

SEPTEMBER 2020 TERM
CALDWELL, IDAHO SEPTEMBER 1, 2020

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HP, Inc. in the amount of \$3,000 for the Information Technology department

APPROVED CLAIMS ORDER NO. 566153 TO 566202

The Board of Commissioners approved payment of County claims in the amount of \$76,172.91 for accounts payable.

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

The Board met today at 8:30 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. Director Navarro updated the Board on the following:

- The Parks office remodel is complete and they should be moving in this week. They anticipate the temporary office being sent back within the next week.
- The project to bring power to the gun range is in process. Idaho Power started placing poles and doing their overhead work yesterday. An Eagle Scout group will help lay fencing fabric the third week in September. They will also be coordinating with Landfill Director Loper to reshape some of the lanes.
- The fiber optic pull and fencing projects will begin soon at the fairground.
- The jail remodel is complete to the extent they are able to get done. ADS is working to get the door issues in Pod 6 resolved.

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 SIGNING A RESOLUTION GRANTING CTI-SSI FOOD SERVICES LLC A PROPERTY TAX EXEMPTION PURSUANT TO IDAHO CODE 63-602NN

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider signing a resolution granting CTI-SSI Food Services LLC a property tax exemption pursuant to Idaho Code 63-602NN. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Assessor Brian Stender left at 9:16 a.m., Chief Deputy Assessor Joe Cox left at 9:16 a.m., Facilities Director Paul Navarro, Fair Director Diana Sinner, Deputy P.A. Brad Goodsell left at 9:16 a.m., Deputy P.A. Zach Wesley, DSD Planner Julianne Shaw left at 9:16 a.m., Gordon Bates with Golden Gate Highway District No. 3 left at 9:16 a.m. and Deputy Clerk Jenen Ross. Director Nilsson participated via Webex and left at 9:16 a.m.

This exception includes a condition to settle past disputes with CTI which were negotiated with the Assessor's Office. A letter was received from CTI accepting the terms and conditions of this exemption along with an email the letter was attached to. Additionally, a letter from the Golden Gate Highway District No. 3 was received. Mr. Cox said this will be a good project for the whole county and spoke about CTI's plan. Gordon Bates offered comment on behalf of Golden Gate Highway District No. 3 stating they are not opposing this exemption. Commissioner Dale made a motion to sign the resolution granting CTI-SSI Food Services LLC a property tax exemption pursuant to Idaho Code 63-602NN. The motion was seconded by Commissioner Van Beek. A vote was taken on the motion with Commissioners Dale and Van Beek voting in favor of the motion. Commissioner White is not in support of this exemption. The motion carried in a 2-to-1 split vote.

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 9:17 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 9:17 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. Zach Wesley, Fair Director Diana Sinner, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:41 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.

CONSIDER SIGNING FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, RESOLUTION, ORDINANCE, AND DEVELOPMENT AGREEMENT REGARDING THE REQUEST BY KARCHER FARM, LLC AND SS KARCHER, LLC

The Board met today at 9:44 a.m. to consider signing the Findings of Fact, Conclusions of Law and Order, a resolution, an ordinance and a development agreement regarding the request by Karcher Farm, LLC and SS Karcher, LLC, for a comprehensive plan map amendment and a conditional rezone, Case Nos. OR2018-0004 and CR2018-0002. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, Todd Lakey, David Palfreyman, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Jennifer Almeida. Zach Wesley reviewed the draft documents with the Board noting how the findings and conclusions made their way from the Board's deliberation into written form, and how they dealt with all the other considerations, including the district court decision and the request for reconsideration, and the P&Z Commission's decision. As part of the review Mr. Wesley responded to questions from the Board. The Board will consider the written documents on September 9, 2020 at 10:00 a.m. The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER AN APPEAL BY JOHN CARPENTER OF A CONDITIONED APPROVAL OF A HOME BUSINESS, CASE NO. AD2020-0029APL

