

OCTOBER 2019 TERM  
CALDWELL, IDAHO

OCTOBER 1, 2019

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

APPROVED CLAIMS ORDER NO. 10/3/19

The Board of Commissioners approved payment of County claims in the amount of \$4625.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 10/10/19

The Board of Commissioners approved payment of County claims in the amount of \$140,646.71 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- AA Tronics in the amount of \$4182.42 for the Information Technology department
- BOE in the amount of \$3526.00 for the Information Technology department
- Mountain Home Auto Ranch in the amount of \$365,946.00 for the Fleet department/ Sheriff's Office
- ESRI, Inc. in the amount of \$46,021.77 for the Information Technology department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 10/12/19 for a wedding.

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

The Board met today at 8:34 a.m. for a meeting with the Directors of Facilities and IT to discuss general issues, set policy and give direction. Present were: Commissioner Pam White, Tom Dale,

and Leslie Van Beek, IT Director Greg Rast, Assistant IT Director Eric Jensen and Deputy Clerk Jenen Ross. Facilities Director Paul Navarro is on vacation and did not attend the meeting.

Director Rast updated the Board on the following:

- Balancing of public volume in the meeting rooms has been addressed and seems to be working better. A PO was presented for ADA compliant hearing devices. 4 devices will be provided in each meeting room (Commissioners meeting room and Admin building public meeting room).
- A PO was presented for a copier for the Security Department office. Another will be coming down for 3 computer systems for that department. The cell phone will be discussed at a later time.
- Invoice was received from CenturyLink for the Weed and Pest project and will be paid from the FY2019 budget. The project should be complete by the end of the year.
- Reclassification of a job position will be coming before the Board at a future date. Existing people will be moved around to accommodate the changes.
- Discussion regarding the new printer in the print shop including the difference in printing quality and cost savings.

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

#### MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND CONSIDER 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley left at 9:03 a.m., Coroner Jennifer Crawford left at 9:03 a.m., Sheriff Kieran Donahue arrived at 9:04 a.m. and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing agreement for pathology services between Owyhee County and Canyon County:*** Mr. Wesley said this is an ongoing agreement and Ms. Crawford spoke briefly about the services that will be provided to Owyhee County as they don't have their own pathologist. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the agreement for pathology services between Owyhee County and Canyon County (see agreement no. 19-151).

#### EXECUTIVE SESSION – PERSONNEL MATTERS, 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 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, 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 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, Sheriff Kieran Donahue and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:23 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.

#### FILE IN MINUTES

The Board filed the monthly report of the Canyon County Treasurer for August 2019 in today's minutes.

#### OCTOBER 2019 TERM

CALDWELL, IDAHO            OCTOBER 2, 2019

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

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

The Board of Commissioners approved payment of County claims in the amount of \$47,233.25 and \$47,417.04 for accounts payable.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Integra in the amount of \$12,510.00 for the Recorders department
- JB's Roofing in the amount of \$12,806.00 for the Facilities department
- CED in the amount of \$1932.00 for the Facilities department
- Prime Construction & Asphalt in the amount of \$6419.68 for the Facilities department

- Prime Construction & Asphalt in the amount of \$21,995.00 for the Facilities department
- Wall 2 Wall Flooring in the amount of \$3717.86 for the Facilities department

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE 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 and Tom Dale, Deputy P.A. Dan Blocksom left at 9:19 a.m., Deputy P.A Zach Wesley, Director of Court Operations Denise Kennel left at 9:19 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing psychiatric services agreement with Ninon Germain, M.D.:*** Terms of this agreement are the same as all others that have been signed recently. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to sign the agreement with Ninon Germain, M.D. (see agreement no. 19-152).

***Consider signing FY2019-2020 memorandum of agreement with Advocates Against Family Violence for indigent care:*** This is a renewal of an agreement that has been in place for several years. Mr. Wesley reviewed items covered by the agreement. There is a \$30K cap for services and payments will be coming out of the general fund vs. indigent fund. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to sign the MOA with Advocates Against Family Violence (see agreement no. 19-153).

***Consider signing independent contract agreement for interpreter services for Maria G. Escobedo-Gonzalez, Karla Young, Maria Gonzalez Mabbutt, Ann E. Chamberlain, Heather Hagen, Delia Gonzalez-Munson, Val Kvitko-Simon and Laura Leavitt:*** These are contracts that are signed every year. Mr. Blocksom spoke about a ministerial error in section 14 which he noted for the record and initialed in the contract. He also reviewed changes made to the contracts. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to sign the independent contractor agreements with Maria G. Escobedo-Gonzalez (agreement no. 19-157), Karla Young (agreement no. 19-159), Maria Gonzalez Mabbutt (agreement no. 19-160), Ann E. Chamberlain (agreement no. 19-158), Heather Hagen (agreement no. 19-154), Delia Gonzalez-Munson (agreement no. 19-161), Val Kvitko-Simon (agreement no. 19-156) and Laura Leavitt (agreement no. 19-155)

***Consider signing legal notice of entering into personal services contracts for designated examiner evaluations, conflict public defender, provision of individual and family counseling, provision of mentoring for juvenile offenders, provision of individual and family counseling and provision of mentoring for juvenile offenders:*** Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to sign the legal notice of entering into personal services contracts.

The Board took a brief break at 9:19 a.m. and went back on the record at 9:20 a.m. to continue a discussion in legal staff. Zach Wesley spoke about the request for reconsideration regarding the land use case for MAMLS, LLC. During the hearing process several letters were received after the public testimony was closed in which those people were told that if they wanted to have this case reconsidered they needed to submit the letters after the written decision was filed. Some of those people have hired an attorney who has filed the request for reconsideration. Counsel for the applicant is aware of the reconsideration being filed and intends to submit a written response as well. Once the request is made the county has 60 days to take action. Mr. Wesley would like to wait until the response from Mr. Lakey is received to then further discuss any legal issues, set a meeting to address any issues and let the Board vote. The Board is in agreement with Mr. Wesley's advice to wait.

EXECUTIVE SESSION – 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 9:26 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) records exempt from public disclosure and communicate with 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 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. The Executive Session concluded at 9:53 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.

OCTOBER 2019 TERM  
CALDWELL, IDAHO                      OCTOBER 3, 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):

- Case Management Systems in the amount of \$16,000.00 for the Information Technology department
- Right! Systems, Inc. in the amount of \$1994.95 for the Information Technology department
- Carousel Industries in the amount of \$10,351.06 for the Information Technology department

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 Candace Reed, Abigail Thiry and Robert Curl.

APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

The Board approved the transfer of sick leave time to vacation time for Marc Bybee, James Kouril, Don Dutton, Alan Oates, Craig Olsen, Dawn Pence, Mark Tolman, Michael Thompson, Laura Barbour, Jeff Breach, Jessica Ishida, Monica Reeves and Diana Sinner.

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:48 a.m. to consider indigent decisions. Present were: Commissioners Pam White and Tom Dale, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2019-1318, 2019-1358, 2019-1282, 2019-1310, 2019-1302, 2019-1407, 2019-1416, 2019-1315, 2019-1319, 2019-1303 and 2019-1408. 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 on the cases as read into the record. The meeting concluded at 8:50 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 legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto left at 9:49 a.m., Deputy P.A. Dan Blocksom, Deputy P.A. Mike Porter left at 9:49 a.m., Executive Assistant Taryn Peterson left at 9:49 a.m., Elections Supervisor Haley Hicks left at 9:49 a.m., Elections Technician Kylie Marks left at 9:49 a.m., IT Business Manager Caitlin

Pendell left at 9:51 a.m., IT Admin. Support Specialist Becky Brady left at 9:51 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing notice of sole source procurement with Hart, LLC:*** Clerk Yamamoto and Ms. Hicks spoke about how this equipment will be beneficial to both the elections department and poll workers and how it will greatly diminish the margin of human error and provide faster election results. Mr. Porter clarified that the reason for the sole source is that this particular Hart equipment eliminates the element of human error where competitor equipment doesn't offer this feature. A discussion ensued regarding 'exhibit A' that was previously provided to the Board comparing the competitor to Hart. At the request of Commissioner Van Beek, Ms. Hicks, Ms. Marks and Clerk Yamamoto addressed several points in the exhibit. Commissioner Dale made a motion to sign the notice of sole source procurement with Hart, LLC. The motion was seconded by Commissioner White. The motion carried in a 2-to-1 split vote with Commissioner Van Beek voting in opposition.

***Consider signing a resolution designating polling locations for the November 5, 2019 election:*** Ms. Hicks reviewed the list of voting locations and noted any changes. Mr. Porter updated the Board on where we're at with the DOJ regarding ADA compliance; he believes the latest version of the MOU with the DOJ is being reviewed and anticipates it being in front of the Board soon. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution designating polling locations for the November 5, 2019 election (see resolution no. 19-151).

***Consider signing resolution authorizing destruction of Information Technology Department records:*** Ms. Pendell said the documents to be destroyed are claim forms from 2014 that are no longer necessary. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing destruction of Information Technology department records (see resolution no. 19-152).

The meeting concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH LEGISLATIVE REPRESENTATIVES TO DISCUSS LOCAL OPTION SALES TAX AND IMPACT FEES REGARDING THE CANYON COUNTY JAIL

The Board met today at 11:04 a.m. with legislative representatives to discuss local option sales tax and impact fees regarding the Canyon County Jail. Present were: Commissioners Pam White and Tom Dale, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Assessor Brian Stender, Sheriff Donahue arrived at 11:15 a.m., Chief Deputy Marv Dashiell, Lt. Harold Patchett, PIO Joe Decker, Representative Rick Youngblood, Representative Gary Collins, Senator Jim Rice, Senator Jeff Agenbroad, Representative Tammy Nickels, Representative Scott Syme, IAC Executive Director Seth Grigg, Chief Civil Deputy P.A. Sam Laugheed arrived at

11:35 a.m., Kathy Alder, Ron Harriman, Hubert Osborne, Larry Olmstead, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Dale said for the last couple of years through the Idaho Association of Counties there has been a resolution adopted by the body encouraging and advocating for a local option sales tax authority to be given to the counties to ask voters if they will approve funding a jail. It is jail specific, requires a 66 2/3 super majority, and it is time and project specific so it is directly related only to building a jail. Having this authority only gives us the right to ask voters if they would pay for a jail through this option rather than property tax. That's all it does, it does not give us the authority to institute that, it still requires a super majority vote. At some point some board of commissioners, either through a court order or through some other mechanism, will have to authorize using property tax dollars to build a jail because the present state of this jail cannot exist in its form. It is a huge liability. He spoke about impact fees and said the County is authorized to charge impact fees for public safety and it's a vehicle that could be utilized, but based on projections of what could be collected we would probably have enough money to start construction of a jail in 50 years, but that won't work. Commissioner White said if impact fees can help lighten the property tax load she supports it. Representative Gary Collins said there hasn't been the support come forward from legislators to really get down in the trenches to try to move it forward. He's heard from numerous retail consumer groups saying they do not want a 1% tax in Canyon County. He appreciates the problem with the jail but he does not feel local option tax is the answer to the problem because it will make the retailers not competitive. With his existing revenue and taxation committee and his own feelings he doesn't see anything moving forward especially on a broad-base local option tax. He said there is an interim study group that will meet this month where the senate and house will kick around some ideas to lessen the burden of personal property tax and still fund some of these other things. They won't come up with legislation but we might have ideas we put forth to the committees and go from there. Senator Jim Rice said the economic skewing is the biggest problem with this proposal. In a perfect world you do everything with a sales tax or consumption tax because the economy doesn't redistribute that kind of a tax and so you would fund all government operations with that kind of tax. We cannot do that because we don't live in a perfect world and we have multiple states surrounding us that do different kinds of tax methodologies that cause different skewing of behavior along the boundaries with other states. When you have lower taxes, close proximity on the same exact behavior human nature is to avoid the tax. You have to address the economic skewing that would occur and that's where you run into the barriers with legislators around the state, they are not willing to set up with the system of economic skewing that that tax would do. Representative Rick Youngblood said he cannot add or take away from what Rep. Collins said because he's the gatekeeper of that kind of legislation. He has been approached by many to consider a local option tax primarily for roads and his personal feeling is if that were an opportunity it should be up to the locals to decide whether they are going to tax themselves. Representative Jeff Agenbroad said we've just heard from the two chairmen of the tax committees in both bodies and there's not much he can add to what they said. He would like to put it in the locals' hands and he would assume the local option tax would take a vote of the people and in that case it would garner more of his support. He is not convinced local option is the right way, but he is open to the discussions. Ultimately the local option has to come before the people and they have



to vote on it. The next question is why do we think people would vote for local option when they turned down a property tax increase? We have to understand if people want to fund the project and how they want to fund the project before we put the mechanism in place. Commissioner White said with local option, everybody pays not just the property owners. Representative Agenbroad said that's a good platform, but the opposing platform would be the businesses that say they're losing business because customers are paying more tax in Canyon County than in other counties. There is a balance there and we have to look at the entire picture. Commissioner Dale said the big deal here is local control and it's saying we trust the voters to decide for themselves if they'd like to fund this project through this mechanism. Counties need other options because the people have spoken on numerous occasions that they don't want to pay for a jail through property tax so tell us how to do it. Clerk Yamamoto said most of us didn't think a local option tax would be a reality, but we had to start the conversation somewhere because we are in desperate need of a jail, and he doesn't see that the taxpayers are going to help with that and so the next question should be would this body consider a statewide raise in the sales tax for property relief with carve outs for county jails. Senator Rice said there are a lot of things that should be part of the discussion and we're all interested in having those discussions on an ongoing basis but he needs to leave this meeting for another appointment. (Senator Rice and Rep. Youngblood left at 11:30 a.m.) Representative Tammy Nickels said property tax is a huge concern and people cannot afford their homes and in conjunction with that if they own a business they have a double tax that's being implemented upon them. It has to come down to the needs vs. wants and what's going to work the best for the situation we have at hand. It might not just be one thing that would take care of paying for it; we have heard from the voters they do not want their property taxes increased for a jail. People are asking why aren't we charging more in impact fees? It might not just be impact fees or local option, there might be a conjunction of things that we can utilize to be able to afford it but it does have to come back to local control and our needs vs. wants. Representative Scott Syme said his concern with local option sales tax is the impact on the business community in Canyon County. Property taxes will continue to increase, but at this point he's not in favor of a local option tax for the impact it would have on business. There was lease option that was discussed and there are companies that will build a facility and lease it back to the County based on the occupancy of the facility and so that seems like an option where you don't have to go out for a big chunk of money. Commissioner White said we've heard from those groups and it would have to be in a mix because it's very expensive. She would like the ability to ask the citizens what their opinion would be. Representative Collins doesn't think there's anything that would keep the County from having an advisory vote but as far as statutorily in order to have a local option tax it will have to go through the legislature. If we look at increasing the sales tax across the state it would have to be designated for specific things and property tax reduction would have to be one of them. Picking out an individual county and passing a half percent or one percent local option tax is going to affect the business climate in the community. He appreciates the problem the County has with coming up with this facility and he agrees that wants versus needs is a good argument. Another question is do we need a \$200M jail? He has a committee of 18 people, at this point in time with the elected body we are dealing with, especially in the house, there is no appetite for local option tax statewide and that has something to do with what he does as the chairman, he is not going to

