities that are part of the site characteristics. Southwest District Health has approved the septic system in its current location.

Attorney Tim Tyree, who represents V & L Ranches, the neighboring property owner, testified in opposition to the request. This person built a home without a permit and now they are seeking a variance to allow them to break the county rule and in essence you will incentivize others to seek forgiveness rather than permission. Had they sought a building permit he doubts it would have been approved. Not once has his client heard from the applicant or her representatives. What the Board is being asked to do is take his clients' land without any input, or a please or a thank you. Nor has legal counsel reached out to work something out. The characteristics of the site do not create an undue hardship. There's been a lot of discussion about the financial burden this will impose upon the applicant but the financial hardship is not the component, it's the characteristics of the site that is the determining factor. The variance does not meet the standards of the comprehensive plan which promotes buffering and talks about certain types of land uses that are inherently incompatible and must be shielded or separated from each other. Some of the methods to achieve that shielding are land use and distance separation setbacks. A goal is to protect agricultural lands and land uses from incompatible development, and to protect agriculture operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development. If you were to grant this variance it will harm the land. The property is within the area of impact for the city so it's not always going to be agricultural land, someday it will be a future development and we will now have a house forcing further setback requirements on to it. To put that home in its location and to allow it to remain in that location impacts the danger to everybody else and it's incompatible with the existing land uses. It was built without a building permit, we don't know the safety of that house. We have an unknown element literally one foot off the property with hundreds of acres and if there's a fire in that home all of that property is at risk. The characteristics of the site create an undue hardship. To blatantly say there is no other area to put the house does not ring true. Moving a water line is not an undue hardship. The component is the site must create the undue hardships, not the financial component and that's just not the case here. There is more than enough room to build a secondary residence on that property. The characteristics of this site do not merit the variance being sought. The testimony at the previous hearing was that the contractor had built multiple homes in Canyon County and now to say they got bad advice that they didn't know a building permit was required just didn't ring true to the P&Z Commissioners and now the excuse is they didn't think they needed a building permit. This home was built and it was only when they got caught are they here today. If you allow this you are allowing someone to seek forgiveness rather than permission, permission that never would have been granted. Mr. Tyree said this is in conflict with the public interest. He referred to an Idaho Supreme Court case *Wurrell vs. Kootenai County* where a platform was built within the setback of Lake Coeur d'Alene and the platform was built without a building permit and had been done multiple times and the county said we are not going to grant a variance because you built these platforms without a building permit and to do so would be against the public policy. In the future his client is going to develop that property and now they are being forced to push everything back in order to create that safety. The impact to his clients' property is against the public interest, and he will be forced to lose a portion of his land. During rebuttal Mr. Lakey said Mr. Tyree stated that the Fuentes' have not communicated with the neighbor to the north, but that is incorrect. When the father was working on the home he had an "over the fence conversation" of is this okay, are there any concerns, and none were expressed at

that time. Ignorance of the requirement is not the issue. Does it meet the criteria, is this the appropriate place for the house based on the site characteristics that you have. It's also incorrect that a variance is incentive; it is unique, it's required by code to be unique. You look at the existing site and the characteristics of that site, what is lawfully on that site currently – the sheds, the homes, the accesses – and you take all those things as characteristics of the site, you don't have to move those things. It's indicative that staff is supportive, they feel like it meets the criteria to have a variance granted so it's more likely that it would have been granted based on staff's analysis. This is not a taking of the neighbors' property, it is on their property. It does not extend over to the other side. It's an allowed use in the zone. The question is, is it the appropriate location on this site for that home. The risk to an individual outweighs the risk to the fence and the minimal risk to potential irrigated agricultural operation to the north. If you put those structures that close to one another you are creating a significant risk to individuals. A fire starting in one can move to the next to the next and that should be the main criteria. You're going to put more of the structures in immediate close proximity to each other unless you move it all the way past those front lines and then again you can't do it because of the existing approved facilities that are on there, nor could you put a drain field and a replacement area in back because of the well location. This is a use on his client's property and it's the most appropriate location based on the site as you find it now.

Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner Van Beek said she appreciates what the applicant has brought forward and disclaimed the financial hardship, the emotional hardship, and the safety concerns, but she doesn't have any findings of fact or conclusions of law that would support those kinds of emotionally-based decisions. She appreciates Mr. Tyree's letter and comprehensive testimony and the clear nexus to the use of Idaho Code in citing precedent in a land use taking. Because this home was placed in proximity to the line should the owner of the farm ground choose to develop in the future it will cause that amount of ground for that buffer to be pushed into the neighboring farm ground. They have been farming for a number of years and they have been there prior to the building of the house. She said there is a code enforcement issue on the property. She also pointed out that this year alfalfa is in the adjacent field and if it becomes a grain field that presents a danger for the farmer. Equipment could hit the shop creating liability. If we cannot legally put a home and drain field on a site that is oddly shaped then maybe that home doesn't belong there. She will not approve the variance simply because it's not laid out or platted. The P&Z Commission denied this for a reason and she's going to uphold their reasons for denial and applaud Mr. Tyree's outline of the use of the code. The safest thing would be to have been in compliance on the front end. The contractor had to know he needed a building permit and any number of different home configurations could have been used. If we make a decision based on compassion it gives us no clear foundation on which to evaluate and weigh the merits of the case if we step outside of the findings of fact and conclusions of law. Commissioner White said there is a hardship and unfortunately the hardship is having to move the house that's already been built and it's unfortunate because she doesn't think there are other places on the property that it could be moved to and it is much easier to move a water line than a house. In looking at the overall site there is more than just a human safety factor in the buildings being too close. That site needs to be cleaned up. There was no taking of the land, there were no inspections, no building permit and so that assumption just

becomes so big. There's a huge liability and she will not support the request. It is her hope that both parties can get together and figure out how this can be solved. Commissioner Dale said he is on the other side of the issue. The findings of fact and conclusions of law support a variance. This is not strictly a decision that's made based on the emotional or financial hardship. Each case is unique and it's clear in the code that each variance is unique and it does not set a precedent for future cases because each case has to be evaluated on its own merit. There is no taking of the neighbor's land. You are not allowed to let farm equipment extend into your neighbor's property, likewise, if you're spraying herbicides or pesticides you have to make sure there is no wind drift onto your neighbor's property. He agrees with staff, this does not negatively impact the neighbor. When you look at the lack of a building permit that is a huge problem, and he accepts the testimony that there was no criminal intent to violate the code. This would have not required a plat in any case, it is allowable to put a secondary home on this property. This parcel is unique and presents its own hardships and how do you locate the allowable second house on this parcel. It allows an opportunity for some protected common area in front of the new house to the side of the old house and in front of the shop. We are allowed to grant mercy and that's what he leans towards in this case and he believes there are findings of fact and conclusions of law that establish the uniqueness of the characteristics of this lot that make him lean toward granting the variance. Commissioner Van Beek said the findings of fact and conclusions of law to deny this request far outweigh those in support, and then she made a motion to deny Doris Fuentes' appeal for a variance, Case No. ZV2019-0002-APL. The motion was seconded by Commissioner White. A roll call vote was taken on the motion which carried by a two-to-one split vote with Commissioner Dale voting in opposition to the motion. The written findings will be brought back on September 12, 2019. The hearing concluded at 2:30 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2019 TERM  
CALDWELL, IDAHO AUGUST 30, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale  
Commissioner Leslie Van Beek  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- SHI in the amount of \$2321.60 for the Information Technology department
- Pacific Steel & Recycling in the amount of \$9258.70 for the Parks department

APPROVED CATERING PERMIT



The Board approved an Idaho Liquor Catering Permit for Cowgirls to be used 9/21/19 for a wedding.

#### APPROVED CLAIMS ORDER NO. 1924

The Board of Commissioners approved payment of County claims in the amount of \$1,651,884.88 for accounts payable.

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Director of Development Services Tricia Nilsson and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing Amendment to Chapter 7, Article 2, 9,10,14,17, and 19, Zoning Regulations of Canyon County Code Ordinances and Consider signing Summary of Amendment to Chapter 7, Article 2, 9,10,14,17, and 19, Zoning Regulations of Canyon County Code Ordinances:*** Zach Wesley said this relates to two recent ordinance amendments. Comments were received back from Sterling Codifiers regarding the flood overlay ordinance. They have worked with the DSD staff to evaluate the comments and make changes as necessary. Additionally, the mixed use ordinance amendment was never published so they combined these two actions to address the “housekeeping” items on the flood overlay and then the formal adoption and publication of the mixed use zone. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to sign Amendment to Chapter 7, Article 2, 9,10,14,17, and 19, Zoning Regulations of Canyon County Code Ordinances and the Summary of Amendment to Chapter 7, Article 2, 9,10,14,17, and 19, Zoning Regulations of Canyon County Code Ordinances (see ordinance no. 19-038).