The Board met today at 10:23 a.m. to conduct a public hearing in the matter of an appeal by John Carpenter of a conditioned approval of a home business, Case No. AD2020-0029APL. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Julianne Shaw, John Carpenter, Holly Reising, Emily Watson, Jeanie Hetrick, Brock Obendorf, Jim Jolly, Mark Munson, Aimee Barbieri, Kelsey Stutheit, and Deputy Clerk Monica Reeves. Julianne Shaw gave the oral staff report. The DSD Director conditionally approved an application for the provision to conduct a hot yoga studio within an existing residence at 27205 Wingsetter Lane in Parma. The request was processed as a home business improvement as it exceeded the allowed square footage to be classified as a home occupation permit. An appeal of the home business permit was submitted by John Carpenter. Staff has forwarded a recommendation of denial of the appeal with a modification to the conditions of approval for the yoga loft. Ms. Shaw reviewed the reasons for the appeal which include the following:

1. Access
2. Number of yoga sessions per day
3. Enforcement of conditions

She said each of the items have been reviewed and addressed in the staff report. The Director has amended the home business permit conditions of approval to more clearly address the requirements of the County code. Ms. Shaw reviewed the conditions of the Director's approval of

the home business (the yoga loft) as contained in the staff report. Ms. Shaw and Director responded to questions from the Board following staff's report. John Carpenter testified in support of his appeal. He built a home on the property in 1999 and it was served by a gravel road until 2008 at which time they paved it. The basis for his initial complaint was simply that he was unaware of the home business until he saw a sign on his parents' property advertising a yoga studio. There have been strangers looking at the sign and traffic on the lane at 5 a.m. and later in the day. Important points to him include: 1) the project has to comply with state and county laws and that would be the width of the driveway, 2) have basic operations, 3) one customer vehicle per yoga class, 4) the hours of operation are between 8-5, M-F. He wants them to be clear on the hours, the hours were on the weekend too. He said the road has not been talked about and part of the problem is traffic on a one-lane road. He and Jim Jolly spent a lot of time trying to work this out. He hasn't complained about the people driving by since May because he doesn't want to call code enforcement, he'd rather have something that works for everyone and harmony in the neighborhood. He wants the road to be a width that is useable by all parties. County requirements call for 20 feet, but the fire department said it has to be 26 feet with some pullouts. Why don't we disconnect the driveways and put a driveway on the west boundary on his property and then take it over. Jim and Holly were on board with that and they talked about sharing the cost, but the estimated cost of \$40,000-\$60,000 was too much for them so Mr. Carpenter ended up filing an appeal. Holly Reising testified that her intention for opening a business was to keep it small, modest, and community-related. She guides 12 students up to times a week, and she has no plans to expand her studio business. She capped her class and has done carpooling to limit traffic on the property. The studio is an 18 x 20 room above the garage. She put a flag and flyers at the end of her driveway in November and she regrets that. She is really proud of what she has and she'd hate to see it go. She has an online scheduling system that is powered through an application program (Vigaro.com) which is public and it shows that her hours have been consistent since May with the hours being M-F, 8-5. She abides by the conditions that were imposed. There are no random hours, they are the same every week. When she was approached by the County she wanted to do the right thing. Commissioner Dale said Ms. Reising is only using 11% of her home for her yoga studio which is not anywhere near 25%, and if the ordinance allows up to 25% of the home to be used for home occupation without having to get a permit then why are we here? You don't need a permit and all of this is unnecessary. Ms. Shaw said as a new planner she just accepted it. She looked at the home occupation and reviewed the code and didn't catch that nuance so it's her fault. Commissioner Dale said this is a home occupation, not a home business and it doesn't matter how many houses are on the driveway or how wide it is. If this is a home occupation by definition then they don't need a permit and we need to end this hearing. Director Nilsson said staff felt it was home occupation and they thought it might be a bit beyond the keeping of the residential character. Most home occupations don't have more than one person coming at a time and staff felt that with classes it would be beyond the residential character. She is happy to look at the option Commissioner Dale suggested, knowing more about what this is. She was glad to hear Mr. Carpenter say he thought the conditions were appropriate but the real issue today is the private road, and it's between the parties to resolve. Commissioner Dale said this is not a situation that required a conditioned approval and if doesn't require a conditioned approval then all of these conditions are irrelevant. Director Nilsson said it would be good to hear testimony and rebuttal but then continue this hearing to a later date so staff can consult with the