force legislation down the throats of the committee members. He is a big believer in impact fees; we want new people to come to the area, but they need to be sharing in the costs they are creating. Commissioner Dale said we've had presentations on lease purchase, but the biggest obstacle to that is the existing taxing capacity in property tax to be able to pay that lease payment and the bigger issue is it is still property tax. We wouldn't have to front the construction cost and we wouldn't start paying on most of these models until we occupy, but you have to have that taxing capacity to pay that off and it is property tax only. In response to a question from Representative Scott Syme regarding the cost of the lease, Clerk Yamamoto said you pay a premium for a lease because of we have a non-appropriation clause, the Board can only commit to one year at a time so whoever does this is risking that amount of money. The numbers he's heard on a lease payment will put us \$7M shy of being able to make that payment so a lease will cost more than actually building and owning a jail and in his opinion going the lease route is a back door to what the voters said. The voters said no, we're not going to vote for this bond. Representative Nickels asked we can't look at several different avenues and bring them together as resources rather than one route. The best thing is to start an advisory board and see what other avenues we can bring in, it might not be just one way of doing it, we might have to look at different sources. Commissioner Dale said that's what we're asking for; we are asking for sources other than property tax and to get another "bucket" it has to come from the legislature because we don't have the authority to authorize gathering funds from any other source unless you give us the authority. Representative Collins said the legislature is not tone deaf to what is going on with cities and counties, they realize something needs to change. A study group will meet later this month for an open discussion of various issues as far as sales tax, property tax, etc., and see if they can come up with ideas to give some tax relief without shifting it to someone else. Sheriff Donahue said what's not lost on any of us is the fact that criminality is going to continue. We are not the only county in this situation. There are 700 people who should be in jail but they're on pre-trial release and they are victimizing your families, our society, and businesses. We can worry about what it will cost to buy a car in another county, but at the same time we are holding people accountable for the crimes they are committing. It's expensive to protect public safety; it should be the foundation of everything we talk about. We have to have some relief and some assistance by the state. Let's ask your committee publicly what they would think about it. If a proper legislation is brought before you let's let the committee decide in an open hearing. The people should be allowed to make the decision of what they want to impose on themselves, it should not be just the legislature saying we're never going to look at it. We have been looking at options for 15 years and we are down to this path and it's the best path forward we can find. He will be happy to participate in an advisory group if the legislators allow him to. Representative Collins said they are not tone deaf, they know there is problem. He has plenty of calls from people who don't want to pay any more taxes and are going to lose their home, but he cannot recall anyone saying they wanted a tax increase to fund a new jail. He said the legislators do listen and they will try to accept the responsibility they've been given. Seth Grigg said there is some historical context that's important to recognize. In early 2000 the legislature authorized a limited local option tax for jails but when it was authorized it was authorized with a sunset and the law sunsetted in 2009. There were two counties in Idaho that built jails using local option tax and it was at a high threshold a 2/3 vote and the key component

for getting that bill passed was it included language that a portion of the local option tax was to be dedicated for property tax relief. The only way this is feasible is if you got a 2/3 voter threshold as well as some element of property tax relief. Commissioner White said we have addressed that to where we won't allow the "creep" of the tax. Representative Nickels said that's an important point, taxes go up and they never go back down, and if this had a sunset built into it that might be another option that people might be appreciative of to know it's only for a set amount of time and it will go away. No Board action was required to taken. The meeting concluded at 11:58 a.m. An audio recording is on file in the Commissioners' Office.

## OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 4, 2019

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

### APPROVED CLAIMS ORDER NO. 10/9/19

The Board of Commissioners approved payment of County claims in the amount of \$5324.55 for accounts payable.

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

The Board of Commissioners approved payment of County claims in the amount of \$4248.47, \$14,931.76, \$44,301.81 and \$70,301.42 for accounts payable.

### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Hess Construction in the amount of \$15,375.00 for the Facilities department
- Information Technology in the amount of \$2400.00 for the Trial Court Administrator (Family Court Services website)

### APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

The Board approved the transfer of sick leave time to vacation time for Victor Holliday and Karen Serratos.

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, Fair Director Diana Sinner left at 9:04 a.m., Deputy P.A. Dan Blocksom, Deputy P.A. Jim Cornwell, HR Generalist Jennifer Allen, IT Director Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing FY2020 Fair building facility rental fee increase resolution:*** Minimal increase of about 5% to the building rental fee so no legal notice is required. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the FY2020 Fair building facility rental fee resolution (see resolution no. 19-154).

***Consider signing a resolution adopting the change to the title, job description, FLSA status and salary of one (1) position in the Information Technology Department:*** This is to repurpose one position that was approved in FY20 from Telecom Analyst to Network Administrator. Director Rast provided a background of the position and the necessity of it. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution adopting the change to the title, job description, FLSA status and salary of one (1) position in the Information Technology Department (see resolution no. 19-153).

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE 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 9:11 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with 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 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. Dan Blocksom, Deputy P.A. Jim Cornwell and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:28 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 THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND CONSIDER ACTION ITEM

The Board met today at 9:30 a.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Development Services Tricia Nilsson, DSD Planner Debbie Root left at 9:35 a.m., Representatives from Munn Ranch Subdivision left at 9:35 a.m. and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing final plat for Munn Ranch Subdivision, LLC; Case No. SD2019-0022:*** Deb Root said the plat is in substantial conformance with Idaho code and Canyon County zoning ordinances. They have worked with the City of Greenleaf to provide municipal services to this location. Staff recommends signing of the final plat. Commissioner Dale made a motion to authorize the chairman to sign the final plat. The motion was seconded by Commissioner Van Beek and carried unanimously.

Director Nilsson updated the Board on the following:

- P&Z Commissioner terms: several terms are set to expire; Director Nilsson will check in with each of them to see if they are still interested in continuing.
- Impact fee update: She is putting together the framework for the committee and hopes to have something to the Board next week. She would like to schedule a meeting with the Board and ITD to discuss fees they are starting to require.
- CIP facilitator status: She has draft scope of work and plans to present it to the Board once she has a more complete scope of work.
- Fiscal impact analysis update: She is on the COMPASS committee to select a consultant. Three proposals were received to develop a fiscal impact analysis and tool for use by local government.
- Ordinance update: Gave review of revisions/updates to the following ordinances:
  - One-time division
  - Mineral extraction
  - Tower ordinance
  - Wineries
- Update on comprehensive plan update: Kate Dahl has prepared a plan report summary that was provided to the Board.
- Rural Community Planning Assistance program update: A draft has been received from the City Wilder's attorney so they will be the first contract.

The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 7, 2019

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

APPROVED CLAIMS ORDER NO. 10/10/19

The Board of Commissioners approved payment of County claims in the amount of \$156,215.24, \$70,622.75, \$112,274.86, \$17,837.94, \$736,883.30 and \$21,339.20 for accounts payable.

MEETING WITH COMMISSIONERS' OFFICE STAFF TO REVIEW UPCOMING CALENDAR EVENTS

The Board met today at 8:32 a.m. with office staff to review upcoming calendar events. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy Clerk Jamie Miller and Deputy Clerk Jenen Ross. A discussion was had about upcoming meetings and expectations for certain meetings. No decisions were made or action taken. The meeting concluded at 8:46 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, Deputy P.A. Zach Wesley, Director of DSD Tricia Nilsson, Planner Dan Lister, Juvenile Detention Deputy Director Sean Brown left at 9:04 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing Southwest Idaho Juvenile Detention food services agreement with Summit Food Services:*** The State Department of Education required we go to RFP as our previous contract was in its 6<sup>th</sup> year and they require no more than 4 renewals. Summit Food Services is the current contractor for the detention center and was the only vendor to submit a proposal. The price point didn't change much and the contract is limited to a 3% increase unless there is a significant change. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the SWIJDC food services agreement with Summit Food Services (see agreement no. 19-162).

***Consider approving revised alcoholic beverage license application form:*** This form was previously approved by the Board, however, after further review Mr. Blocksom discovered the language in section 13a needed to be revised to match the county ordinance which was not done in the previous version. Commissioner Dale made a motion to approve the revised alcoholic beverage license application form. The motion was seconded by Commissioner Van Beek and carried unanimously. There was no document for the Board to sign but a copy of the application form is on file with this day's minute entry.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

*A request was made to go into Executive Session to discuss records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:14 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). 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, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Dan Lister and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:33 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 TO CONSIDER A REQUEST BY JOE RODRIGUEZ FOR A REZONE; CASE NO. RZ2019-0022

The Board met today at 10:01 a.m. to consider a request by Joe Rodriguez for a rezone; case no. RZ2019-0022. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Dan Lister, Joe Rodriguez, Cheryl Jones, Linda and Dale Buzzell, Charles Paltsios and Deputy Clerk Jenen Ross. Dan Lister gave the oral staff report stating that the request is for a rezone from A (Agricultural) to RR (Rural Residential) which requires a two acre minimum lot size. This is a property that is currently vacant listed as 0 Farmway Rd and adjacent to both Maverick and Yoder subdivisions. This lot has already been divided and was created by a division of the northern property so a building permit is available but no other splits are available without this rezone. Currently, the property is zoned agricultural but is designated as residential on the future land use map. The City of Caldwell designates this area as low-density residential which is 3 units per acre lot size. Right now the nearest city services are about 5500' away so it is still pretty far from annexation. It is surrounded by 22 subdivisions within a one-mile radius with an average lot size of 0.94. The property is located in a nitrate priority area. Since they are

proposing lots sizes that are over 2 acres, typically this is something SWDH will look at when they do the nitrate priority study. If they choose to move forward with the 4 lots it would only be 4 houses with potential of 4 secondary dwellings. In 2018 the applicant submitted this same application but the City of Caldwell opposed it at that point stating that they saw this as a low-density residential site not a rural residential. What is being proposed really meets their estate residential designation which is 2 units per acre and they feel this is not as dense they wanted it to be and they would rather them wait until city services are available. When it was sent to the city in 2019 they did not express the same concerns. Some letters have been received stating the main concerns as it's a rural farmland area and they want to keep it that way, the traffic that would be generated by a new subdivision and Buckaroo Circle, which is in the Maverick Subdivision, is concerned that since their utilities go underneath that road it would damage the road when infrastructure starts going in. Canyon Highway District and ITD have both looked at this and determined it's not a huge traffic generator. It could only be 8 houses at the most. Improvement requirements would come at the platting stage where the construction of the road and any possible issues with Buckaroo Ct. vs. another access point would be reviewed. Another access point could possibly come from the south thru Yoder Subdivision. The City of Caldwell subdivision requirement would also come into play so there could be frontage, sidewalks and curbing that could change this. Mr. Lister has stated to the applicant that this has the potential once rezoned to just do a land division. If they keep it three lots or less they wouldn't have to do a subdivision, they would just do a land division and meet the minimum access requirements and not go thru the subdivision process. If they choose to move forward with the full four parcels they would have to plat and meet all the requirements and at this time the City of Caldwell has indicated they will require them to meet the frontage requirements unless something is shown that it can be waived. In regards to the concerns by the neighbors about keeping this rural, this does keep it rural as four lots close to 2 acres in size really does keep it rural like the neighbors would prefer. The city would prefer a higher density in that area. Staff is recommending approval of this rezone. Discussion was had about possible access thru Yoder Subdivision, on Alpha St. Mr. Lister believes Canyon Highway District focused on Buckaroo Circle because it is the most improved and goes all the way to the property. It is a circle at the end but it does provide improvements all the way thru where if they go thru Yoder there would be some necessary road improvements. For rezoning, there is adequate access to make the finding and very little traffic impact. The improvement requirements and how the circulation would be for that subdivision would come at the platting stage where it could be more closely looked at to evaluate the impacts.

The applicant is proposing a total of 4 lots and it would still meet the 2 acre average minimum lot size but would have to go thru platting and at that point would probably need all the improvements required by the City of Caldwell.

At the request of Commissioner Van Beek, Mr. Lister spoke about the ditch. He stated that it's an open ditch and when it comes to platting it would more than likely have to be improved. When speaking with the irrigation district they want it protected and then during the platting stage they would get a review of it and the applicant would have to do any required improvements as part of the preliminary plat. Irrigation district requirements would have to be met which could mean



putting an easement, culvert or piping in to protect that, it would be up to the applicant to agree to do that. Any water delivery, as far as canals and ditches, is protected by state code. They can't block the use of that from other users or decrease the amount of water being used. They have to improve it in a way that doesn't impact the adjacent neighbors.

Joe Rodriguez offered testimony in favor of his application. He would like to do the 4 lot split because he thinks the design is better than the 3 lot split but if Caldwell gives him a lot of headache he'll probably do the 3 lot split.

Mr. Lister explained that the City of Caldwell can make the requirements due to the impact agreement stating that the county follow their subdivision requirements but it's up to the city if they want to waive it or do an agreement to defer it until the property is annexed.

In response to a question by Commissioner Van Beek, Mr. Lister explained that the road is a public road and maintained by the highway district and when this comes to the platting stage they will do a review of the infrastructure of the subdivision and if there are any improvements at that time it may fall under the applicants requirement to improve that.

This property could have a couple splits thru a land division or the 4 lots which would need to be a plat because it's over the amount required for platting. They want to rezone it to match what the future land use plan is showing and right now it's being shown as appropriate for this area. If they wanted to divide again they would have to come back and ask for an R1 or R2 depending on what is happening in the city at that time.

Mr. Lister reiterated that this is a full rezone and not a conditional rezone so the most they can get is the 4 lots.

Mr. Rodriguez stated that he is not a developer and does not have the financials to be able to install all the infrastructure that would be required by the City of Caldwell.

Cheryl Jones offered testimony in opposition explaining that there is an irrigation pipe at the end of Buckaroo Circle that was installed in 1973 but has not been maintained. Behind the irrigation pipe is the overflow ditch so that is a concern about irrigation water flow being taken away. Her subdivision has a community well and is concerned about what will happen with their well water if several more wells are drilled in a new subdivision and what recourse they would have. There is a main line goes down the west side within Buckaroo Circle, then 8 lines that go under the road that were put in in 1973 for homes to the east side. They are having problems with those breaking and it seems as though every time they dig up one line to fix, it breaks something else. They don't have the money in their subdivision's water association account to fix more than a couple of lines before they'll be broke. They are concerned that heavy equipment running on the road or additional traffic to a new subdivision have the potential of damaging those lines further. She doesn't understand when there is access from Yoder why they couldn't go thru there instead of her subdivision.

Commissioner Van Beek asked about the placement of stub streets. Mr. Lister said that part of the requirements from the City of Caldwell would be stub roads for future development to the north and to the east. The Boise Project Board of Control provided a letter stating they have valid water rights and requires them to be unobstructed and protected by an appropriate easement. There is a letter stating that the applicant would have to maintain that somehow thru an easement and during the platting stage they would have to show how they are going to utilize those water rights. There are mechanisms in place to ensure that irrigation is protected as well as improved to the requirements of the irrigation district.

Ms. Jones said the neighbors clean out the irrigation ditch but she is concerned that the 8" pipe will not withstand trucks driving over it.

Dale Buzzell offered testimony in opposition answering a question posed by Commissioner Dale about the type of piping that was used when installed, indicating it's all either ¾" or 1" black plastic pipe that has been in there since the neighborhood was developed. It is brittle and he is concerned if there is heavy traffic they will have more problems. The irrigation line that is buried on the east side is a plastic 6" pipe that runs from a culvert and each property has access to that pipe and the concern is that large equipment running over that pipe will cause it to need to be replaced.

Linda Buzzell offered testimony in opposition speaking about the nitrates and that the EPA required that their subdivision install RO (reverse osmosis) systems and additional filters that would take the arsenic out of the water. She expressed concerns about road conditions noting that they already have several fissures in the road surface. They are very concerned about what will happen with the well and would like to ask that in the development agreement that Mr. Rodriguez and/or any future property owners share the cost of repair for any of those broken lines that may incur due to the burden of extra traffic on their system.

Charles Paltsios offered testimony in opposition stating that his main concerns are the road and fragile water system. He feels that if Alpha Rd. could be used that would take all the grief and wear and tear off their neighborhood and the concerns about increased traffic.

Mr. Rodriguez said he does not have the finances to consider using Alpha Rd. as an access as it's a steep road and in bad winters it would be hard to navigate and he doesn't have the finances to develop it.

At the conclusion of testimony Commissioner Dale made a motion to close public comment. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Dale said he hears the concerns of the neighbors but a lot of this goes back to the responsibility of private property rights. He spoke about some of the advantages and disadvantages of living in the county without city services. He feels that the piping that was used is inferior which is why it's deteriorating and that falls to the homeowners to maintain; the whole water system is theirs. There appear to be some real issues with the water system that are still

going to exist no matter what happens with this property. If this property were to get annexed by the city there will be a lot more than 4 houses out there because low-density is 3-4 houses per acre. In a lot of ways changing the zoning this way protects from a lot more traffic. He doesn't feel he can reasonably require someone else to pay for a system that is already having problems regardless of what happens. He noted that the road doesn't look to have been maintained very well over the years. He stated that as far as water systems go SWDH really evaluates that, this would be 4 wells for 4 lots, they won't put in 8 wells. There is a good water table out there and he doesn't think there should be any effect on the current wells. He can't find any reason to deny this application and is in favor of it.