Commissioner Dale asked about creating an ordinance regarding exploding targets in the county. Zach Wesley said this could be possible although a little more research may be needed to make sure there aren’t any federal or state exemptions. Mr. Wesley said he would take it back to his office for further direction as to if he will be working on this or if it could be assigned to another attorney. The meeting concluded at 9:13 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 LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

*Note for the record: As properly noticed the Board met today at 9:15 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Dale made a motion to go into Executive Session at 9:15 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 communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. 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 Pam White and Tom Dale, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Commissioner Leslie Van Beek arrived at 9:28 a.m. The Executive Session concluded at 9:47 a.m. with no decision being called for in open session.

PUBLIC HEARING – CONDITIONAL REZONE REQUEST FOR MAMLS, LLC, CASE NO. CR2019-0001

The Board met today at 10:06 a.m. to conduct a public hearing in the matter of a request by MAMLS, LLC, for a conditional rezone of approximately 54.92 acres from an “A” (Agricultural) zone to a “CR-R1” (Conditional Rezone/Single Family Residential) zone. The subject property is located at 24085 Blessinger Road in Star, Idaho. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Todd Lakey, Derritt Kerner, Heath Van Patten, Kim Schmidt, Greg Timinsky, Shaun DeYager, Karl Pedersen, Paul McNamara, Mark Butler, Jennifer Babas, Angie Rieger, Ashely Allen, Jenah Hanson, Trevor Knesal, Stan Delap, Kimberly O'Donnell, Katheryn Whitney, Mike Walters, Devin Shively, George Estes, Rosalyn Studarus, Ryan Warden, Gary Eldridge, Tracy Rauch, Johnathan Kelly, Ursula Warden, Daniel Ludwig, and Deputy Clerk Monica Reeves.

**Jennifer Almeida** gave the oral staff report, addressing new exhibits there submitted and were subsequently included in the hearing file. The future land use map shows this property as residential and it is located within Middleton's impact area and is designated on the city's map as low-density residential. The surrounding area is agriculture and residential in nature. There are platted subdivisions adjacent to the property. The average lot size of platted lots in subdivisions within one mile is 1.98 acres. The property is shown as agriculture on the zoning map. There are residential zoning districts located northwest and south of the subject property. The property does not have frontage on a public road. Blessinger Road terminates north of the property and terminates at the intersection of Lonesome Wolf Way which is located south the property. Canyon Highway District noted that the threshold for a traffic impact study is 52 lots; however, the district may waive the TIS requirement if no outstanding or special circumstances are identified or the proposed improvements are sufficient to mitigate any traffic impacts from the subdivision. If a TIS is required it will be submitted with the preliminary plat. ITD indicated this property has the potential to connect Blessinger Road, north and south. If the connection is part of the development ITD will require a TIS to analyze the impacts to the intersection of State Highway 44 and Blessinger Road. Middleton Fire will require access roads be provided and maintained; district stated the extension of Blessinger Road will give a secondary egress for

the developments that are accessed from the north end of Blessinger Road. Minimum fire flow and duration requirements must be met; however, they did note that as an alternative fire sprinklers could be used. On June 6, 2019 the P&Z Commission recommended denial of the conditional rezone finding that it was not compatible with surrounding land uses and that an RR rural residential designation would be more appropriate. They found a conditional rezone would negatively change the character of the area by introducing smaller lot sizes. Staff has prepared findings of fact and conclusions of law and order as well as proposed conditions of approval for the Board's consideration. There are no surface irrigation water rights available to the property.

Testimony in favor of the request was as follows:

**Todd Lakey**, the applicants' representative, testified this is an area that's both zoned and planned for residential growth by the County, the City of Middleton, and the City of Star. This isn't just about the lot sizes and the existing subdivision, it's about the entitlements that are out there. The nearby Willowbrook Development is conditionally rezoned to rural residential but that's an old designation with one dwelling unit per acre, but it also has a development agreement that requires community water and sewer which allows for half-acre lots, or two dwelling units per acre density so that's 463 acres of two dwelling units per acre immediately caddy corner to the subject property, and it requires 10% open space so that will be significantly smaller lots. Mr. Lakey said the request fits with the existing zoning and density, in fact, their project is less dense than the existing zoning that's out there. They are within the City of Middleton's low-density planning area within their comprehensive plan. The Willowbrook Development applied to Star for annexation and they were looking at a two-dwelling unit per acre, but they withdrew their application to do some redesign and since the City of Star has updated their comprehensive plan they are strongly considering applying for three dwelling units per acre. Mr. Lakey said they do not want to be a city project, they want to be a quality rural estate project that fits with the current development in the area. It will maintain lower density. He said the land is not farm ground, it's never been farm ground, perhaps there has been historical grazing, but it's sagebrush and there are no irrigation water rights and that's another good reason to have something closer to one-acre lots in size for maintenance and fire suppression. If the goal is preservation of prime agricultural ground and to locate things primarily in the impact area then this is exactly where it should be. There are some old low infrastructure, low cost, lower density subdivisions out there but they have gravel roads that are lower standard than what the applicants are proposing. There are 28 subdivisions within one mile; 88 lots within one mile that are under one acre in size, 155 lots within one mile that are one to two acres in size and those are the most comparable to the proposal. Mr. Lakey spoke about the project design. They were going to go to the north with Blessinger Road; they had 7.42 acres of open space but the neighbor to the north was not inclined to sell, at a reasonable price, a small piece of land needed to connect so now they have half right-of-way that allows for emergency access but it's not a full extension of Blessinger Road. They spoke with the fire district and walked the site with the highway district their preference was to connect Blessinger Road to the south so they redesigned and agreed to connect Blessinger to the south. It's a major collector road and the applicants are willing to bear that expense but in order to do those extra improvements they need the requested density of this project. After the P&Z Commission hearing it was clear those in opposition didn't give a lot of weight to the 7.4-acre common area to the south, they simply preferred larger lot sizes. The applicants re-drew the design

in response to that and we are happy to do the initial design with the 7.4 acres of common area. It extends the lot lines and removes the common area and increases the lot size on the project, reducing liability. They will do similar homes to those in Sage Canyon Subdivision and they will be higher quality residential estates. They are upgrading the infrastructure and providing a significant increase in public safety with what is proposed. They are not proposing a minimum lot size. The development agreement limits the project to 37 lots on 55 acres; the largest lot will be 3.44 acres and some will be right at one acre, but nothing will be less than one acre. Mr. Lakey responded to questions from the Commissioners following his presentation.

**Derritt Kerner** is the design engineer for the project. They worked with agencies to conclude the property is suitable for residential development. There are no water rights. They dug 38 test pits on site and brought on a geotechnical engineer and worked with Southwest District Health. Even with the one-acre lot size there is a suitable septic drain field that can be designed for each lot. They concluded the property is suitable for individual wells. The water situation is good and it's anticipated to be around 100 feet deep, depending on where you're at in the rolling terrain. They worked with the highway district on the Blessinger Road alignment and a lot of preliminary design went into that, more than what you normally see with a rezone application because they wanted to make sure that arterial roadway was feasible, and it is. They are going to bring Blessinger Road in from the south. The situation on the north property is only a half right-of-way because the other neighbor is not willing to participate so they are bringing it in as close as they can on the subject property and then it will be up to the highway district to make that connection. Regarding the concern about preservation wetland area, Mr. Kerner said they will not do any construction activities except for the crossing of Blessinger Road itself. They will not disturb the foliage.

**Heath Van Patten** is a real estate agent and he's been collaborating with the developers and builder and they have expressed extreme quality and he believes it will be an impressive subdivision. They are community focused and want to do the right thing and take care of the subdivision. Mr. Van Patten spoke about the real estate market noting there are a lot of buyers coming to the area and there is a demand for one-acre lots and larger.

**Kim Schmidt** is the marketing coordinator for this project and she supports the request.

**Greg Timinsky** said the area is growing rapidly and more connections from State Street to Purple Sage Road is very important to the fire district. Their response times from either the Ada County side or the Canyon County side to some of those places in the area is over 15 minutes and with the increased traffic on Highway 44, Lansing Lane, and Can-Ada Road the connections on Blessinger Road is huge in terms of response time. There is very little water supply up there and so developers have agreed to do the residential fire sprinklers which definitely helps the district. Mr. Timinsky said Ada County has a wildland and urban interface that would start at Foothill Road and it changes to Beacon Light further to the east and above. You have to build to that interface code, but we don't have that code on the Canyon County side although they are starting to work on it. The Commissioners asked questions about fire suppression. Mr. Timinsky said we have the potential for a perfect storm - we have the microbursts that cause 50-100 mph winds and we have dry lightning and if that hits anywhere in the area with windy conditions it would be catastrophic. He said the development would remove a lot of that fuel, but it also puts people where there currently aren't any.