Prosecutor's Office. The following people testified in support of Ms. Reising's yoga class: Emily Watson, Jeanie Hetrick, Brock Obendorf, Jim Jolly, and Mark Munson. John Carpenter offered rebuttal testimony. To Commissioner Dale's point he said there is a laundry list of things that have to do with home occupation and home business. You have to consider whether this has a negative impact on the neighbors. He is pursuing the appeal because he wants certain conditions to be met. If they kept to the hours discussed today and they had an adequate lane he would have no issue with it. He wants to see the home business stick because the conditions are good, and the driveway needs to be taken care of in one manner or the other. He said the County is at fault and if they had told his dad that he had to widen all of Wingsetter Lane they would have flipped the house and fronted it off of French Lane which has a lot of frontage. He said if the County had been clear with Jim Jolly and Holly Reising from the get-go we would have saved a lot of time on this issue. He wants clarity on this issue and he doesn't want to spend more time talking about it. Mr. Carpenter said if they abide by the conditions and the driveway is widened to 20 feet he will be happy. He does not want a liability issue and he doesn't want to take care of it himself down the road. He will help pay for the drive to be relocated and to widen it to 20 feet, as long as this issue can be put to rest. Commissioner Van Beek asked why this wasn't addressed according to code at the time the houses were built so that the road was standard. Director Nilsson said at the time of the conditional rezone a few years ago there was an easement reduction on the west side of the property and she's puzzled about why that was sought if that third house was already intended to take access of Wingsetter Lane because it would have been the third house that triggered the private road requirements. She will do some research and see what conditions were applied on the building permit. Commissioner Van Beek asked where was the oversight in the presentation of this that brought it to the Board. Director Nilsson said it was an appeal of an administrative decision and those appeals come to the Board. She will do more research to learn why staff decided to call it a home business, but she believes it's because they felt it was a little more intense than a typical home occupation, but she will look at the ordinance standards. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to continue the hearing to September 22, 2020 at 3:00 p.m. so Director Nilsson can do some research and speak with Deputy PA Zach Wesley about the issue raised by Commissioner Dale regarding the necessity for having this hearing. The hearing concluded at 11:52 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS INDIGENT BURIALS AND CREMATIONS

The Board met today at 1:30 p.m. to discuss indigent burials and cremations. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Controller Zach Wagoner, Director of Indigent Services Yvonne Baker, Case Manager Terri Salisbury, Deputy P.A. Brad Goodsell and Deputy Clerk Jenen Ross. Commissioner Van Beek spoke about a phone call she received from John Van Manen expressing his frustration with costs associated with unclaimed cadavers. She has spoken with Director Baker who explained there had been some conversations about revising the process hoping to eliminate some of issues

that have happened in the past. Mr. Goodsell provided a background on the process, he said it is not a new issue and it's not an issue that's been ignored. About 3 years ago, the Coroner, Treasurer and medical indigency met to figure out a protocol to get everyone on the same page. At the time the former Coroner had money in the budget to pay for burials so sometimes that office paid for them or sometimes medical indigency paid for them but there wasn't a lot of coordination. Out of these meetings a flow chart was developed, letters were sent to funeral homes indicating the plan of the county and asking for input; once that input was received a second letter was sent out letting everyone know of the county's plan. The letter also asked that if the funeral home wanted to be added to the rotation list they fill out an included application so that they understood what the law was and that they had reasonable expectations when a body is picked up. Once Coroner Crawford took office she thought it would be a good idea to send the six funeral homes that do business in the county another letter reinforcing what had been sent out prior making sure everyone was aware of the law regarding what the county pays and obligation of the Coroner. Based on a question from Commissioner Van Beek, Mr. Goodsell explained that the funeral homes have incentive to pick up cadavers because most of the time they will receive payment from the family. In the case of an unclaimed cadaver, they will often receive payment from either the county thru medical indigency or they may get paid thru the estate. There is always the risk that they may not receive payment but that is the balance to being on the rotation and receiving payment for other cadavers that are claimed. Commissioner Van Beek said that Mr. Van Manen's email indicated that they pick up 20-30 indigent bodies each year. Ms. Baker said she would like some additional clarification regarding that number as she doesn't know what he means when he says 20-30 indigent cases. She can say how many applications her department receives and specifically how many from Nampa Funeral Home. In a fiscal year they normally do not even receive 30 applications total. For fiscal year 2020, to date, her department has received 22 applications for all area funeral homes. Of those 22 cases 10 have been approved, 11 have been denied and of those denials 7 of those have been over-asset. Treasurer Lloyd believes that last year she had one public administrator case that was unclaimed. There seems to be some confusion by the funeral homes which is why they have to agree that they understand what the law is to be put on the rotation list, the law says 'If there is not sufficient property belonging to the estate to pay the necessary expenses of burial or cremation the expenses are a legal charge against the county', that is the only time it's a legal charge against the county. Additionally, in regard to the case that has brought this issue forward, there seems to have been some miscommunication or misunderstanding between the county and Mr. Van Manen. Mr. Van Manen believed the case was referred to his funeral home and that it was going to public administration but this was inaccurate. There was the opportunity to file an application to indigent services but that was never done.