In response to Commissioner Van Beek's question about nitrate systems, Mr. Lister said that if the property is split into 4 parcels it would possibly have to go thru the nitrate management plan study to determine if treatment or a special septic or well system would be necessary but that would be looked at in the platting stage. It could reduce the size of the lots or the subdivision may only be allowed to have 3 lots.

Commissioner Van Beek said she recognizes that property rights belong to everyone. She agrees with Commissioner Dale's comments about this subdivision limiting the amount of traffic vs. going to development in higher density. There are assurances in place that the irrigation will be taken care of properly and that this will be very low density, lower than what Caldwell is looking at for this area. Given all those factors she can only base her decision on the information provided in the findings of fact and conclusions of law and order. She doesn't have more evidence that would weigh against this in support of the opposition than she does in favor of Mr. Rodriguez's presentation. She doesn't have any objection to this and believes in the long run it will be in the best interest for the surrounding community.

Commissioner Van Been made a motion to approve the rezone and for the Board to sign the findings of fact, conclusions of law and order and the ordinance (see ordinance no. 19-044). The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 11:02 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH MAYOR NANCOLAS AND MARK HILTY TO DISCUSS CALDWELL'S URBAN RENEWAL DISTRICT

The Board met today at 11:04 a.m. with Mayor Nancolas and Mark Hilty to discuss Caldwell's Urban Renewal District. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Mayor Garrett Nancolas, Attorney Mark Hilty, Ambulance District Director Michael Stowell, PIO Joe Decker, Reporter from the IPT and Deputy Clerk Jenen Ross.

Mayor Nancolas explained they are here today to discuss the dissolution of the existing revenue allocation area as well as the proposed new revenue allocation area to the north of Caldwell. They are projecting to sunset the existing revenue allocation area in 2022, it was formed in

December 1998 and has been a success. He clarified that there is an Urban Renewal Agency and revenue allocation areas within that agency to which you could have an unlimited number. Currently there is only one and it is proposed to be sunset along with the plan but the agency stays intact indefinitely. In sun-setting, they are trying to determine how to close the revenue allocation areas out appropriately by law but also include the affected taxing entities in the discussion. Since 2014 they have siloed the money, keeping track of it separately for each taxing entity. The projection includes the consideration to pay off the bond for the admin building in which urban renewal monies were used to build. Things that could affect the projected numbers are the economy, assessed values of properties or the levy rate the county sets within their budgeting authority. As of right now the closest estimate is that there is approximately \$2.4M available in the revenue allocation area for Canyon County's increment. That money can be used for infrastructure, parking lots or water/sewer. It could be used for public buildings but under the new laws that took place July 1<sup>st</sup>, if it's used for a public building and there is any combination of urban renewal money and public money that exceeds a million dollars then it has to go out for a vote. Commissioner Van Beek asked about the fair building falling under this law. Mr. Hilty said as he recalls in the new ordinance the issue is that the definition of municipal building may encompass the fair building, however, there are some distinctions where some specific buildings are called out. The operating assumption is that it would require a vote but they are certainly open to other interpretations. Mr. Wesley thinks there is a conversation to be had in looking at the definition of municipal building but ultimately it will be a call for the agency and their counsel to discuss with them because the county wouldn't be the one driving that decision. Mayor Nancolas said there are things that don't require a vote such as water, sewer and roads that are public infrastructure that these monies could be used for and based upon city code for construction the ancillary things would be required and would come into play for any building.

In response to Commissioner Van Beek's question, Mr. Hilty said there is no statute of limitations but when the reallocation area sunsets they will need to wind up all those funds. He said the way they're tracking it is that if the project has been identified and the funds segregated for the project then you can complete a project even if it extends beyond the end of the revenue allocation area. But if you have funds that haven't been identified for specific projects at the end then those are dispersed and they wouldn't be available at that point. Mayor Nancolas said there is a formula in place to determine what would go back to all the districts. Commissioner Van Beek clarified that as long as a project is identified before 2022 the county would still have access to the increment value of \$2.4M. Mr. Hilty agreed stating that an estimated revenue can be anticipated in future years so the project can be scaled around that. Mayor Nancolas said the funds could be used now or years into the future; they continue to accumulate until there is a project assigned to with a specific dollar amount and approved by the Urban Renewal Commission. Commissioner Dale noted that if projects are run thru the urban renewal agency they have to be spent within the district of the revenue allocation area, however, at the end of the revenue allocation area if those funds are turned back to the county, to the general fund, they can be spent anywhere. Mr. Hilty said as far as he knows, that is true. However, he said there has been discussion amongst the Urban Renewal Board of Commissioners about how they don't want to see that. He explained there are some very small taxing districts that have relatively little

money when you're looking at the capital infrastructure. We may not be able to come up with a project that makes sense so that leads to a broader discussion that although there is no statute of limitations now is the time for the county to come forward with some ideas that can be vetted for use of that money. They want to get on a glide path where they're spending that money down and if the taxing districts don't come forward, the agency is going to be looking around for other projects. Now is when you'd want to be approaching the commission with proposals because they want to have a plan moving forward. Mayor Nancolas said the intent of the urban renewal project area and revenue allocation area was to construct these projects and to use that money to the benefit of all parties involved. The commission is anxious to build projects and to have projects lined up to expend those funds prior to the retirement so that the intent is fulfilled of the original creation of the renewal area. The intent was never to turn back money, it was to build and construct projects that would last for decades and benefit all parties involved. Commissioner Van Beek noted for the record that Caldwell has been a great partner, it's been very progressive and wondered if the county had ideas would Caldwell be willing to take a look at some of those ideas.

Mayor Nancolas said money can't be mixed between the two revenue allocation areas but certainly they want to be a partner with all the taxing entities. Under the new area they've taken into consideration lots of projects but certainly if the county requested partnership from the renewal agency it would absolutely be considered.

Mr. Hilty explained that the law has changed a couple of times since 1998 and one of the ways in which it has changed is that it requires much more detail concerning anticipated projects. In 1998 you could describe in general terms what you'd like to achieve thru an urban renewal agency and then as the life of the urban renewal agency went along you folded those into projects that met those objectives. There is still that language in the urban renewal law, however, it's been supplemented with changes that require much more detail as far as identifying projects. The agency won't have the flexibility to match up a creative project with a concept. It's heavily infrastructure related and speaks to road networks and off-site improvements to try attracting that economic redevelopment.

Mayor Nancolas encouraged the Board to review what has been presented to them for the proposed plan and if there is anything the Board feels has been missed there is still time to make minor amendments prior to the public hearing. Mayor Nancolas believes they have looked at everything they can think of for the new project area including every parcel, who owns it, what are the potential developments that could be there, what are the requirements for water, sewer, power, broadband and gas. Under the new law you have to be very specific so they've tried to do that. Additionally, they've looked at road networks, rights of way acquisitions, future land uses, etc. and then designed the infrastructure to meet those needs. The number to be aware of is the \$7.1M that could be available over the next few budget years. It is their understanding that when they do sunset their goal as an agency is to have all the assets transferred appropriately. If there is cash, there is a formula prescribed in code that tell how the monies are to be allocated back which would include any monies that weren't expended. When this revenue allocation area

sunsets the assessed value, less the 2006 changes, would come back to the county as new construction. That is certainly a benefit to the county. That is something to take a look at now with your financial people to see what that means to you as well because if you partner that with a project now and then the anticipated revenues it could provide a funding mechanism for whatever you may desire. Mayor Nancolas said a lot of the new revenue allocation area is based on the Sky Ranch Business Park due to the success of having water, sewer, power, irrigation, roads, curbs, gutters and sidewalks already in place and being as shovel ready as possible to encourage businesses to settle here. This is taking advantage of the existing infrastructure already in place out there and just adding to it; that's why this specific area has been identified.

Mr. Hilty spoke about the maps and the ag land that did not want to be included. This was in large part a product of the new requirements of the law that speaks to having very specific projects and cost estimates for those projects. There needs to be a plan for utilities and in order to do that you need a plan for density and types of land uses. It has been designed to be consistent with the city's comprehensive plan as this is all within the impact area.

Commissioner Van Beek wondered if with the bond failing, the economic climate changing and this revenue allocation area if a jail located in this area would be less than ideal. She asked if there were area within Caldwell city limits that could support this and could take place in some kind of orchestrated fashion. Mayor Nancolas said they're not here to promote one thing or another. They want to be good partners and knowing that this piece of property on the corner of Highway 20/26 has been intended for the jail they considered it with water, sewer and anything else that would be needed for that type of property use. He said to specifically answer the question, there certainly could be a higher yield use on that property. It's right in the middle of an industrial area and could potentially attract another type user but that would be a decision of the Commissioners to make about what to do with that property. The property right below that is a gun range and they've had conversations with the owners because the highest and best use is not a gun range. In referencing the 'road functional classification' map there is a legend at the bottom that talks about the different types of road systems that they're anticipating as projects to be constructed during the life of this agency. Mayor Nancolas explained this map tells a lot about the anticipated uses in that area. They've designed roads, water/sewer capacity, and electrical capacity, spoken with Idaho Power and Intermountain Gas about the needs to serve this area under both the existing proposed uses as well as what could be uses if that changed so that they are prepared under either aspect.

In response to a question by Commissioner Van Beek, Mayor Nancolas said the classification for a public safety facility is a special use permit under any zone. He further noted that the way the property is zoned is appropriate for either a jail or a manufacturing facility. He indicated that while there had been discussion about other uses of the 20/26 property the city is not actively pursuing anything. The city respects this is a county decision and that if the county comes to the city with a proposal they'll be a partner.

Mayor Nancolas said the goal within the plan is not only to bring business here but also to provide a place for county citizens to have a nice place to recreate

Mr. Hilty said there are four things the city needs from the county – 1) a resolution that recognizes the area currently and historically has some of these impediments and the incentives that can be offered thru urban renew would help the area develop in a way that’s beneficial, logical, and tends towards its highest and best use. 2) An intergovernmental agreement for the governance of the area. The governance of the area from a land use standpoint remains with the county. To the extent these properties are not annexed into the city and there needed to be zone changes, whatever happens as this property develops would be under the jurisdiction of the county. The intergovernmental agreement is one that very clearly authorizes the agency to deal with that reallocation so they will receive those funds and make decisions about urban renewal projects. It’s the county saying this is property that is under our jurisdiction, we understand the plan, we understand what urban renewal activities may occur in the area and we authorize the urban renewal agency to engage in that conduct and receive the funds necessary to do it. 3) An ordinance that adopts the agreement and 4) a show of support from the affected taxing districts at the hearing in early November. Mr. Hilty’s hope would be to have the documents signed within the next week. Mr. Wesley indicated that he’s seen preliminary documents and believes getting them signed in that timeframe shouldn’t be an issue.

The meeting concluded at 12:00 p.m. An audio recording is on file in the Commissioners’ Office.

MEETING TO RESCHEDULE THE PUBLIC HEARING FOR CONSIDERATION OF REZONE REQUEST BY CLARK SHORT

The Board met today at 1:31 p.m. to reschedule the public hearing to consider a request by Clarke Short for a conditional rezone, case no. CR2019-0007. Present were: Commissioners Pam White and Leslie Van Beek, Planner Jennifer Almeida and Deputy Clerk Jenen Ross. Ms. Almeida explained that the applicant was not able to make today’s hearing and asked for it to be rescheduled. Commissioner Van Beek made a motion to reschedule the hearing to October 16, 2019 at 1:30 p.m. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 1:32 p.m. An audio recording is on file in the Commissioners’ Office.

OCTOBER 2019 TERM  
CALDWELL, IDAHO                      OCTOBER 8, 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 Pantera Market 3 to be used 10/18/19 and 10/19/19 for a concert.

### 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, Deputy P.A. Jim Cornwell, Chief Deputy Sheriff Marv Dashiell, Controller Zach Wagoner left at 9:12 a.m. and Deputy Clerk Jenen Ross.

***Consider signing cooperative agreement between Valley Regional Transit and Canyon County Commissioners for annual assessment and service contribution:*** This assessment amount is exactly what was approved in the budget which represents an 8.14% increase from last year. Zach Wagoner said the VRT requested amount this year is \$39,299 and that the increase is related to an overall increase in service costs. The Board each spoke about the importance of public transportation and Commissioner Dale spoke specifically about the struggles VRT faces due to lack of funding. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreement with Valley Regional Transit (see agreement no. 19-164).

***Consider signing ratification of CenturyLink interstate private line transport services pricing plan acknowledgment for the Canyon County Sheriff's Office:*** Chief Dashiell spoke about the history of this contract and said they have been working with CenturyLink to negotiate an updated contract. A credit has been requested for the months that were paid outside of the previous contract and Chief Dashiell's understanding is that a credit will be applied to the account. Mr. Blocksom said that due to the non-appropriation language this is phrased as a ratification so that the Board is not promising this amount will be budgeted every year, it's the Sheriff's Office signing the agreement and the Board is ratifying it. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the ratification of CenturyLink interstate private line transport services pricing plan acknowledgment for the Canyon County Sheriff's Office (see agreement no. 19-163).

The meeting concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

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



The Board met today at 9:32 a.m. with the Director of Human Resources to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Human Resources Director Sue Baumgart and Deputy Clerk Jenen Ross.

Director Baumgart updated the Board on the following:

- 153 people attended the wellness fair last week; the next one is scheduled for October 17<sup>th</sup> from 11 to 3. They are considering adjusting the times to see if they can get better attendance.
- Great feedback was received about the harassment training. Four additional trainings are tentatively scheduled as there are some employees who were not able to attend. Another EO and other departments have asked about the training and she thinks it would be good to offer the training county-wide. Her budget will account for being able to conduct the additional trainings. The Board is good with Director Baumgart moving forward.
- Three 2 hour compression and bleeding trainings conducted by the Ambulance District have been scheduled. The announcement will be sent out next week to the DAs. The training is on a volunteer basis and free of charge. AED training could be done but those trainings do cost about \$40/person.
- Two quotes have been received for performance management training. She is waiting for one more to come in and then she will evaluate each submission.
- Discussion was had about refining job descriptions. Director Baumgart has been working to narrow down job titles so there are not so many out there and refine the job descriptions.
- Commissioner Van Beek asked if the credit card policy is included in the new hire packets – Director Baumgart said HR has never had anything to do with credit cards.