**Karl Pedersen** testified he is one of the developers and is also a builder who's built homes in the neighboring subdivisions. They submitted some numbers on the analysis of lot sizes in the area because they wanted to look at the different types of lots compared to the subdivision they are providing. Their analysis included: the comparison of lots that were actually in subdivisions, not just lots in the area from old plats; the subdivisions also had to have paved roads; they didn't require every subdivision to have a paved driveway, but the majority of lots had paved driveways and so with that criteria they also eliminated common lots so if a subdivision had a non-buildable lot they removed it from their analysis. What they came down to was 138 lots within a one-mile circumference of the area and of those 138 lots, the average lot size on the basic average was 1.306 in size. When they used the geometric mean they we came down with an average lot size in the area (excluding their subdivision) of 1.238 acre in a size of lot. The most common lot out of the 138 was .92 and the median was 1.145 acres. The majority of the lots out there are under 1.2 even in geometric means, which means there are a few outliers that are little larger. The size we are looking at 1.00 to 1.5-acre lot is within the actual size of the comparable subdivisions in the area. The lot closest to the west is over two acres in size and they go down from there. The lots are around 1.5 to 2.5 acres along the south ridge. The smallest lot is one acre and it's closer to Sage Canyon which ends at the corner of the subject property. He built a lot of homes in Sage Canyon Estates which piqued his interest in this property because of the demand from buyers in this size range. Mr. Pederson testified he has had the property under contract for over a year and they closed on it approximately one month ago. He is not the previous owner.

**Paul McNamara** testified that he is one of the owner/developers of this project and he spoke of the development process they followed to get here, their conversations with agencies, and the high quality product they want to turn out. Mr. McNamara responded to questions from Commissioner Van Beek regarding septs, slopes, and placement of homes.

**Mark Butler** is a land planner who spoke about the Northstar Roadway Construction Analysis with regard to the roadways they are building compared to the roadways that are typical for some of the larger lots in the surrounding area. The grading of Blessinger Road will cost \$375,000, the collector is \$364,000, and the internal roads are \$308,000. Having to build Blessinger Road is not proportionate to their development. It is a public interest, and of course they need it for their connection but they are building something that the public has needed for many years and it's very expensive. They will comply with Ada County's Wildlife Interface Ordinance and he's hoping with all of that in mind the Board won't take any if their lots. Commissioner Dale asked what the ultimate goal is of the urban interface proposal. Director Nilsson said it's to try to prevent the transmission of fire both from a source in a hazard area to other areas and also defensive of keeping fire away from an occupied structure. In response to questions from Commissioner Van Beek, Mr. Butler said they initially thought it would be a great idea to have a community water system and fire hydrants, but the cost in that location was so extreme it killed the project. They are not planning on a community water system. He said there may be some things they need to iron out with staff. Commissioner Van Beek said she wants to review that document. Ms. Almeida said the only recommended condition made by staff was in the development agreement, Condition No. 11: that the applicant adhere to the letter from the Middleton Fire District which would allow them to install fire sprinklers since they were not able to supply the adequate fire flow. Mr. Butler said the document is very complex and detail oriented and is

not the typically what is see during the rezone phase. He suggested the Board add language to the development agreement that says upon submittal of the preliminary plat staff shall work with the developers to incorporate sections of the Ada County code on the wildlife interface for view and approval by the Board when the plat is considered.

**Jennifer Babas** and **Angie Rieger** are realtors with Next Home Realty and they voiced their support for the project.

Testimony in opposition was as follows:

**Rosalyn Studarus** is opposed to the project. She lives in the neighborhood and she walks Blessinger Road every other day. She loves the agricultural view and the wetlands. Ms. Studarus said there is an airport nearby and it needs to be addressed so that people know airplanes will be using it. She appreciates the owners and their right to have their property and use it the way they want to, however, she asked that they consider making the lots a minimum of five acres to preserve the rural character area.