Commissioner Van Beek asked Ms. Baker about the Ada County process. Ms. Baker said that she does like the process used by Ada County but isn't sure it would work in Canyon County. One of the things they do in Ada County is that the local funeral homes will not accept a deceased body until they know exactly where they will be paid from which puts the burden on the Coroner to do an investigation. It will then be sent to either the Treasurer's Office for public administration or to

the indigent services office if there are not assets identified. They probably also have a much larger staff and more ability to store deceased persons. Mr. Goodsell added that the Ada County process is different although he doesn't know that it's necessarily better. It does require a lot more resources and may be easier on indigent services as they'd have more information to act on. Mr. Goodsell feels Canyon County has a pretty good process based on the resources that the Board has allocated.

At the request of Commissioner Van Beek, Treasurer Lloyd spoke about how the public administration process works. Mr. Goodsell said there are not very many instances where the Treasurer needs to be involved, it's usually two circumstances: 1) there are assets that need to be safeguarded or 2) when there is property that can only be distributed thru a probate hearing. Ms. Baker spoke about the frustration her department hears from the funeral homes, the responsibility of the indigence office is to identify the resources, not determine how to obtain the resources. The funeral homes are looking to the indigence department for help in getting those resources. Ms. Baker feels it would be helpful for the funeral homes to understand what their options are, that they do take a risk when they are in the rotation. They don't like taking that risk, they want to know where that payment is coming from – either the family or they feel the county should pay. Commissioner Dale pointed out that when they sign the commitment letter with the county to be on the rotation they are accepting the risk. Mr. Goodsell said there are only a couple areas where the Board can do anything – the Board can't change the law as to when indigence pays, however, it can change the way county looks at medical indigency, or if no one signs up to be on the rotation the county can change how much they pay for a burial, to incentivize people to join the list.

Commissioner Dale suggested creating some educational materials that can be provided to the funeral homes in the hope of eliminating some of their confusion. Mr. Goodsell doesn't want to put the county in a position of giving them legal advice as what their rights are as creditors. Commissioner Dale asked if it was good or a bad idea to have a meeting with the funeral homes to get their input. Mr. Goodsell feels that it should be resolved with those who've agreed and signed the letter with the Coroner's Office as it's been clearly outlined in the letter and commitment. The meeting concluded at 2:33 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS AND CONSIDER APPROVING FINALIZED ASSISTANT FLEET DIRECTOR JOB DESCRIPTION

The Board met today at 2:35 p.m. to discuss and consider approving the finalized assistant fleet director job description. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Controller Zach Wagoner, Fleet Director Mark Tolman, Fleet Administrator Dawn Pence, HR Director Sue Baumgart, and Deputy Clerk Monica Reeves. Director Tolman is doing some