The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH CANYON COUNTY CLERK AND CONTROLLER TO DISCUSS CREDIT CARD POLICY FOR CANYON COUNTY

The Board met today at 10:06 a.m. with the Clerk and Controller to discuss a County credit card policy. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Ambulance District Director Michael Stowell, and Deputy Clerk Monica Reeves. Today's meeting was scheduled in response to a question that was recently brought up with legal counsel and the HR Director and it was suggested that the Board meet with the Clerk regarding a credit card policy. Currently the County has outstanding credit of approximately \$195,000, and an aggregate amount of \$200,000. There was discussion about how individual credit card limits are evaluated and whether persons are given a copy of a credit card policy when they are issued a card. Controller Wagoner said the governing principle should be what is the most economical method. Many of the cards are used for travel-related purposes which is far better than sending cash in someone's pocket. Clerk Yamamoto said they have no issues with their credit card policy; the Auditor's Office uses federal guidelines for meals and per

diem rates and they watch credit card transactions very closely. Commissioner Van Beek would like to see a policy that lets people know what their card limits are and what the appropriate boundaries are for card use. Commissioner Dale said it would be good to have something in writing that states what the card can be used for and what it cannot, and to make people aware they have to retain receipts. Commissioner White said the written material should also include the appropriate state statutes which govern use. Controller Wagoner said the cards are to be used for legitimate business purposes and those who have County credit cards understand the responsibility. There is a tremendous amount of work to audit the use of the cards. Commissioner Van Beek said the action item would be to have a short statement when cards are issued that cite the applicable state statute, language from the Clerk's policy, and information on who to contact if there is an error. Also, it would be helpful to make people aware that if they get a per diem when travelling they cannot make charges for meals on the card since that is what the per diem covers. Clerk Yamamoto said his office maintains maximum control of credit cards. The meeting concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

#### OCTOBER 2019 TERM

CALDWELL, IDAHO                      OCTOBER 9, 2019

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

#### APPROVED CLAIMS ORDER NO. 2001

The Board of Commissioners approved payment of County claims in the amount of \$1,710,407.62 for a County payroll.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Training Outdoors in the amount of \$32,540.00 for the Sheriff's Office
- The Paramount Hotel in the amount \$1320.00 for the Information Technology department

PUBLIC HEARING – REQUEST BY CORSBERG LAND, LLC FOR A REZONE, CASE NO. RZ2019-0014; AND APPROVAL OF THE PRELIMINARY PLAT AND IRRIGATION AND DRAINAGE PLAN FOR REDTAIL ESTATES NO. 3 SUBDIVISION CASE NO. SD2019-0010

The Board met today at 10:05 a.m. to conduct a public hearing in the matter of a request by Corsberg Land, LLC, for a rezone of two parcels that total 77.63 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone, Case No. RZ2019-0014. The applicant is also seeking approval of a preliminary plat and irrigation and drainage plan for Redtail Estates No. 3 Subdivision, Case No. SD2019-0010. The properties are located at 3901 & 4001 E. Lewis Lane in Nampa. Present were: Commissioners Tom Dale and Leslie Van Beek, DSD Planner Jennifer Almeida, Lance Warnick, Ben Jepson, Thayne Warnick, Audrey Corsberg, Terry Corsberg, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report for the rezone and the report for the Redtail Estates No. 3 preliminary plat. The subject property is 77.63 acres and is zoned agriculture. Future land use designation is residential and it is within Nampa’s impact area. The rezone request to rural residential is consistent with the future land use designation for the area, it is also consistent with Nampa Future Land Use Map which designates the property as low density residential. The applicant is proposing 13 lots with an average lot size of 5.7 acres. The property is located within a nitrate priority area, the applicant will be required to adhere to Southwest District Health Department requirements during the platting phase of this development. There has been no objection to the rezone request. The P&Z Commission recommended approval on August 15, 2019, and staff is also recommending approval. Next, Ms. Almeida gave the presentation for the associated subdivision plat for Redtail Estates No. 3. It contains 13 residential lots, will utilize individual domestic wells and septic systems, gravity irrigation and an internal public road. Keller and Associates has reviewed the preliminary plat and the irrigation and drainage plan. The City of Nampa has reviewed and approved the irrigation plan and has approved deferral of all required subdivision improvements until such time as the property is annexed into the city. Nampa Highway District has no objection as long as the project meets their standards. The new access point onto Lewis Lane required a variance which was approved on July 30, 2019. No written objections to the plat were received. The P&Z Commission also recommended approval of the plat on August 15, 2019, and staff is recommending approval with the proposed conditions of approval outlined in the staff report. Commissioner Van Beek asked questions of Ms. Almeida following her report. Lance Warnick testified on behalf of the applicant. We have worked with staff on this property, multiple subdivisions for 15 years as the first phases have gone through and now we’re to Phase 3. Their request is to rezone the balance of the property to allow these five-acre residential subdivisions. It is in compliance with the County’s vision for the area based upon the comp plan maps that show the area being residential. We are in the city impact area which also designates a residential use. We chose five acres because of septic limitations and with keeping lot sizes above five acres that alleviates a lot of concern on the impact to soil and ground water. The project will be developed in two phases; the north half will be developed with an intermediate turnaround and the second phase will be building to the south with another cul-de-sac at the end. Lewis Lane is an arterial roadway and the highway district doesn’t want roads connecting to an arterial roadway so any new connection has to go through a variance process. Currently there are two driveways that access Lewis Lane, but the agreement with the district is that as the subdivision is developed the Corsbergs can continue to use existing driveway until the second phase comes in and then their access will shift to the cul-de-sac road to the south. We requested waivers of improvements; the city has deferred the improvements. As this moves forward with

final platting they will have test pits excavated and on every lot they will have a subdivision engineering report prepared. Mr. Warnick responded to questions from the Board. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to close public testimony. Commissioner Van Beek said it looks like a nice project, has good planning and it has the unanimous approval by the P&Z Commission. Commissioner Dale said this is a good plan and it's an area that will be part of the City of Nampa at some point. Commissioner Van Beek made a motion to approve the rezone from agricultural to rural residential in Case No. RZ2019-0014 and to sign the findings of fact, conclusions of law and order. The motion was seconded by Commissioner Dale and carried unanimously. (See Ordinance No. 19-045.) Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to approve the request by Corsberg Land, LLC, for approval of the preliminary plat, and irrigation and drainage plan for Redtail Estates No. 3 Subdivision, and to sign the findings of fact, conclusions of law, and order for Case No. SD2019-0010. The hearing concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

*Note for the record: As properly noticed the Board met today at 11:02 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 11:03 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with 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 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. Zach Wesley, Planner Dan Lister and Deputy Clerk Jenen Ross. The Executive Session concluded 11:29 a.m. with no decision being called for in open session.

OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 10, 2019

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

### APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

The Board approved the transfer of sick leave time to vacation time for Diana Sinner, Katherine Kershner and Ellen Tingstrom.

### MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:48 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Customer Service Specialist Robin Sneegas and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2019-1435, 2019-1337, 2019-1218, 2019-1437, 2019-1339, 2019-1326, 2019-1338, 2019-1336 and 2019-1329. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue initial denials on the cases as read into the record. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

### MEETING TO CONSIDER INDIGENT MATTERS

The Board met today at 8:56 a.m. to consider indigent matters. Present were: Commissioners Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. Commissioner Van Beek made a motion to continue case nos. 2019-969, 2019-970, 2019-971 and 2019-1062 to November 7, 2019. The motion was seconded by Commissioner Dale and carried unanimously. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to place case no. 2019-577 into suspension pending a resource. The meeting concluded at 8:58 a.m. An audio recording is on file in the Commissioners' Office.

### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1099

The Board met today at 9:04 a.m. to conduct a medical indigency hearing for case no. 2019-1099. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson for St. Luke's, Michelle Davis for St. Luke's, Applicant and acquaintance and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to place the case into suspension pending a resource. The hearing concluded at 9:33 a.m. An audio recording is on file in the Commissioners' Office.

### MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-995

The Board met today at 9:44 a.m. to conduct a medical indigency hearing for case no. 2019-995. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Timothy Ryan for St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to approve the case. The hearing concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

### MEDICAL INDIGENCY HEARING FOR CASE NOS. 2019-686 AND 2019-713

The Board met today at 9:58 a.m. to conduct a medical indigency hearing for case nos. 2019-686 and 2019-713. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom left at 10:52 a.m., Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson for St. Luke's, Ashley Hesteness for St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to approve case no. 2019-686. Commissioner Dale made a motion to uphold the denial on case no. 2019-713. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 10:53 a.m. An audio recording is on file in the Commissioners' Office.

### INDIGENT MATTERS

The Board met today at 10:53 a.m. to consider indigent matters. Present were: Commissioners Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicant appeared on the following cases: 2019-1091, 2019-810, 2019-961, 2019-962, 2019-958, 2019-782, 2019-859 and 2019-1068. 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.

Commissioner Van Beek made a motion to continue case no. 2019-1002 to December 5, 2019. The motion was seconded by Commissioner Dale and carried unanimously.

The meeting concluded at 10:55 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 1:45 p.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. Mike Porter left at 1:49 p.m., Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell, HR Director Sue Baumgart left at 1:49 p.m. and Deputy Clerk Jenen Ross.

Commissioner Dale made a motion to amend the agenda to include the action item of ‘consider signing the Security Director job offer letter’. The motion was seconded by Commissioner Van Beek and carried unanimously.

The action items were considered as follows:

***Consider signing Security Director job offer letter:*** Mike Porter said his understanding is that a candidate has been identified based on recommendation from the committee and interviews with the finalists. The offer will be extended to Joe Mueller. Commissioner Dale made a motion to sign the Security Director job offer letter. The motion was seconded by Commissioner Van Beek and carried unanimously.

***Notice of change in water right ownership related to 16241 Deer Flat Road:*** This property was recently purchased by the county and in order to transfer the ground water rights this application has to be submitted to Idaho Department of Water Resources. There are no surface water rights to this property. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the notice of change in water right ownership related to 16241 Deer Flat Road. A copy of the document is on file with this day’s minutes.

The meeting concluded at 1:52 p.m. An audio recording is on file in the Commissioners’ Office.

CONTINUATION OF PUBLIC HEARING – ALL-TERRA CONSULTING ON BEHALF OF PHEASANT POINT MIDDLETON, LLC FOR A PRELIMINARY PLAT, IRRIGATION PLAN, DRAINAGE PLAN AND FINAL PLAT FOR FAISAN POINTE ESTATES SUBDIVISION, CASE NO. SD2018-0011

The Board met today at 2:01 p.m. to conduct a public hearing in the matter of a request by All-Terra Consulting on behalf of Pheasant Point Middleton, LLC, for a preliminary plat, irrigation plan, drainage plan and final plat for Faison Pointe Estates Subdivision, Case No. SD2018-0011. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Deputy P.A. Zach

Wesley, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Jay Walker, other interested citizens, Mayor Darin Taylor, and Deputy Clerk Monica Reeves. Today's hearing was continued from September 11, 2019 where the public testimony portion was closed. Dan Lister said at that time staff was recommending denial due to a lack of information regarding traffic, irrigation, water, and water suppression for fire. During the hearing the Board continued to allow the applicant to provide evidence that they have proper irrigation, traffic, water and water suppression for the subdivision. On October 9, 2019 Jay Walker sent an email stating Black Canyon Irrigation District is in agreeance with the applicant and the improvements that will be required prior to consideration of the final plat. The Idaho Transportation Department (ITD) submitted a letter stating there would be some costs the applicant/developer would have to agree to for the left turn movement on Highway 44, and the applicant has agreed to that. Middleton Fire said they are fine with an alternative requiring fire sprinklers in each home and the applicant seems to be fine with that. The Idaho Department of Water Resources (IDWR) did not submit a letter, but Mr. Walker did provide information on his conversations with IDWR about the requirements for individual wells. Mr. Lister spoke to IDWR and confirmed that the agency has no opposition to individual wells. They did not see any issue with having individual well permits or water rights therefore staff believes the applicant has submitted sufficient evidence showing the subdivision would be adequately served by irrigation water, and, the traffic issues are gone. If the Board approves this application staff will bring back findings showing it's approved with conditions and one of those would be to not only tile the ditch and do the improvements but also to include pressurized irrigation versus wells. Commissioner Van Beek read a letter stating the developers agree to pipe tile the lateral on the northern property line of the subject property as required by Black Canyon Irrigation District. Mr. Lister said the irrigation district is not requiring them to provide pressurized irrigation for the plat. The applicant did show pressurized irrigation system for the plat and during the hearing they said there may be issues with water coming off that lateral, however, in talking with the irrigation district, the County engineer, and IDWR they didn't see any issues with the water coming out of Black Canyon and why they wouldn't be able to do pressurized irrigation except for possibly the cost. It will be something staff will address in the conditions for the Board's consideration. Commissioner White asked about the minimum fire flow. Mr. Lister said the alternative to connecting to city services was to provide fire sprinklers in each dwelling and the applicant has agreed to that. Commissioner Dale said he wasn't here for the September 11 hearing but he listened to the recording and he believes much of the testimony was off topic; the application is to consider approval of the preliminary plat, irrigation plan, drainage plan, and final plat for Faisan Pointe Estates Subdivision. Mr. Lister said staff will come back with findings of fact, conclusions of law and order changing the decision to an approval, however, we're just looking at the preliminary plat with conditions. The P&Z Commission recommended denial so the final plat will have to come back at a later date. Commissioner Van Beek said the four issues have been satisfied by the information the applicants brought forth today, the extraneous information whether it was the city annexation, the rezoning, or the size of the lots has nothing to do with this matter today. She believes the issues have been satisfied and she supports the approval. Commissioner White said in defense of the last hearing there was a lot of miscommunication and it was cleaned up and clarified and there was good discussion. The Board directed staff to come



back with FCOs with conditions of approval on October 16, 2019 at 9:00 a.m. The hearing concluded at 2:15 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2019 TERM

CALDWELL, IDAHO                      OCTOBER 11, 2019

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- HP, Inc. in the amount of \$3415.00 for the Information Technology department

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioner Pam White, Commissioner Tom Dale by teleconference, Chief Deputy P.A. Sam Laugheed, Controller Zach Wagoner, IT Business Manager Caitlin Pendell and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing Canyon County 2019 engagement letter with Eide Bailly:*** This engagement letter is for the FY2019 year-end audit with Eide Bailly which has been used for several years. Controller Wagoner spoke about the job they do, the expertise they bring to the county and their background in governmental accounting. Mr. Laugheed said that while Eide Bailly doesn't assert responsibilities over internal controls they do speak with people and Mr. Wagoner confirmed that they conduct a fraud inquiry with himself, the Clerk and a member of the Board. The fee for FY2019 services is \$53,500 which is a \$2000 increase from last year. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to sign the Canyon County 2019 engagement letter with Eide Bailly (see agreement no. 19-165).

Ms. Pendell spoke about a purchase order that was presented to the Board in order to purchase 3 desk top computers and 2 additional hard drives for the Security department. This is generally a

ministerial task but since Commissioner Dale is out of the office he has authorized staff to use his signature stamp on the PO.

The meeting concluded at 9:10 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 15, 2019

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

APPROVED CLAIMS ORDER NO. 10/16/19

The Board of Commissioners approved payment of County claims in the amount of \$394.50 for accounts payable.

APPROVED CLAIMS ORDER NO. 10/25/19

The Board of Commissioners approved payment of County claims in the amount of \$46,010.84 and \$28,389.00 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Prime Construction & Asphalt in the amount of \$32,992.50 for the Facilities department
- Interstate Electric Supply in the amount of \$2939.46 for the Facilities department
- Nemo Q, Inc. in the amount of \$7899.00 for the Information Technology department
- BOE in the amount of \$11,581.00 for the Information Technology department
- SHI in the amount of \$7350.00 for the Information Technology department
- Neopost in the amount of \$24,930.00 for the Information Technology department
- Intermountain Wood in the amount of \$1479.80 for the Development Services department
- Data Works Plus in the amount of \$14,200.00 for the Sheriff's Office
- J&H Marine, LLC in the amount of \$14,043.15 for the Sheriff's Office
- CDW Government, LLC in the amount of \$52,669.53 for the Fleet department

## APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

The Board approved the transfer of sick leave time to vacation time for Muntaga Bah and David Phelps

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

The Board met today at 8:35 a.m. with the Directors for Facilities, Information Technology and Security to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Tom Dale, Commissioner Van Beek arrived at 8:55 a.m., IT Director Greg Rast, Assistant Director of IT Eric Jensen, Director of Security Joe Mueller and Deputy Clerk Jenen Ross.

The Board was updated on the following:

- The Security office is close to being complete; they have been waiting for Mr. Mueller to start to complete some items. Director Rast provided an estimated budget of what has been ordered for the office.
- Director Mueller spoke about how he plans to get started. He is working to get settled in and listening to the communication going on around him.
- Pod jail trailers are scheduled to start arriving at the end of this week and there are some last minute infrastructure items that need to be addressed such as the telecommunications room and camera system.
- Many new requests have been coming into IT. They are working to write a program to track use of force in the jail. The property tax reduction process in the Assessor's Office isn't working well and would like to see if IT can write a program that will integrate with OnBase and help organize and process better.
- Director Rast was approached last week about impact fees on building permits within DSD. He asked the Board for some direction as far as the timeline. Commissioner Dale said the timeline is dependent upon when the fire districts implement their impact fees. Commissioner White feels it's kind of an urgent matter. Director Rast explained part of the current program will need to be rewritten to accommodate collecting the impact fees. The Board directed him to work with Zach Wesley as he's been most involved and could give a more defined timeline; they also suggested he work with Bill Gigray regarding the Fire District impact fees.
- OnBase rollout: BOCC and the Treasurer's Office will be done by the end of October and they are continuing to roll it out to several other offices.