**Ryan Warden** represents the Blessinger West neighborhood and the collective neighbors around the subject property. He is a landowner in Blessinger West and a spatial data expert, a technical expert in hydrology, and a professional licensed geologist. Most of the neighbors have two or more acres and they moved to the area to have the privacy, agriculture, night gazing, safety and to enjoy the nature that comes with dirt roads and the rural atmosphere. He spoke about the wildlife in the area. Many neighbors farm and ranch on their property. He has horses and he commercially raises chickens on his pasture land. Other neighbors raise cows, sheep, goats, and bees. It's a small agricultural community and there are certain types of buyers that value this; in fact, when he purchased his house in 2014 the road was jammed with buyers to compete for the house with the small acreage. There is value in having bigger property and being in an agricultural community. Attesting to the spatial data, he used the same statistics from Exhibits 6 and 8, as far as statistics go a simple average is an inappropriate way of understanding how to figure out an average, and the geometric mean doesn't necessarily get it. It does weigh it, but it doesn't weigh it correctly to understand what is in a spatial area. They took a spatial radius and said within a spatial area how many subdivisions there are and that automatically gives you a certain area that each lot is affiliated with and when you do a statistic with spatial data you to actually weigh it to the space that it contributed to otherwise you're biasing it to the higher frequency. Even in a geometric mean it still has a bias towards the higher frequency even though it's starting to offset it. Going through the spatial average he finds it's more appropriate to have 3.34 acres for a spatial average, it weights it to the lot size, so if the lot size is bigger it gets a heavier weight because it fills in that area more and a small lot size would have a less weight because it has less of that overall average. We think the area is more represented and that does not include the other acreage out there that's not a subdivision. There are 13 properties that touch the boundary of this area; 12 are above two acres, only one property is less than 2 acres. The developers are proposing much smaller lots than what they are putting on the boundary. Mr. Warden said they are not against the development they just want to make sure they are in the same characteristic of what's around. He would like it to be rural residential because it fits with what's already there. They are against any access or walkways that come off this property into their neighborhood, and they would like to have any lots touching the boundary be designated as transitional lots and be of equal or greater acreage than what they are being bounded to so they do not lose that characteristic, and they want any ridge homes to be limited to one-story so that existing homes aren't going to lose any

viewpoints. They want the new homes to incorporate dark sky lighting so they can continue to have night gazing. In order to maintain privacy they want to have a setback of 100 feet so that we don't have a house right next to the boundary line. He agreed with Todd Lakey's letter which stated the character of the area consists of larger residential estates, it's just the residential characteristic is greater than two acres. The fact they are proposing a smaller lot size and now their new option is brand new, but the usable lot size is very small because most of that is unbuildable due to the slope. The area is open agricultural land and rural residential country living. The traffic is bad on Blessinger Road and it is dangerous in some areas due to the slope and reduced visibility. Trying to connect Blessinger Road to the other side is a hazard as the road cannot sustain much more traffic. There are ground water rights available if the developers choose to apply for them. There are examples of productive pasture and that can be grown on this land. High Desert Station asked him to mention that they are required to have a 15,000 gallon fire suppression tank on the property as part of their permit and they wonder why that is not required of this development given the fire hazard. Septic and water will impact the neighbors because they are down gradient of that area. They want to see a quality and quantity aquifer test to make sure there will be no impact to the subdivisions and people who are currently irrigating.

**Gary Eldridge** lives on six acres approximately 150 yards to the west of the proposed project and he is opposed to the request. He said the information regarding the average lot size in the area may be skewed and he suggested that for Lanktree Estates over 20 properties range in size from 2.5 acres to 15 acres or more. He sought this property for the luxury of country living and for the peace and quiet and during his search he was assured this type of development could not happen in this vicinity. Mr. Eldridge said there is no more risk of fire on this parcel than there is from an adjoining wheat field. He believes the terrain of the property with its slopes will require extensive grading and excavation to make it inhabitable or buildable. The neighbors are opposed to the years of dust and noise that will occur during the building process, and they are not in favor of this density of population encroaching into their neighborhood. He is an astronomer and he seeks out dark skies and he is concerned about the light pollution the project will generate. Additional concerns include traffic congestion, the potential impact of individual wells will have on the water table, and the potential hazard hilltop homes could create for aircraft approaching or departing the nearby airport. He would like the developer to reduce the project to four or five houses on the entire parcel.