restructuring within the department to help with chain of command and to allow them to have a succession plan and an emergency succession plan. The Board previously met on this issue and requested it be reviewed by HR to make sure it met all qualifications. Director Baumgart said she reviewed the job descriptions and made a few edits. Commissioner White said she was told the employee is already doing the tasks but not getting paid for it which she finds concerning. Additionally, she wants the assurance we are not creating a gap in the compensation plan with this action. Zach Wagoner said the plan is position-driven and we need to ensure that positions that have similar levels of responsibility and qualifications need to be paid a similar wage. We also need to be careful not to create a position for a specific person. Commissioner Van Beek asked how frequently job descriptions are reviewed because she wants to make sure they are kept up-to-date. She also requested a copy of the compensation plan. Controller Wagoner said the 2021 compensation plan is in the 2021 budget, but the 2021 salaries have not been formally approved by the Board yet. Commissioner Van Beek wants the rubric for plan, she wants to see the years in place versus the steps to get there, and the first five-year percentages that are weighted for that. She said it's important the Board needs to understand that step plan and rubric. She supports the change in job description being considered today. Commissioner White asked if the new description will create a vacancy in the fleet department. Director Tolman said he is adding the position in place of the existing PCN and it will complete the department's structure. Commissioner White wants to see how Director Tolman envisions the rest of his employees moving into the future. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek the Board voted unanimously to adopt the change of job title and job description of the senior administration fleet and fuel analyst to an assistant fleet director with the appropriate salary attached. (Resolution No. 20-144.) The meeting concluded at 2:56 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 2, 2020

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek
 Deputy Clerks 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 Zach Barrier, juvenile detention assistance supervisor.

APPROVED CLAIMS ORDER NO. 566292 TO 566292

The Board of Commissioners approved payment of County claims in the amount of \$142,500.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 566296 TO 566301

The Board of Commissioners approved payment of County claims in the amount of \$224.70 for accounts payable.

APPROVED CLAIMS ORDER NO. 566275 TO 566291

The Board of Commissioners approved payment of County claims in the amount of \$11,310.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 566254 AND 566295

The Board of Commissioners approved payment of County claims in the amount of \$1,753.96 for accounts payable.

APPROVED CLAIMS ORDER NO. 566293 TO 566293

The Board of Commissioners approved payment of County claims in the amount of \$1,197.65 for accounts payable.

APPROVED CLAIMS ORDER NO. 566203 TO 566253

The Board of Commissioners approved payment of County claims in the amount of \$62,027.13 for accounts payable.

APPROVED CLAIMS ORDER NO. 566255 TO 566274

The Board of Commissioners approved payment of County claims in the amount of \$6,102.08 for accounts payable.

CANVASS ELECTION

The Board canvassed the August 25, 2020 Election results today which are on file with this day's minute entry.

PUBLIC HEARING – REQUEST FOR BY BRODIE GRAHAM AND REINIE TAGLIAPIETRA FOR A PLAT VACATION, CASE NO. VAC2019-0001

The Board met today at 10:02 a.m. to consider a request by Brodie Graham and Reinie Tagliapietra for a plat vacation that affects approximately 3.2 acres of Lot 2, Block 1, of Deersky Ranch Subdivision (Parcel R30194101). Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Kate Dahl, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Dan Lister and Reinie Tagliapietra and Brodie Graham. Dan Lister gave the oral staff report. The request is for a plat vacation, a property boundary adjustment between a platted and an un-platted parcel. Mr. Graham is working with Mr. Tagliapietra to

acquire 3.2 acres from the platted parcel which is in Deer Sky Ranch Subdivision and to move it onto his un-platted parcel. Staff found the request to be consistent with County code and state law and is recommending approval of the request. Certification is required for the County Treasurer certifying that all taxes have been paid for the portion of parcel that is being un-platted, and a record of survey must be recorded. Once the conditions have been met a resolution will be presented for the Board's review at a later date. Brodie Graham testified that Reinie Taglapietra has agreed to sell the portion of property to him so it can be used as a horse riding arena for his daughters. Mr. Taglapietra concurred with Mr. Graham's comments. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the request and to sign the findings of fact, conclusions of law and order for Case No. VAC2019-0001. A resolution will come back before the Board at a later date. The hearing concluded at 10:19 a.m. An audio recording is on file in the Commissioners' Office.

MEET WITH THE DEVELOPMENT SERVICES DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 10:20 a.m. with the Development Services Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Kate Dahl, and Deputy Clerk Monica Reeves. Topics of discussion included the following:

- Budget and personnel update

The department has seen an increase in publication costs with land use hearings being separated out and Director Nilsson is seeking Board direction on whether to add that cost to the application fee. She will come back with a more specific proposal. Commissioner Dale said he foresees the County offering a Webex alternative into the future and planning that to be a permanent part of our hearing process. A fee adjustment seems appropriate.