- VPN: dual factor roll out is starting to happen. They are starting with the Sheriff's Office, Prosecutor's Office and the Public Defender's department. Currently there are 500 people with access to VPN, but really it should only be about 100.
- Phishing module is finishing up and will start the county campaign soon.

The meeting concluded at 8:58 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND 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, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Dan Blocksom left at 9:04 a.m., Deputy P.A. Mike Porter left at 9:13 a.m., Deputy P.A. Zach Wesley, Chief Probation Officer Elda Catalano left at 9:20 a.m., Communication Manager Roxanne Wade left at 9:05 a.m., Chief Deputy Sheriff Marv Dashiell left at 9:13 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing FY2020 Idaho Public Safety Communications Commission grant fee award agreement:*** This application was previously approved for some upgrades and this is just the acceptance of those funds. Legal has reviewed and has no reason not to sign. Ms. Wade said there is no match amount for the grant and the monies come from the 911 fund that they contribute to. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the FY2020 Idaho Public Safety Communications Commission grant fee award agreement (see agreement no. 19-166).

***Consider signing a resolution authorizing the acceptance of State Criminal Alien Assistance Program grant funds:*** This grant is provided by the Federal Government to offset money spent on housing undocumented immigrants who are kept in the jail post sentencing. Legal has reviewed the document and sees no reason not to sign. The amount of the grant is \$15,982 and Chief Dashiell noted that this money is for 2018. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to sign the resolution authorizing the acceptance of State Criminal Alien Assistance Program grant funds (see resolution no. 19-155).

***Consider signing Idaho Juvenile Justice Commission Sub-Grant Project Award agreement:*** This is a Federal grant received through the Idaho Department of Juvenile Corrections. Ms. Catalano explained the funding is to serve status offenders in Canyon County and spoke about how she plans to apply the money in serving the juveniles. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the Idaho Juvenile Justice Commission Sub-Grant Project Award agreement (agreement no. 19-167).

EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, 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 9:21 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters involving named personnel, 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 10:03 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 THE PARKS DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

The Board met today at 10:07 a.m. with the Parks Director to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Pam White and Tom Dale, Parks Director Nicki Schwend, HR Director Sue Baumgart and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution to approve the addition of one (1) position in Parks, Cultural and Natural Resources:*** Director Schwend said this is the addition of one position and reallocation of two positions and Director Baumgart explained the changes to be made within the Parks department. There will be no increase to the budget and all changes are a wash within the department. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to sign the resolution to approve the addition of one (1) position in Parks, Cultural and Natural Resources (see resolution no. 19-157).

***Consider appointing Justin Vance to the Historic Preservation Commission:*** Recently Reggie Jayne had to resign from the Historic Preservation Commission but recommended Dr. Justin Vance who has agreed to serve. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to sign the resolution appointing Justin Vance to the Historic Preservation Commission (see resolution no. 19-156)

Director Schwend updated the Board on the following:

- Review of the Science Canoe Camp: they may look at collecting a nominal fee next season
  - Overview of the “The Five Tribes of the Boise Valley: Original Inhabitants of Celebration Park” catalog
  - Lake Lowell docks have been removed
  - New kiosk for information is up with information posted
  - Having a rowdiness issue at Celebration Park; looking for advice from the Board. Nicki has thought about meeting with the Sheriff’s Office for suggestions, possibly private security and put up signs notifying of the noise ordinance and fine associated. Commissioner Dale suggested maybe ask the Sheriff’s to station a deputy down there Friday and Saturday for a month or so hoping to “nip it in the bud”. Director Schwend is working with Zach Wesley on some possible changes to ordinances pertaining to Celebration Park. Director Schwend doesn’t want to bombard the Sheriff’s Office with calls without speaking with them first. At Commissioner Dale’s encouragement Director Schwend will reach out to the Sheriff’s Office.
  - Recently received suggestions and feedback for the 4<sup>th</sup> grade field trips
  - Boy Scouts and Girl Scouts have been out to the park
  - Parking lot at Celebration Park was recently sealed
  - Greasewood removal took place a Celebration Park
  - BSU Anthropology department had a faculty retreat at Celebration Park
  - Pictures of the work the Facilities department has done at her buildings

The meeting concluded at 10:43 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 10:43 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 and Tom Dale, Director of Misdemeanor Probation Jeff Breach, Chief Juvenile Probation Officer Elda Catalano and Deputy Clerk Jenen Ross.

Director Breach updated the Board on the following:

- Last week he presented at the magistrates meeting where they discussed a new transfer process. There was also discussion about the interstate compact criteria. Director Breach gave an overview of how the process works.
- They are in the process of hiring for their new position and will be conducting interviews on the 24<sup>th</sup>
- Stats for last month: 1306 offenders on active supervision, 489 offenders on bench warrant status, 293 in the community service program and 10 reoccurring problem solving court participants

- The Supreme Court invited him to go to the domestic violence conference in April; several people from Canyon County were invited to attend in the hopes of starting one here

Chief Probation Officer Catalano updated the Board on the following:

- She is working with a committee of people from around the state regarding the transferring of cases
- One staff member will be leaving at the end of the month so they will need to hire to fill that position
- A big event is planned to thank donors who participated in the truancy event; they are planning to have a reception on the 23<sup>rd</sup>
- The number of kids on probation has remained relatively the same – a little over 400
- Recently they've partnered with the local school districts to be more visible at the football games and other activities as it seems kids are getting in trouble there

The meeting concluded at 10:58 a.m. An audio recording 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 11:03 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Tom Dale, Director of Juvenile Detention Steve Jett, Deputy Director of Juvenile Detention Sean Brown and Deputy Clerk Jenen Ross.

Director Jett updated the Board on the following:

- 1346 lbs. of produce were harvested from the garden
- The numbers at the detention center are low, last weekend was 23 and currently they are at 12; he has spoken with some people about ways to get the numbers back up
- He recently met with Ms. Catalano about having some space in the detention center; Facilities has been contacted about a small remodel to make it more workable for her needs
- His department still has 4 open positions which he does not intend to fill at this time
- Notice was received yesterday from the school lunch program that his facility is being suspended due to some clauses in the food provider contract and that the contract wasn't sent to the proper person within the program first. All the information regarding the issue has been provided to Zach Wesley
- There is a meeting next week with the school superintendent who will most likely pull another aide from the detention center; at this point they have a teacher and two aides
- Director Jett received a letter from the Governor reappointing him to the Board of Juvenile Corrections
- Recently he conducted a training for Juvenile Probation regarding use of force

- Four people recently attended the National Partnership for Juvenile Services (NPJS) leadership institute; Director Jett has been asked to stay on as a coordinator next year. The NPJS symposium is in Salt Lake City next week which several people will be attending.

The meeting concluded at 11:23 a.m. An audio recording is on file in the Commissioners' Office.

## OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 16, 2019

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

### APPROVED CLAIMS ORDER NO.10/17/19

The Board of Commissioners approved payment of County claims in the amount of \$25.00 for accounts payable.

### APPROVED CLAIMS ORDER NO. 10/18/19

The Board of Commissioners approved payment of County claims in the amount of \$32,463.23 and \$2274.54 for accounts payable.

### APPROVED CLAIMS ORDER NO. 10/25/19

The Board of Commissioners approved payment of County claims in the amount of \$85,100.07 for accounts payable.

### CONSIDER A REQUEST BY ALL-TERRA CONSULTING ON BEHALF OF PHEASANT POINT MIDDLETON, LLC FOR A PRELIMINARY PLAT, IRRIGATION PLAN, AND DRAINAGE PLAN FOR FAISAN POINTE ESTATES SUBDIVISION; CASE NO. SD2018-0011

The Board met today at 9:03 a.m. to consider a request by All-Terra Consulting on behalf of Pheasant Point Middleton, LLC, for a preliminary plat, and irrigation and drainage plan for Faisan Pointe Estates Subdivision, Case No. SD2018-0011. Present were: Commissioners Pam White and Tom Dale, Treasurer Tracie Lloyd, Deputy P.A. Zach Wesley, DSD Director Tricia



Nilsson, DSD Planner Dan Lister, Jay Walker, other interested persons, and Deputy Clerk Monica Reeves. At the October 10, 2019 hearing the Board voted to approve the request and directed staff to prepare written findings with the conditions that reflect what improvements need to occur before consideration of the final plat. Mr. Lister reviewed the conditions with the Board noting they are reflective of what the preliminary plat currently shows. He also reported that the applicant has issues with staff's proposed condition No. 4 regarding pressurized irrigation because it's their position that there is not enough water source coming out of the irrigation canal to appropriately supply the water. They are saying well water is the way to supply that, but their plans and the preliminary plat do not demonstrate that alternative. The construction plans still show pressurized irrigation and at the last hearing the applicant was directed to supply new information and revise their irrigation plan, but staff has not received a revised irrigation plan. Discussion ensued on the topic of irrigation. The conditions are as follows:

1. All subdivision improvements and amenities need to be either bonded or completed prior to the signing of the final plat.
2. The plat shall comply with the comment letter provided by Keller Associates
3. All improvements required by the Black Canyon Irrigation District must be completed prior to the Board's signature on the final plat.
4. Pressurized irrigation, as shown on the preliminary plat and the construction plans, shall be installed prior to the Board's signature on the final plat. A water user's maintenance agreement for all lots within the development shall be recorded with the Canyon County Recorder's Office prior to the Board signing the final plat. The water user's maintenance agreement with instrument number shall be included as a plat note on the final plat.
5. The development shall comply with all standards and improvements required by Canyon Highway District #4.
6. Prior to final plat approval, the applicant shall complete a Transportation Mitigation Agreement with ITD and pay their proportionate share into the construction of a westbound right turn lane on Highway 44 and Emmett Road.
7. The applicant shall submit a recorded road users maintenance agreement related to the private road (Faisan Court) consistent with CCZO Section 07-10-03(1)B3. The road user's maintenance agreement with instrument number shall be included as a plat note on the final plat prior to the Board's signature on the final plat.
8. The private road (Faisan Court, Road Lot 1) shall be constructed in accordance with CCZO 07-10-03(3) for private roads that serve over 100 average daily trips. The private road sign shall be installed in accordance with CCZO Section 07-10-03(3)A5. Road construction shall be inspected and certified by the applicant's engineer constructed or road construction warranty prior to the Board's signature on the final plat.

9. In accordance with Middleton Fire District, the following plat note shall be added:  
“Residential fire sprinklers in compliance with Middleton Fire District standards shall be installed in all residences unless alternative fire suppression methods are approved by the Fire District.”
10. The applicant shall adhere to time limitation to submit a final plat pursuant to CCZO 07-17-13(7).

Following comments Zach Wesley said there is a requirement that they demonstrate their irrigation plan, we shouldn't be in a position to make a determination about how they're going to proceed. They have submitted a written plan and that's the only written plan we have, if that's the requirement then they haven't met their plat requirement and it's a denial. Or, the Board could give them more time to submit an additional written plan. Mr. Lister said at the end of the last hearing the applicants were questioning the irrigation plan and staff told them to update their irrigation plan because the plan shows pressurized irrigation. It has been reviewed by staff and the County engineer and it meets all standards so we can approve it today with pressurized irrigation, but they don't intend to use it so they would have to come back and modify that. Commissioner Dale said if they decide that's not the best way to go they can request a modification. We have seen the documents that comply with requirements at preliminary plat approval and the findings reflect that, and so he made a motion to approve the findings of fact, conclusions of law and order for Faisan Pointe Estates as presented. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 9:17 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR SEPTEMBER 2019

The Board met today at 9:18 a.m. to consider the Treasurer's tax charge adjustments by PIN for September 2019. Present were: Commissioners Pam White and Tom Dale, Treasurer Tracie Lloyd, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The report indicates a total adjustment of \$339.42. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to approve the adjustments by PIN. The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 9:20 a.m. for a legal staff update. A request was made to go into Executive Session to discuss a personnel matter and*

*records exempt from public disclosure and attorney-client communication. The Executive Session was held as follows:*

Commissioner Dale made a motion to go into Executive Session at 9:20 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Dale and White 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 Monica Reeves. Commissioner Leslie Van Beek arrived at 9:21 a.m. The Executive Session concluded at 9:46 a.m. with no decision being called for in open session.

PUBLIC HEARING – REQUEST BY CLARKE SHORT FOR A CONDITIONAL REZONE, CASE NO. CR2019-0007

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Clarke Short for a conditional rezone of approximately 12.11 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. Also requested is a development agreement that will restrict the development of the parcel to only two (2) residential lots. Present were: Commissioners Pam White and Tom Dale, DSD Planner Jennifer Almeida, Jessica Short, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The applicant is proposing two residential parcels each being approximately 6 acres in size and will be served via a shared driveway with an approach location onto Middleton Road. The future land use designates this area as agriculture, the area east of Middleton Road is designated as residential. As restricted by the proposed development agreement the property will only be allowed to be divided into two parcels; this will still qualify them for the agricultural exemption through the Assessor’s Office. There is conditional rural residential zoning located ½ mile from the subject property, east of Cemetery Road and south of Bullock Road where each parcel was allowed one additional building permit. The subject property is in a nitrate priority area and any subsequent development will be required to adhere to health department requirements for the location of septic systems. The property does have frontage on Middleton Road and the shared driveway will need to meet the requirements of the Canyon Highway District, and approach permits will be required at the time of building permit. No opposition to the conditional rezone has been received. Staff finds the request complies with the comprehensive plan as well as the zoning ordinance. The P&Z Commission recommended approval on August 15, 2019 and staff is recommending approval of the conditional rezone and development agreement subject to conditions. Jessica Short testified that her in-laws currently own the 12 acres, and she and her husband and another family member are hoping to purchase the property if it can be split. They intend to build their family home on the property and prefer a larger lot to act as a buffer in case of future development. Commissioner Dale encouraged the applicants to make sure they meet the criteria in order to qualify for the agricultural exemption. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to close public

comment. Commissioner Dale made a motion to authorize the Board to sign the necessary documents to approve the request for a conditional rezone and development agreement as well as the findings of fact, conclusions of law and order, and the ordinance for Case No. CR 2019-0007. The motion was seconded by Commissioner White and carried unanimously. (See Ordinance No. 19-046.) The development agreement was also signed by the Board, and will be signed by the property owners later today. (See Agreement No. 19-168.) The hearing concluded at 1:40 p.m. An audio recording is on file in the Commissioners' Office.

## OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 17, 2019

PRESENT: Commissioner Pam White, Chair  
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 Bert “Joe” Mueller.

### APPROVED CLAIMS ORDER NO. 10/25/19

The Board of Commissioners approved payment of County claims in the amount of \$158,748.47 for accounts payable.

### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- ExecuTrain in the amount of \$1100.00 for the Information Technology department
- DataWorks Plus in the amount of \$12,900.00 for the Juvenile Detention department

### CONSIDER INDIGENT DECISIONS

The Board met today at 8:50 a.m. to consider indigent decisions. Present were: Commissioners Pam White and Tom Dale, Customer Service Specialist Robin Sneegas and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2019-1465,

2019-1367, 2019-1341, 2019-1366, 2019-1344, 2019-1425, 2019-1340, 2019-1342 and 2019-1300. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record. Commissioner Dale made a motion to issue initial approvals with written decision within 30 days for case nos. 2020-0059 and 2019-1345. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 9:02 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 9:03 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters concerning named personnel, records exempt from public disclosure and attorney-client communication. 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, HR Director Sue Baumgart (left at 9:33 a.m.) and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:58 a.m. with no decision being called for in open session.