**Tracy Rauch** lives on Willis Road and owns the High Desert Station (an event center). She is not totally against the project but she does have concerns which include: the potential impact individual wells and septic systems could have on adjacent properties, risk of fire hazards, traffic congestion, and the need for the wildlife corridor along the canal to be maintained

**Jonathan Kelly** testified that he works at DZONE Sky Diving and operates out of the nearby airport. He spoke of his experiences with flying over the property and the potential for a dangerous situation if houses are placed on the ridge, which is in the flight path.

**Ursula Warden** lives in the Blessinger West Subdivision and she testified how airplanes fly directly over her house dropping multiple skydivers, sometimes all day long. She moved to the area for the rural lifestyle and she is concerned about encroachment on her property by people who don't understand the rural lifestyle or safety issues associated with living in the country. They own a chicken business and have neighbors that have commercial rights to

agriculture and raise sheep and dairy goats, and another who is trying to start a floral shop on her property. She spoke about the demand for large acreages and her desire for the developers to consider five-acre lots instead of their current proposal.

During the rebuttal phase Mr. Lakey offered additional exhibits. The Willowbrook project is allowed to have two dwelling units per acre but that fact has been largely ignored by those who testified in opposition regarding character of the area. There are 28 subdivisions within one mile, 88 lots under one acre, and 155 lots in the one-two acre range. Sage Canyon, which is located adjacent to the subject project, is mostly one-acre lots. He said Mr. Warden is comparing apples and oranges, but Mr. Pedersen's information compares apples to apples. There are 138 lots in subdivisions that are similar to this one and the more recent ones out there such as Sage Canyon and Ridgeview Estates and they are in line with these numbers for comparable subdivisions in this vicinity. The project is larger than the median, the mode, and even the geometric mean. Regarding Option A (Exhibit No. 33), it shows the 40-foot separation on the boundary to the west and you will note those parcels are designed so there are fewer parcels adjacent to the west. That's intentional, it's more like having a 2, 3, or 4-acre lots adjacent to that subdivision; there are fewer homes located there. The one-acre lots are more internal to the project. The developers will include dark sky lighting as a condition in the development agreement and it will be included in the CC&R's. They removed the common areas. The parcel to the southwest is 3.44 acres and the others are in the 1.44 range, and the internal ones are closer to one acre. The emergency access they are constructing is critical and it has the support of the fire district. They will include the defensible space as a condition. The developer has gone beyond the normal requirements for the health department by doing a test pit on every lot and designed every lot for where that house will go and where that septic system will go. They will include bike lanes on Blessinger Road, that's part of the new standard they are required to meet compared to the older subdivisions out there. If they do gravel roads like Blessinger West then two-acre lots might be appropriate but you cannot do two-acre lots and extend Blessinger Road, that's not consistent with what's happening in the area now. Regarding the airport, we can include it in our CC&R's to advise homeowners that it's out there and those that are out there have been able to live with it. Mr. Lakey answered follow-up questions from Commissioners Van Beek and Dale.

Commissioner Dale made a motion to close the public testimony portion of the hearing. Commissioner Van Beek seconded the motion but then withdrew her motion after hearing an objection from Mr. Eldridge in the audience. He objects to the two dwellings per acre being lumped into the average because it doesn't exist. It is 460 acres of crops; it's not two dwellings per acre currently. Mr. Lakey said existing subdivisions, to be compared to this project, need to be comparable and current and developed to current standards. The character of the area is more than just the approved lots that are out there. That is part of the analysis we did to show we have 138 lots within a mile that are consistent with the character and type we have but existing zoning is absolutely part of the character of the area and the existing zoning for Willowbrook is two dwelling units per acre and it's part of what the Board has to consider. Commissioner Dale asked if Exhibit No. 35, which is the comparative lot size information, includes the Willowbrook project. Mr. Lakey said it does not. That document is the comparison of existing lots out there that are comparable to this project that have paved public roads and similar amenities to this project. He said we need