MEETING TO RESCHEDULE THE PUBLIC HEARING TO CONSIDER THE APPROVAL/DENIAL OF A REQUEST BY WILLIAM JENKINS FOR A REZONE AND DEVELOPMENT AGREEMENT FOR CASE NO. RZ2019-0012

The Board met today at 10:00 a.m. to reschedule the public hearing to consider the approval/denial of a request by William Jenkins for a rezone and development agreement for case no. RZ2019-0012. Present were: Commissioners Pam White and Tom Dale, Planner Dan Lister, Other concerned citizens and Deputy Clerk Jenen Ross. Dan Lister explained that the applicant was informed that there would be a lack of quorum today so a new date was set for October 21<sup>st</sup> at 10:00 a.m. The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE COUNTY AGENT TO DISCUSS GENERAL ISSUES

The Board met today at 1:30 p.m. with the County Agent to discuss general issues. Present were: Commissioners Pam White and Tom Dale, Deputy P.A. Zach Wesley left at 1:49 p.m., County Agent Jerry Neufeld, Debbie Lowber, Nick Usabel and Carrie Johnson with the County Agent's office and Deputy Clerk Jenen Ross.

A discussion was had about the cooperative agreement with the University of Idaho Extension office which outlines the responsibilities of each party. Zach Wesley would like to have the part about the shared employees revised to more closely match other similar agreements. Mr. Wesley said he will make contact with the university to discuss some draft changes.

Commissioner Van Beek had previously asked about the extension educators using county fleet vehicles when travelling, however, most of the employees travelling are University of Idaho employees, not county employees. Commissioner Dale said he has no problem with people submitting for mileage reimbursement and feels it's less problematic for liability issues for university employees to use their personal vehicle vs. fleet vehicles. Mr. Neufeld said they try to carpool and share to minimize costs as much as possible. Commissioners Dale and White agree University of Idaho Extension employees should continue to use personal vehicles and charge mileage.

Nick Usabel provided a background of himself, what he does at the extension office and an update on what he's been working on.

Carrie Johnson gave an update on what she's been working on including 4H enrollment, activities and programs, getting online record books, she recently attended the Idaho Out-of-School network program, and her and Tina Holmquist will be attending another professional training soon.

The meeting concluded at 2:04 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 18, 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 CLAIMS ORDER NO. 10/18/19

The Board of Commissioners approved payment of County claims in the amount of \$42,600.00 for accounts payable.

No meetings were held today.

OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 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):

- Mountain Home Auto Ranch in the amount of \$24,987.00 for the Fleet department
- Interstate Electric in the amount of \$4630.28 for the Facilities department
- Grizzly Industrial in the amount of \$4827.29 for the Facilities department
- Lauderdale-Hamilton in the amount of \$5080.00 for the Facilities department
- Wall 2 Wall Flooring in the amount of \$2593.78 for the Facilities department
- Plumb Master in the amount of \$2739.85 for the Facilities department
- HP, Inc. in the amount of \$2428.00 for the Information Technology department
- Motorola Solutions in the amount of \$3900.00 for the Sheriff's Office

#### APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

The Board approved the transfer of sick leave time to vacation time for Aileen Hartley, Adrian Chavez, Michael Davidson, Ross Garven, Jose Orozco, Linda Hall, Elda Catalano, Jodi McAbee, Eric Eskew and Rick Britton.

#### 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 Michael Dill.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 11/22/19 and 11/23/19 for a Christmas Bazaar.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 11/17/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 11/9/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 11/8/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 11/2/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 11/1/19 for a hospital board dinner.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 11/16/19 for a wedding.

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM



The Board approved a commuter vehicle authorization forms for Dolan Adams, Geoffrey Williams and Craig Barnes.

#### MEETING WITH COMMISSIONERS' OFFICE STAFF TO REVIEW UPCOMING CALENDAR ITEMS

The Board met today at 8:34 a.m. with staff to review upcoming calendar items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy Clerk Jamie Miller, Deputy Clerk Monica Reeves arrived at 8:37 a.m., Commissioner Dale left the meeting at 8:49 a.m. and Deputy Clerk Jenen Ross. A discussion was had about upcoming meetings and expectations for certain meetings. Commissioner Van Beek requested additional information regarding the financial portion of the purchase of the election equipment. Additionally, she said that she recently attended the Caldwell North Urban Renewal Area meeting and shared the information she learned with the Board. A discussion was had about a message that was received from the Office of Highway Safety regarding a grant for the Ambulance District. The Board asked staff to reach out to Michael Stowell and Ambulance District staff for more information. No decisions were made or action taken. The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ATTORNEYS FOR 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. Dan Blocksom, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker left at 9:10 a.m., Fair Director Diana Sinner and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing services agreement with Cottonwood Creek Behavioral Hospital:*** Recently the contract with Cottonwood Creek Behavioral Hospital was terminated as the rate was much higher than expected but after the contract was cancelled the hospital contacted the county to renegotiate. Director Baker gave a breakdown of the dollar amounts which averages about \$900/day and is happy with the compromises made on both parts. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the agreement with Cottonwood Creek Behavioral Hospital (see agreement no. 19-170).

#### EXECUTIVE SESSION – PERSONNEL MATTER, 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 9:11 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, 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, Deputy P.A. Zach Wesley, Fair Director Diana Sinner. The Executive Session concluded at 9:51 a.m. with no decision being called for in open session.

The meeting concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY WILLIAM JENKINS FOR A CONDITIONAL REZONE AND DEVELOPMENT AGREEMENT, CASE NO. RZ2019-0012

The Board met today at 10:00 a.m. to conduct a public hearing in the matter of a request by William Jenkins for a conditional rezone from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) one-acre average minimum lot size, zone. The request also includes a development agreement. The vacant 40-acre parcel is located 200 feet from the intersection of Orchard Avenue and Widgeon Avenue in Caldwell. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Dan Lister, DSD Director Tricia Nilsson, Alan Mills, Jessica Skinner, Dave Ballard, Jeremy Fife, Greg Evans, Michael Robinson, William Jensen, other interested citizens and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. On September 3, 2019 the Board requested the matter be brought back with a development agreement limiting the residential lots to 40. He noted it's likely that with roads and common areas the project will be limited to 35 lots. Staff received a letter of concern regarding whether the lot restriction transfers with the land, which it does, and the other concern was about traffic on Widgeon Avenue and what development may do to that access point. He said there are three potential access points and they can utilize all of them; there is a potential for a fourth stub to the north. They would have plenty of access points other than just Widgeon Avenue. There are were concerns about using Kimball Avenue, however, it's not shown as a future extension so it's not on the table at this point. Staff is recommending approval of the development agreement. Following his report Mr. Lister responded to questions from the Board.

Alan Mills testified in support of the request. The only new development that's in the works is a transportation issue where the highway districts are starting the process to look at impact fees, and although he's not a proponent of impact fees in this case transportation is such an overwhelming issue we need to do something. The applicants are agreeable to the conditions in the development agreement. The project, which will be similar to Moonstruck Subdivision, will be significantly less dense than if services were available to the property.

**OPPOSITION TESTIMONY:**

Dave Ballard gave testimony regarding the properties that are owned by the Jenkins' and the areas where they graze their cattle, and he questions why, if they are worried about being landlocked, did they sell their property. He is concerned about traffic issues noting that Orchard Avenue is a two-lane road in a rural area and it cannot handle 150 trips per day. He thinks we

should wait until a road is put through to Karcher Road or until improvements are done to make it accessible so it won't affect all the surrounding areas. Mr. Lister said the rezone is not being discussed, we are here today for the development agreement. Traffic has been discussed and during the platting phase they will have to demonstrate adequate access.

Greg Evans lives on Widgeon Avenue and spoke about the danger of traffic on Orchard Avenue. He understands there will be housing and he's asking that all subdivisions share the load of being an access point because it seems unfair that one street bears the load for this project. There should be a sharing of the ingress/egress; it needs to be split up so there are three access points so it's not off just one.

Michael Robinson testified about his concern with the traffic flow. R-1 zoning has a caveat that they could have smaller lots if they had central sewer and water and the P&Z Commission wanted to restrict it to no smaller than one-acre lot and so he wants to make sure there are not more than 30 houses. HE also said all three points of egress be used so it doesn't impact us more disproportionately.

William Jensen wants to make sure the lots will be at least one acre in size and that they will have a shared access.

**NEUTRAL TESTIMONY:**

William Trask stated he is taking a neutral stance because the best use for this land would be R-1 residential zoning. They are talking about Drury Lane being an access point but the problem is it has six homes, and Kings Row Road which empties onto 10<sup>th</sup> Avenue, serves 42 homes and he opposes anything there. There is a lot of development occurring and he has a concern with additional traffic in the area. He will oppose any sort of easement access through Drury Lane.

Jeremy Fife is taking a neutral position and he favors R-1 zoning. He has concerns about the roads and access points and the impact additional traffic will have on the home values.

Alan Mills offered rebuttal testimony and said future development of the property shall not exceed 40 residential lots; however, there is no way they will get 40 lots on this site. The connection to the north will access Highway 55 when that connection is made, and during the platting phase the neighbors can lobby the highway district for where the emphasis should be for access.

Commissioner Van Beek said when asked about increasing traffic and lot size, staff said the developer will have to have rights-of-ways and build roads and have drainage and collection areas which will reduce it down to a maximum of 35 lots. Impacts of the design will be discussed during the platting stage. She appreciates Mr. Mills saying he's in favor of cost sharing on what needs to be done for traffic improvement but that's outside the jurisdiction of this Board. There is a consistent message that the concerns being voiced are going to be addressed. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek,

the Board voted unanimously to close public comment. Commissioner Dale said today's decision point is on the validity and appropriateness of the development agreement. The zoning is R-1 has an average minimum lot size of one acre and when all factors are taken into consideration the lots in the proposed development will be one-acre in size. He appreciates the comments regarding access points and he noted that the development agreement covers all the pertinent points that were raised during the rezone hearing last month. Commissioner Van Beek said there is quality development in the area and her hope is this project will follow suit with what's out there with one acre lots. Given all of the factors and that the property owner has agreed to a development agreement, she supports the application. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the development agreement for Case No. RZ2019-0012 and the findings of fact, conclusions of law and order and the ordinance. (See Agreement No. 19-171 and Ordinance No. 19-047.) The hearing concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:08 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Fleet Director Mark Tolman, Sr. Admin and Fuel Analyst Dawn Pence and Deputy Clerk Jenen Ross. The Board was updated on the following:

- The yearly fuel system inspection went well
- Several titles were presented to the Board to be signed off for vehicles in the auction
- Three commuter vehicle authorization forms were presented to the Board for signatures
- Discussion was had about a PO for a Jeep vehicle being purchased

Director Tolman asked about the title of his position in regards to Director vs. Manager. Commissioners Dale and White believe his title should be Director. At Commissioner Van Beek's request Ms. Pence gave a review of her position and background. Discussion ensued about the succession plan within the department and what title Ms. Pence should have to best fit her responsibilities.

A Letter from the PA's office regarding the use of fleet vehicles by the Extension office was discussed. The letter noted that the Extension office employees are University of Idaho employees, not county employees, so those driving fleet vehicles would be a liability issue.

Director Tolman said he feels the current policy regarding fleet vehicles is suitable but would like to see more training. At one point the training was put into place but it was shut down by the PA Office and HR as it could not be made mandatory. Commissioners Van Beek and Dale are both in favor of trainings. Director Tolman believes the vehicle use policy should be included as part of the on-boarding.

The meeting concluded at 11:46 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 22, 2019

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

APPROVED CLAIMS ORDER NO. 10/25/19

The Board of Commissioners approved payment of County claims in the amount of \$9611.51 for accounts payable.

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

The Board met today at 1:31 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. Mr. Bazzoli updated the Board on the following:

- Review of final FY2019 budget numbers
- Discussion about how conflict counsel is assigned
- Conversation about crime and appropriate/fitting punishments
- Review of caseload numbers comparing this year vs. last year, age of active pending caseloads, and clearance rates
- Personnel updates – They have made an offer for a new Legal Support Specialist (LSS) which will fill all those positions. An Investigator recently resigned so a new person has been hired to replace her. There are currently several open attorney positions he is looking to fill as three have resigned in the past 2 weeks.

The meeting concluded at 2:04 p.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 2:05 p.m. with the Director of Solid Waste to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Landfill Director David Loper, Deputy P.A. Brad Goodsell (left at 2:18 p.m.) and Deputy Clerk Jenen Ross.

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

*Note for the record: As properly noticed the Board met today at 2:05 p.m. for a meeting with the Solid Waste Director. A request was made to go into Executive Session as follows:*

Commissioner Dale made a motion to go into Executive Session at 2:06 p.m. pursuant to Idaho Code, Section 74-206(1) (d) 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 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, Solid Waste Director David Loper and Deputy Clerk Jenen Ross. The Executive Session concluded at 2:18 p.m. with no decision being called for in open session.

At the conclusion of the executive session Director Loper updated the Board on the following:

- Waste amounts were down 3.33% for September. FY19 is up approx. 3.5%. Revenue numbers are up.
- CUP/Site Certification is moving forward with DSD to expand the landfill and a work authorization is in place with Tetra Tech to complete the site certification process. Once the site certification and conditional use process are complete he will need to get design and operations plan approval before waste can be put in the expansion area. He does not anticipate the operations plan changing much but the design portion is important because it will determine if the exemption for the liner will be granted. Director Loper is hoping to have this all complete in the next 2-3 years.
- The wood waste contract started October 1<sup>st</sup> and so far they are very happy with the new vendor.
- Tetra Tech work authorization was reviewed with the Board regarding a fly-over and performance evaluation for mapping. The cost is about \$2000 and the Board is okay with Director Loper signing off on the work authorization.
- He has been looking on the used market for the dozer that was approved for purchase in FY20; they are looking at Caterpillar and John Deere. He spoke about the features they're looking for in a machine. A used one has been located that has all the necessary features and should come in under his budgeted amount.
- Director Loper is working with Brad Goodsell on a solicitation for the drilling of the PB-16 monitoring well. PB-4 will be abandoned.
- He is also working with Mr. Goodsell on obtaining more litter screens, a Bull Litter Fence and a cover tarp. The tarp will reduce the amount of cover dirt used each day along with increased efficiency.

- Safety training takes place every second Tuesday and Wednesday of the month and every two years they do first aid/CPR and AED training. He spoke about the safety topics they review and safety equipment. He may look into making everyone wear high visibility vests and the Board asked for a cost estimate for shirts, sweatshirts or possibly coats. He will bring something back to the Board once he has more information.
- The exterior stucco on the SWDH building needs to be replaced and they are looking for a possible discount for disposal of the waste which is at Board discretion. Director Loper said the landfill can handle the waste as it doesn't contain asbestos. Commissioner Van Beek would like more information and possibly a meeting to discuss acceptance of waste at a discounted rate.
- This year they are planning 4 dates for the Household Hazardous Waste events in December, March, May and June. Two will be held on Saturdays and two will be held on Wednesdays and they are going to try limiting the "per car" volume this year.

The meeting concluded at 2:59 p.m. An audio recording is on file in the Commissioners' Office.

## OCTOBER 2019 TERM

CALDWELL, IDAHO                      OCTOBER 23, 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):

- Hyland Training in the amount of \$3000.00 for the Information Technology department
- Carousel Industries in the amount of \$2600.00 for the Information Technology department

### MEETING WITH COUNTY ATTORNEYS FOR 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, Clerk Chris Yamamoto, Chief Deputy P.A. Sam Laugheed left at 10:09 a.m., Deputy P.A. Zach Wesley left at 9:15 a.m., Deputy P.A. Brad Goodsell left at 9:15 a.m., Controller Zach Wagoner, Deputy P.A. Dan Blocksom, Treasurer Tracie Lloyd left at 9:11 a.m., Elections Supervisor Haley Hicks, Elections Technician Kylie Marks, PIO Joe Decker left at 10:12 a.m., Hubert Osborn, Challen Watson, Reporter from the Idaho Press left at 10:12 a.m. and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Consider signing memorandum of agreement between Ada County and Southwest Idaho Juvenile Detention Center and Idaho State Department of Juvenile Corrections FY2020:*** This agreement has been in place for several years. It provides for an emergency situation if a detention center needs to be evacuated. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the MOA between Ada County and SWIDJDC and ID State Department of Juvenile Corrections (see agreement no. 19-172).

***Consider signing resolution authorizing inclusion of certain charges, other than property taxes, on tax notices as authorized by Idaho Code §63-902:*** This is something that happens annually. Charges have to meet certain requirements and the Board is authorized to add them to the tax roll. Mr. Goodsell noted the entities wanting to include charges are the City of Caldwell, City of Nampa and the Canyon County Weed and Gopher Control; all charges are related to abatement actions. The charges have been vetted by Treasurer Lloyd and appear to meet the requirements to be added to the tax roll. There were some charges submitted by county weed and gopher that removed and at the request of Commissioner Van Beek, Treasurer Lloyd explained why they were removed. Mr. Wagoner said that after the taxes are collected they will then be dispersed to the appropriate taxing district. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing inclusion of certain charges, other than property taxes, on tax notices as authorized by Idaho Code §63-902 (see resolution no. 19-158)

***Meeting to take public comment on sole source procurement with Hart, LLC:*** Dan Blocksom reviewed the statutes that allow the county to move forward with this sole source procurement as follows: 67-2808, the software offers something that other software can't offer, Title 34-2405 allows sole source specifically for election equipment and 34-209 references that authority in the context of elections equipment. The purpose of this hearing is to see if someone else can offer the same functionality, especially the special functionality that the Hart equipment offers. It's our understanding that no other competitor that is certified with the Secretary of State can offer the same. This is the opportunity to be heard, explain and notify us of anything we don't know. Clerk Yamamoto believes the reasoning for the statute specific to elections is that there are certain nuances within elections that make it much more complex and allow counties more latitude to get the equipment that best suits them.

Mr. Blocksom and Ms. Hicks provided a flow chart that shows how the Hart process works, how it eliminates the element of human error and reduces manpower. Hart allows for voters with disabilities to vote the same way as all other voters as the machine can accommodate wheelchair accessibility, hearing or vision issues. The reason this is being done sole source is that Hart is able to offer things that no other competitor can. A copy of the flow chart is on file with this day's minutes.

A discussion ensued regarding the security of the system. Ms. Hicks said that the actual voting touchscreens do not retain how a vote was cast. If a voter makes an error on their ballot they



would need to see a poll worker for a new ballot to start over as there is no way for the machine to pull up how they previously voted. The flash-drives that collect and tabulate the votes from the precinct counter are all encrypted and are locked into the machine with the keys being kept at the elections office; poll workers will not have access to remove the flash-drive. The only thing that is connected to the internet are the e-poll pads for voter look-up and check-in. Clerk Yamamoto said the new system really cannot be hacked as it's an encapsulated system, not internet based and votes are not transmitted online. It is still paper ballots.

Hubert Osborn offered comment stating he hopes that other systems have been evaluated. He feels the current system needs to be improved and this could be the answer to enhanced voting and lessens human error although is concerned with the cost. He would like a penalty for non-performance in the contract.

Challen Watson offered comment stating that he is a certified ethical hacker and a system security certified practitioner. He said that a group of hackers meet every year in Las Vegas for the 'Voting Village' where they bring in all kinds of voting equipment and they hack it. As a citizen he likes the current method of a paper ballot that's placed into a ballot box. He spoke about new technology and how newest isn't always best. He read the executive summary from the Voting Village conference into the record. He is concerned that it's the tablet that is making the decision and not the voter. Several tests have been done on the calibration of touch screen displays and they've been able to circumvent them. He likes that they are not connected to the internet but noted that although they may not be connecting to the outside internet they could still be connecting to an internal network and if a hacker wanted to all they'd have to do is get into that internal network. He encouraged everyone to look up the entire report at Defcon Voting Village 2019.

Commissioner White reiterated the process stating that the voter carries the paper ballot over to the secure counting machine and that the voter has the opportunity to review their ballot prior to it being put into the tabulation machine. All selections are printed on the ballot so the voter is able to read what they've voted for. If there is an error in the selection the voter will just need to notify a poll worker who can spoil the ballot and issue a new ballot for the voter to make the correct selections. Ms. Hicks confirmed that the precinct counter is not connected to any of the selection devices.

Mr. Watson spoke more about the 'what-if' of the equipment getting hacked or the encryption of the flash-drive broken. What is the cost to the county? He indicated that many companies now carry cyber security insurance in the event they get hacked.

Commissioner Van Beek asked what other systems were evaluated. Ms. Hicks said ES&S is the only other company certified in Idaho for election voting equipment. Currently they only have an "Express Vote" which would take the place of the AutoMARK machine. The same procedure would still be in place, this would just take the place of the one AutoMARK in the precinct. The only other thing they have is a DS200 which is similar to a precinct counter but without the rest

of the system so it would essentially just take the place of the ballot box. Commissioner Van Beek requested a side by side cost analysis of Hart vs. currently being used vs. ES&S. She asked when a cost analysis for the maintenance agreement would be available; she believes it should be provided before the date of the meeting. Ms. Hicks stated that in order to do a cost analysis they would have to provide something that is similar to Hart and she and Clerk Yamamoto reiterated that there is no competitor that provides what Hart does. Commissioner Van Beek said that 'N/A' could just be marked in the competitor column.

Commissioner Van Beek asked why an RFP was not issued and wondered what other methods of funding were looked at besides using fund balance. Mr. Wagoner said in a lease type situation there is going to risk and interest charged to compensate for that risk. In their opinion, paying cash up front, if it's available, is the most affordable way to make this type of purchase. Commissioner Van Beek asked how this purchase fits into the capital improvement plan for the county and the other EO's. Clerk Yamamoto stated that \$4M was put in that line item and the proposed amount for elections equipment is \$3.5M, however, it was not his desire to put that in the capital improvement plan. We're talking about equipment we're not talking about facilities.

Commissioner Van Beek asked what makes Canyon County the first of its kind in the nation. In response, Clerk Yamamoto spoke about being in the news for being late with the results of an election. At about 2 a.m. focus starts to fade a mistakes can happen. They are looking more at the quality and accuracy. They've had too many elections, due to human error at the polling places that have been close and created a problem. The goal is to take as much of the human element out of the voting experience as possible. With this system they will be able to monitor what is happening at each precinct from the elections office.

In response to a question from Commissioner Van Beek, Clerk Yamamoto said in the beginning they won't do much different as far as staffing for elections because it'll still be a new system and everyone is still learning but that down the road he sees them spending less time in the office and will need less people at the polling locations.

Commissioner White said she likes that handicapped people will have the same opportunity and ability to vote as everyone else. Clerk Yamamoto said this a DOJ/ADA requirement which is difficult to impossible to achieve currently. Commissioner White went on to ask why we would not want a current system and continue running with an antiquated system. She said the current way of doing things is okay but okay isn't good enough in voting. In response to Commissioner Van Beek's question about this fitting into the capital improvement plan she said it's the same constituents that will go to the polls and it affects their livelihood, their election and their campaigns. It provides a basic right and it provides a service to our citizens and the people that work over there. The inefficiencies are sometimes embarrassing and sometimes is a large mess. It's not good enough when we are the second largest county in the state and we're growing at a rate that is undeniable. She said this is a huge decision to make and nothing is going to be perfect but thinks if we have measures that protect then we can protect the imperfection and we can get in front of that. As the voter, she likes that she can verify her own ballot.

Commissioner Van Beek asked if there been any kind of control or evaluation of how the system will impact senior citizens as the make up a large portion of the voting population. Ms. Hicks explained that with the way they make their selections and the adjustments that can be made to the screen it is very similar to what the AutoMARK does now. She feels confident once they realize how easy and user friendly the machines are they'll understand why they county is going this route and probably like that they don't have to fill in a tiny oval.

Commissioner Van Beek asked about the opt-out options and if there is cybersecurity insurance in the maintenance agreement. Mr. Blocksom said he is not the attorney working on the contract but that opt-out option are something that his office typically includes in contracts. Ms. Hicks said she would look into the question regarding cybersecurity. In response to Commissioner Van Beek's question about absentee ballots, Ms. Hicks said they will be sent out the same way it's being done now and once they come back they will go thru a scanner at the elections office. If something is marked improperly that is the only time there would have to be duplication of ballots.

Commissioner White noted for the record that there was no one else present to offer comment.

Commissioner Dale spoke to the question regarding going out for RFP; he said when you go sole source there is no need for RFP because you've already gone thru the educational and searching process to discover if there are more providers for a specific type of equipment. He appreciates the work that's been done by the Clerk and elections staff; he feels they've selected a top-notch product. He addressed other concerns that had been raised stating that this system has been tested and opt-out clauses are standard inclusion in all county contracts. In regards to a comparison spreadsheet, he suggested maybe just compare Hart to what is used today. He really likes the flow chart created by Ms. Hicks and felt it was very helpful. He said there are no other competitors and no one has written in to object.

The Board took a brief recess from 10:40 a.m. to 10:56 a.m. Once back on the record the following action item was considered:

***Consider signing a resolution granting a transfer of alcohol license to Jacksons Food Stores doing business as Extra Mile #177, #178, #179, #180, #181, #182, #183, and #184:*** Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to sign the resolution granting a transfer of alcohol license to Jacksons Food Stores doing business as Extra Mile #177, #178, #179, #180, #181, #182, #183, and #184 (see resolution no. 19-159).

The meeting concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, RECORDS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY – CLIENT COMMUNICATION

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

Commissioner Dale made a motion to go into Executive Session at 2:31 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and named personnel, records that are 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 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, HR Director Sue Baumgart (left at 3:36 p.m.), Maintenance Supervisor Rick Britton (arrived at 3:50 p.m.) and Deputy Clerk Jenen Ross. The Executive Session concluded at 4:11 p.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.

#### OCTOBER 2019 TERM

CALDWELL, IDAHO                      OCTOBER 24, 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):

- Boise Office Equipment in the amount of \$7693.00 for the Information Technology department
- Zotto Corp. in the amount of \$3527.50 for the Information Technology department
- Boise Office Equipment in the amount of \$7963.00 for the Information Technology department

#### APPROVED CLAIMS ORDER NO. 10/25/19

The Board of Commissioners approved payment of County claims in the amount of \$7669.23, \$150,217.30, \$11,793.52, \$162,376.06, \$168,161.02, \$143,544.40 and \$104,706.13 for accounts payable.

#### APPROVED CLAIMS ORDER NO. 2002

The Board of Commissioners approved payment of County claims in the amount of \$1,894,677.28 for a County payroll.

### CONSIDER INDIGENT DECISIONS

The Board met today at 8:48 a.m. to consider indigent decisions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Case Manager Terri Salisbury and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance:

2019-1281, 2020-0007, 2019-1409, 2019-1320, 2019-1406, 2019-1399, 2019-1405, 2019-1412, 2019-1352, 2020-0078, 2019-1413, 2019-1410, 2019-1263, 2019-1347, 2019-1402 and 2019-1404. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions in 30 days on the cases as read into the record.

Commissioner Van Beek made a motion to issue initial approvals with written decisions within 30 days on case nos. 2019-1383 and 2020-0004. The motion was seconded by Commissioner Dale and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to place case no. 2019-1400 into suspension pending a resource.

Director Baker spoke about a request for a subordination agreement on case no. 2012-959 as they are wanting to purchase home. She noted that a county lien is always subordinate to a mortgage lien but this letter reiterates that. Commissioner Dale made a motion to sign the letter. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

### CONSIDER INDIGENT MATTERS

The Board met today at 8:59 a.m. to consider indigent matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Case Manager Terri Salisbury, Deputy P.A. Jim Cornwell and Deputy Clerk Jenen Ross.

Commissioner Dale made a motion to continue case nos. 2019-1000, 2019-1026, 2019-1014, 2019-1067, 2019-1052, 2019-993 and 2019-1001 to November 7, 2019 and to continue case no.

2019-817 to November 21, 2019. The motion was seconded by Commissioner Van Beek and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to place case no. 2019-741 into suspension pending a resource.

Commissioner Van Beek made a motion to issue final approvals with written decision within 30 days on the following cases: 2019-727, 2019-587, 2019-1025, 2019-572, 2017-1564, 2019-628 and 2017-1595. The motion was seconded by Commissioner Dale and carried unanimously.

The meeting concluded at 9:16 a.m. An audio recording is on file in the Commissioners’

### CONSIDER INDIGENT MATTERS

The Board met today at 9:19 a.m. to consider indigent matters. Present were: Commissioner Pam White, Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Case Manager Terri Salisbury, Deputy P.A. Jim Cornwell and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously issue final denials with written decisions within 30 days on case nos. 2019-1078, 2019-999 and 2019-1163. The meeting concluded at 9:19 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 1:30 p.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. Brad Goodsell, Deputy P.A. Zach Wesley, Director of DSD Tricia Nilsson, DSD Planner Jennifer Almeida, Treasurer Tracie Lloyd left at 1:38 p.m., Deputy Treasurer Tonya May left at 1:38 p.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution granting a refund to Robert Lightfeldt for a rezone permit; Case No. RZ2019-0026:*** Director Nilsson explained that Mr. Lightfeldt applied for a rezone but he is very close to the city limits of Nampa and they discovered that the water and sewer were pretty close so he chose to withdraw his request in the hopes that in the near future sewer would be available and he would then pursue annexation. No real work was done on this request so DSD is requesting a full refund of \$850.00 be issued. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution granting a refund to Mr. Lightfeldt (see resolution no. 19-160).

***Consider approval/denial of an application for casualty loss application under Idaho Code §63-711(cancellation of taxes) for Jon & Tiffany Stosich:*** This application was submitted to the Treasurer from the Assessor's Office and it looks like there was a house fire in May of 2019. They are asking for cancellation of taxes for casualty loss. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to approve the casualty loss application for Jon & Tiffany Stosich for 34.25% of casualty loss. A copy of the form noting the casualty loss amount of \$1724.48 is on file with this day's minutes.

EXECUTIVE SESSION – AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE 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 1:40 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with 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 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. Zach Wesley, Deputy P.A. Brad Goodsell (left at 1:59 p.m.), DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross. The Executive Session concluded at 2:24 p.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 DEVELOPMENT SERVICES STAFF TO CONSIDER ACTION ITEM

The Board met today at 2:31 p.m. with DSD staff to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, Planner Debbie Root and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing final plat for Munn Ranch Subdivision; Case No. SD2019-0034:*** Deb Root explained that this is a replat of Lots 1 and 2, Block 2 of Munn Ranch Subdivision for the purpose of combining those two lots for expansion of the packaging facility on the grounds. The Caldwell Fire District required insulation of fire suppression pond and the fire suppression easement is on the plat. The lot line has been removed and is now considered as Block 2, Lot 1 of Munn Ranch Subdivision. The plat is in conformance with Canyon County and state codes

and staff is recommending approval. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to approve the final plat for Munn Ranch Subdivision.

EXECUTIVE SESSION – PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Dale made a motion to go into Executive Session at 3:01 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. 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. Zach Wesley, Josh Sanders left at 3:10 p.m., HR Director Sue Baumgart and Facilities Director Paul Navarro arrived at 3:30 p.m. and Deputy Clerk Jenen Ross. The Executive Session concluded at 3:44 p.m. with no decision being called for in open session.

OCTOBER 2019 TERM  
CALDWELL, IDAHO            OCTOBER 25, 2019

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

No meetings were held today.

Commissioners attended the District III Elected Officials meeting in Elmore County

OCTOBER 2019 TERM  
CALDWELL, IDAHO            OCTOBER 28, 2019

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



## APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Bob Barker in the amount of \$3541.00 for the Sheriff's Office
- Johnson Controls in the amount of \$13,926.68 for the Facilities department
- Johnson Controls in the amount of \$21,970.09 for the Facilities department
- Caldwell Glass in the amount of \$13,060.11 for the Facilities department

## CONSIDER OCTOBER 28, 2019 AGENDA ITEMS

The Board met today at 9:01 a.m. to consider the October 28, 2019 agenda items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Dan Blocksom, Chief Deputy Sheriff Marv Dashiell, Deputy Administrator Sean Brown, and Deputy Clerk Monica Reeves. The items were considered as follows:

### **First Amendment to Food Services Partnership Agreement with Summit Food Services:**

Zach Wesley said this is an amendment to change the contract from an auto renewal to a contract that has to be renewed by mutual written agreement, at the request of the Department of Education so it relates to the federal funding for the school lunch program. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the amendment to the food services agreement Summit Food Services, Agreement No. 19-162. (See Agreement No. 19-174.)