to add Willowbrook and the existing R-R zoning that's out there on top of that. This is where growth has occurred, it's where growth is planned by the County and the cities. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. The Board took a break at 12:19 p.m. and went back on the record at 12:25 p.m. Commissioner Van Beek said there's been good testimony on both sides and she appreciates the integrity of the developer bringing this project forward. She appreciates Mark Butler's comments on the good faith effort on the road improvements and the urban interface as well as his support of her position to evaluate that. The P&Z Commission recommended denial and they found the conditional rezone request did not meet the standards of review in the zoning ordinance because it was not compatible with the surrounding land uses. The Commission did say they would have supported an RR (rural residential) designation. The larger lots are allowing for owners to use agriculture differently, and in some of those instances that is going to require that we maintain the integrity and characteristics of the area simply because of the agriculture component that's happening. She appreciates the inclusion of the fire system and the extension of the road but if the lots were larger like in an RR zone there would be a greater defensible space in the event of a fire. She referenced the safety and nature resources components in the comprehensive plan. Commissioner Van Beek spoke of how there is an equal weight on the property rights for both the developers and those who live out there. Perhaps she could be swayed on this project if the lots were commensurate with that same size of the current RR designation. Commissioner Dale said it's important to recognize that of the three entities that have potential land use jurisdiction in this area (Canyon County, City of Middleton, and City of Star) all three have identified the area as residential. There is zoning caddy corner from the subject property that allows for two dwelling units per acre. This project is not high density. There is demand for this size and quality and it is important to supply this kind of housing stock. He is very impressed with the lengths engineering has gone to do test pits on every lot. He appreciates the desire to have small acreages and the entrepreneurship in the neighborhood, but he doesn't think the project will negatively detract from what the neighbors are doing out there. Rural residential means larger lots with the potential for more weeds and fuel for potential fire risk. The highway district is in control of the traffic impact study and the developers have to adhere to any of their requirements. He appreciates the concern for light pollution and he hopes the dark sky lighting will help solve a lot of the concerns. He said Mrs. Rauch talked about a reservoir she has for fire suppression, but that is for a commercial enterprise on her property and they have different standards for fire suppression than residential properties do. According to national fire standards, it is a viable and acceptable alternative to a reservoir to have fire sprinklers in the house. Commissioner White said due diligence has been shown by both sides. There are many things the developers understand; they understand the neighbors' concerns and passion about their own property. The developers are spending a lot of money to do this the right way and to be good neighbors. Zero growth is not an option. Commissioner White is in favor of the project. Commissioner Van Beek said she is not going to vote in favor of the project. She will uphold the P&Z Commission decision, noting that she could support an R-2 rezone as recommended. Zero growth is not an option but controlled growth at the county level is an option. She has questions about the soil types and the use of individual wells and septic systems. She believes the two-acre requirement would attract a different caliber of buyer than someone who's looking for a one-acre lot. Commissioner Dale

agrees with staff's recommended findings of fact and conclusions of law that support this development. It's a good development and it will be developed as has been presented. He asked staff about the portion that was mentioned regarding the urban wildlife interface. Ms. Almeida recommended that if the Board does vote to approve the conditional rezone we need to add a couple of conditions to the development agreement that were suggested through testimony today regarding dark skies at night, and that an approved wildlife interface plan including defensible space be prepared and approved by the Middleton Fire Department and submitted with the application for the preliminary plat. The conditions will also need to be in the findings of fact, conclusions of law, and order. The written decision cannot be signed until those documents are prepared. Commissioner Dale made a motion to approve the requested conditional rezone with the stipulations that were expressed by Ms. Almeida and added into the documents for Case No. CR2019-0001. The motion was seconded by Commissioner White who encouraged the developers to protect the view. The motion carried by a two-to-one split vote with Commissioner Van Beek voting against the motion to approve. Ms. Almeida said there was an original site plan that was part of the conditions of approval and there was also an alternate site plan submitted that removed the common lot and extended the lot lines for those lots. She needs clarification as to whether the Board is okay with the first plan or if it wants to go with the alternative plan removing that common lot and extending those residential lots. Both Commissioners Dale and White indicated they want to go with the alternate plan (Exhibit No. 33). Ms. Almeida said it will be added to the development agreement that the project be developed in substantial compliance with Exhibit No. 33. Commissioners Dale and White both agreed. Commissioner Van Beek asked if there needs to be some consideration on the septic systems that they are not shallow. Because gravel sources are limited, they may defer to shallow systems and the pretreatment costs would drive things up so that's a concern. Commissioner Dale said they will have to conform to health department requirements. Commissioner White said the engineer and developer will keep that in mind and that will be a point observed. The written decision and the development agreement will be considered on September 18, 2019 at 9:30 a.m. The hearing concluded at 1:04 p.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF AUGUST 2019 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 3<sup>RD</sup> DAY OF DECEMBER, 2019.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Tom Dale  
Commissioner Pam White

ATTEST: Chris Yamamoto, Clerk  
By: M. Reeves, Deputy