### **Service Agreement with Motorola Solutions for Maintenance of Radio and Dispatch**

**Equipment:** Chief Dashiell said this is a renewal of the annual agreement that incorporates the towers and the two dispatch centers. The Sheriff's Office pays the frontend invoice and they bill Nampa Police Department for one-third of the share of the cost out of 911 funds. The total cost is \$171,272.28 of which the County pays two-thirds. Chief Dashiell responded to questions from the Board. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the annual service agreement with Motorola Solutions for maintenance of radio and dispatch equipment. (See Agreement No. 19-173.)

The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 29, 2019

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale – out of the office

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Motorola Solutions in the amount of \$2591.98 for the Security department

MEETING WITH THE DIRECTOR OF SECURITY TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 8:34 a.m. with the Director of Security to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Security Director Joe Mueller and Deputy Clerk Jenen Ross. Director Mueller spoke about the following: his responsibility of physical security; how he's spent his first two weeks in this position; the security report; creation of his mission statement; action plan to improve security and the way he ranks each security item; evacuation protocol and maps; utilization of the marshals; objective to protect both courthouse campus staff and the public. Due to time constraints this meeting will continue at 11:00 a.m. today. This portion of the meeting concluded at 9:14 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 9:14 a.m. with county attorneys for legal staff update and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom, Director of Court Operations Denise Kennel and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing independent contractor agreement for interpreter services with Oksana Dobbins:*** This interpreter speaks Russian and is certified in multiple states. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreement for interpreter services with Oksana Dobbins (see agreement no. 19-175). The meeting concluded at 9:17 a.m. There is no audio recording of this meeting.

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. The Board evidenced proper care and security and the inmates' welfare throughout the facility. General grievances were filed and have been processed in accordance with standard procedures.

#### CONTINUED MEETING WITH DIRECTOR OF SECURITY

The Board met today at 11:00 a.m. for a continued meeting with the Director of Security. Present were: Commissioners Pam White and Leslie Van Beek, Security Director Joe Mueller and Deputy Clerk Jenen Ross. Director Mueller presented a PO for the purchase of a handset radio for himself and discussion ensued regarding the necessity of this item; a review of the cumulative finding by security; discussion regarding his budget; continued review of his presentation including cumulative finding by location and by security category, access control systems. A copy of the PowerPoint presentation is on file with this day's minutes.

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

*Note for the record: As properly noticed the Board met today at 11:00 a.m. for a continued meeting with the Director of Security. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 11:14 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure. 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, Director of Security Joe Mueller and Deputy Clerk Jenen Ross. The Executive Session concluded at 1:04 p.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.

OCTOBER 2019 TERM

CALDWELL, IDAHO

OCTOBER 30, 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. 11/8/19

The Board of Commissioners approved payment of County claims in the amount of \$78,480.30 and \$92,316.69 for accounts payable.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Curtis Blue Line in the amount of \$1040.00 for the Sheriff's Office
- JB's Roofing/Superior Gutter Co. in the amount of \$1250.00 for the Facilities department

#### 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 and Leslie Van Beek, Assessor Brian Stender left at 9:09 a.m., Treasurer Tracie Lloyd, Deputy P.A. Zach Wesley left at 9:14 a.m., Deputy P.A. Brad Goodsell, HR Training Coordinator Nicole Ahlstrom left at 9:14 a.m., Controller Zach Wagoner left at 9:09 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution increasing the limit of Department of Motor Vehicles operating cash fund and authorizing future increases based on number of Motor Vehicle Specialists:*** With the addition of more specialists at the DMV it increases the need for additional cash funds. A formula has been created so that when specialists are hired the cash fund will increase to accommodate without having to come before the Board each time. Mr. Wagoner spoke about the audit done by Eide Bailly regarding cash handling procedures and how the DMV has done a great job. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution increasing the operating cash fund at DMV and authorizing future increases based on the number of Motor Vehicle Specialists (see resolution no. 19-162)

***Consider signing agreement with Preventative Health:*** Preventative Health provides wellness screenings and flu shots to employees at no direct cost to employees as it is billed thru regular insurance. This will be the 3<sup>rd</sup> year using Preventative Health. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreement with Preventative Health (see agreement no. 19-176).

Brad Goodsell gave a review of the action items stating there are five (5) properties that have not been redeemed as of today. In preparation of auction or transfer, both the Nampa and Caldwell housing authorities were notified of the properties to see if they have any interest. A lot of the properties are not in good condition so if the housing authorities are able to obtain them they often tear them down and refurbish the property. Each housing authority has requested one property each so there will be 3 properties available for auction. Idaho code authorizes the

county to transfer these properties to the housing authorities and the MOU states we'll grant the property to them but they will pay us what would have been the minimum bid within 2 years.

***Consider signing resolution declaring certain properties as not necessary for County use and authorizing the sale thereof:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution declaring certain properties as not necessary for County use and authorizing the sale thereof (see resolution no. 19-161).

***Consider signing notice of surplus property auction:*** Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of surplus property auction.

***Consider signing notice of grant of real property to other political subdivisions or taxing district:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of grant of real property to other political subdivisions or taxing district.

A discussion was had regarding the following Treasurer's reports which show revenues and expenditures for each timeframe.

- Annual report for October 2018 - September 2019
- Quarterly report for July 2019 - September 2019
- Monthly report for September 2019

At 9:27 a.m. the Board went off the record and then back on at 9:28 a.m. as Commissioner Van Beek had some questions about transferring the gun range property to the Parks department. Mr. Goodsell explained it's really an accounting issue as the landfill is an enterprise fund and you can't just move things in and out of an enterprise fund. The county auditors and the outside auditors need to be able to say that the books are correct – the books need to be able to balance if you move something out of the enterprise fund something needs to be moved into the enterprise fund to account for it. Mr. Goodsell suggested a follow up meeting should include the auditor's office.

The meeting concluded at 9:37 a.m. Two audio recordings are on file in the Commissioners' Office.

#### FILE IN MINUTES

The Board filed the Treasurer's annual, quarterly and monthly reports for October 2018 – September 2019, July 2019 – September 2019 and September 2019 in today's minutes.

OCTOBER 2019 TERM  
CALDWELL, IDAHO

OCTOBER 31, 2019

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

APPROVED CLAIMS ORDER NO. 11/8/19

The Board of Commissioners approved payment of County claims in the amount of \$2296.72 and \$33,665.72 and \$60,797.67 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Neopost USA, Inc. in the amount of \$11,719.00 for the Information Technology department

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:47 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 criteria for county assistance: 2019-1414, 2019-1418, 2019-1415, 2019-1283, 2019-1417, 2019-1419, 2019-1324, 2020-0065, 2020-0098 and 2020-0084. 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 on the cases as read into the record.

Commissioner Dale made a motion to issue an initial approval with written decision within 30 days for case no. 2020-0049. The motion was seconded by Commissioner Van Beek and carried unanimously.

Director Baker spoke about case no. 2019-768 which was approved on August 29, 2019. There was one bill that was originally rejected as not being received but once the case was processed the bill was found and paid. CAT is requiring Board signature on this bill. Commissioner Dale made a motion to authorize the chairman to sign the bill for \$9.98. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 8:49 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 9:03 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, Clerk Chris Yamamoto, Assessor Brian Stender, Treasurer Tracie Lloyd, Fair Director Diana Sinner left at 9:06 a.m., Deputy P.A Zach Wesley, Chief Deputy P.A. Sam Laugheed, Controller Zach Wagoner and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing 2020 Canyon County Fair agreement with Romeo Entertainment Group:***

This is the renewal of an agreement with Romeo Entertainment Group who works as the agent to solicit acts for the fair. There is no set fee but paid as a percentage of the cost of the mainstage artist fee. At the request of Commissioner Van Beek, Zach Wesley reviewed the strike thru items. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the 2020 Canyon County Fair agreement with Romeo Entertainment Group (see agreement no. 19-177).

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION, 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 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) records exempt from public disclosure and attorney-client communication, communicate with legal counsel regarding pending/imminently likely litigation, 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, Treasurer Tracy Lloyd and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:53 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 THE WEED & GOPHER SUPERINTENDENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:55 a.m. with the Weed & Gopher Superintendent to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Weed and Pest Superintendent AJ Mondor and Deputy Clerk Jenen Ross. Mr. Mondor asked the Board about attending the Innovation and Invasive Species conference that will be taking place December 10 thru 13 in Coeur d'Alene. He anticipates the trip to cost about \$1000. The Board supports him attending this conference.

He has been able to work out details with the Sheriff's Office to utilize the services of the SILD.

The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - CONSIDER REQUEST BY L. KURT SMITH REPRESENTING ED BOWMAN FOR A CONDITONAL REZONE AND DEVELOPMENT AGREEMENT, CASE NO. CR2019-0008

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by L. Kurt Smith representing Ed Bowman for a conditional rezone and development agreement, Case No. CR2019-0008. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Corinne Graham, Kurt Smith, Chade Leavitt, Tracy Kasper, Desirae Brumley, Jeremy Brumley, Bonnie Sterling, Fred Heffner, Weed and Gopher Superintendent AJ Mondor, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request is for a conditional rezone of two parcels from agricultural to R-1 single family dwelling, one-acre average minimum lot size. It comes with a development agreement, the applicant is willing to limit it to 27 residential lots with a density of 1.43 acres. Once developed with streets and infrastructure the lots would be more like 1.13 average lot size. The area has seen a lot of similar rezones, there are approximately 35 subdivisions in the vicinity with an average lot size of 1.5 acres. It is best to moderately suited soils, with a big chunk classified as least suited soil. It is in a nitrate priority area so they have to work on a nutrient pathogen study with Southwest District Health. A base flood elevation study will also have to be done. The P&Z Commission recommended denial based on some of the concerns by the neighbors regarding traffic and lot sizes. Staff found the development agreement will limit the 38-acre parcel to 27 lots. The highway district believes the impacts that would be generated by the subdivision would be taken care of during the platting stage. The P&Z Commission recommended denial of the R-1 single family zoning and instead recommended an R-R zone which is a two-acre average minimum lot size. Staff is recommending approval of the applicant's request. Following the report, staff responded to questions from Commissioner Van Beek. Corinne Graham testified that the development agreement caps the lot count at 27. The site area is 38.14 acres, and the conceptual site plan for the proposed rezone consists of 27 single-family lots, the minimum lot is 1.01 acres and the average lot size is 1.13 acres. Access



will come from Freezeout Road which is a rural collector, no access is proposed onto Purple Sage Road. 50 feet of right-of-way will be dedicated along both Freezeout and Purple Sage Roads in order to preserve right-of-way along the frontage which will allow for future improvements. The Hartley Gulch runs parallel to the east side of Freezeout Road and if the road is ever widened the gulch will need to be relocated and so a 50-foot strip of land has been preserved along Freezeout Road if it's ever necessary. The gulch has an unmapped FEMA floodplain associated with it so a flood study has been conducted to verify areas of potential flooding. There is a slight risk of flooding at the NW and SW corners; fill can be placed to elevate these areas above the flood plain in a manner that will not affect upstream or downstream users. It is located in a nitrate priority area, the nutrient pathogen study has been done and all requirements within the report can be met. Southwest District Health requires 300 feet of separation from any septic drain field to the Hartley Gulch. Ms. Graham made points as to why an R-1 zone is more appropriate and she said a change in use from agricultural to residential will change the feel of this area regardless of whether the zoning is R-1 or R-R. A rezone to R-1 would absorb more demand in the market, preserve more land for agricultural use in the long-term, is a more effective use of the land, is more marketable, creates more tax revenue for the County and is better able to support public services. Kurt Smith, who is the project engineer, testified the developer has been proactive in dealing with the agencies and trying to resolve issues prior to this point. They performed a nutrient pathogen study, and have dug test holes with SWDH on site. They've had preliminary studies done and turned it into FEMA and they looked at the flow coming/going on the land above the subject property. The floodway is going to be greatly reduced from what the current mapping has and it's set up so they can calculate a flood elevation. The County's ordinances protect the public and put the onus on the developer to figure out these things. The Hartley Drain is a drainage area and they have been asked by the highway district to give extra drainage so that when they widen Freezeout Road there is an area to place the drain, although that will not be the applicant's responsibility. Mr. Smith said they initially wanted access onto Purple Sage Road but the highway district plans on widening it eventually so they required the applicant to cross the drain and access Freezeout Road. They could have an access to the south if the Board requires it. They could widen the one access and put a landscape island in the middle with curbing to keep it separate. Chade Leavitt, a realtor with Silverhawk Realty, gave testimony regarding the desirability and marketability of one-acre lots versus two acre lots. He searched the MLS and found the average list price for a one-acre lot is \$95,000, and \$139,000 for two-acre lots. As of today there are 14 one-acre lots for sale in the Middleton/Caldwell area, and 30 two-acre lots for sale. There is a higher demand for one-acre lots as they are more affordable, more desirable, and much easier to maintain than larger lots.

Desirae Brumley testified that she owns the two-acre property directly adjacent to the subject property. Her home and property were originally part of the subject property and her lot was split at the time of the sale but she was not aware of the plans to develop the 38 acres. They share 637 linear feet with the subject property and will be the most impacted by development. She purchased in a rural area and would like the area to remain rural and therefore would rather see two-acre lots. Bonnie Sterling testified that she owns a 2.5 acre parcel south of the subject property and she bought out there because she wanted to live in a rural setting. The smallest

parcels in her subdivision range in size from 2 acres to 6.5 acres. She believes the proposed project will impact the feel of the adjacent subdivision and she wants to know if they will be able to meet the necessary setback requirements from the large ravine/gulch, and will it make the parcels smaller. Freezeout Road is not a heavy duty road and having one access onto it is a concern. In addition to traffic issues, Ms. Sterling is also concerned about the water table. AJ Mondor offered neutral testimony as a resident of Middleton and as the County superintendent for noxious weed and gopher control. He's done a lot of work in this area and noted that Albion Acres and Purple Sage Subdivision have fallen into a mess of weeds caused by the unsold two-acre lots in Albion Acres. He spoke of the several two-acre lot subdivisions he receives calls about because people let them go to weeds. He also spoke about concerns with road access. During rebuttal Corinne Graham testified she is happy to work with Desirae Brumley about potentially increasing setbacks and the lot sizes along her property. She is not sure that applies during the rezone stage or during the preliminary plat stage. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner Van Beek wants a second ingress/egress to protect everyone in the area. This is a good presentation, the applicant has answered the calls on the questions and concerns and she does not see a reason not to approve the rezone request. Commissioner White asked if the offer to increase setbacks and lot sizes along the Brumley property can be a condition in the development agreement. Mr. Lister said if the Board prefers we could have it noted in the conditions that it's no more than 27 lots and that it's in substantial compliance with conceptual site plan with these added requirements which is an access point and possible setback restrictions. If this is approved today staff requested the matter be tabled to a later date in order to work on language for the agreement. Commissioner Dale spoke of how growth is determined by the market and he believes one-acre lots are appropriate for this area. He is in favor of putting a stub to the south but said even with that done it will still empty onto Freezeout Road because the highway district will not allow an exit/entrance onto Purple Sage Road. Commissioner Dale made a motion to approve the conditional rezone as requested with the modifications of the development agreement to include the stub road to the south and include language to work out the setbacks. The development agreement will be brought back on November 22, 2019 at 9:00 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 11:30 a.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF OCTOBER 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 16<sup>th</sup> day of March, 2020

CANYON COUNTY BOARD OF COMMISSIONERS  
Commissioner Pam White  
Commissioner Leslie Van Beek

ATTEST: Chris Yamamoto, Clerk  
By: Jenen Ross, Deputy Clerk