- P&Z Commission recruitment and joint meeting, and review of 2019 decisions

The Board wants to schedule interviews of the three candidates who have submitted applications. Director Nilsson recently provided the Board and the P&Z Commission with a summary of the cases presented to both bodies and the resulting recommendations and decisions. Want to package up the BOCC staff report for the five cases where the decisions differed from P&Z recommendation. To better understand what cases we are seeing and why... It is important to have joint meetings, it should be an annual meeting between the Board and the P&Z Commission. Will meet in the administration building public meeting room.

- Parma Rural Planning Assistance requested services

Kate Dahl updated the Board on her efforts in working with the City of Parma on the comprehensive plan, and development issues. She will send the Board a scope of work

including the estimated number of hours, which is way below what a fulltime employee/consultant would cost. A formal contract for the services will be forthcoming. Kate has as start date of October 1st.

- Proposed ordinance amendments:
 - a. Hillside requirements
 - b. Private roads
 - c. Winery standards
 - d. Produce stand standards
- Farmland Investment
- Commissioner Van Beek asked questions regarding noticing for public hearings, and the potential for preserving the Map Rock area due to its historical significance. Director Nilsson said staff is working to include language about in-person testimony, and she will do some research on the Map Rock issue.

The meeting concluded at 11:10 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 3, 2020

PRESENT: Commissioner Pam White, Chair – Out of the office
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- WASP Barcode Technologies in the amount of \$3,990.00 for the Information Technology department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Slicks Bar to be used 10/17/20 for a sunset flower picking event.

APPROVED CLAIMS ORDER NO. 566294 TO 566294

The Board of Commissioners approved payment of County claims in the amount of \$3,620.00 for accounts payable (Fair petty cash).

INDIGENT DECISIONS

The Board met today at 8:50 a.m. to consider indigent decisions and matters. Present were: Commissioners Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Case Manager Terri Salisbury and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2020-0975, 2020-0976, 2020-0911, 2020-1076, 2020-1054, 2020-0974 and 2020-0972 and 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.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue continuances as follows due to the September 24, 2020 hearing date being vacated: Case no. 2020-821 continued to October 8, 2020 and case nos. 2019-1185, 2019-1183 and 2020-879 continued to October 22, 2020.

The meeting concluded at 8:57 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 9:00 a.m. for a meeting with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Tom Dale and Leslie Van Beek, Fair Director Diana Sinner left at 9:27 a.m., Deputy P.A. Mike Porter left at 9:22 a.m., Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell left at 9:22 a.m., Sgt. Kelley Anderson left at 9:02 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Idaho Department of Parks and Recreation Boating Safety Grant Request for reimbursement/close out report: Sgt. Anderson explained this is a recurring grant that is applied for each year. It is a matching grant of \$20,568 for a total of \$41,136.00. The grant itself has already

been signed, this is just the request for reimbursement. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the Idaho Department of Parks and Recreation Boating Safety Grant request for reimbursement/close out report. A copy of the request/report is on file with this day's minutes.

Consider signing Amendment No. 1 to agreement for Inmate Health Care Services with VitalCore Health Strategies, LLC: Chief Dashiell explained that prices have risen a bit since the original contract was signed last year. The increase is due to supplies and lab costs as well as a bookkeeping matter on the dental side of things. They have done an evaluation of the personnel in the juvenile detention center and the jail. One position wasn't being utilized in the juvenile detention center but was being used in the jail so an adjustment was made to accommodate that change. The increase this year is \$110K which is about what was expected. Adjustments have been made to both the juvenile detention center and CCSO budget lines. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign amendment no. 1 to agreement for inmate health care services with VitalCore Health Strategies, LLC (see agreement no. 20-119).

Consider signing Project Funding Implementation Agreement with Urban Renewal Agency from the City of Caldwell: Mr. Wesley said this was signed last week but it was determined that the attached budget was an old budget so this is the revised version with the updated budget number. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the project funding implementation agreement with the Urban Renewal Agency from the City of Caldwell (see agreement no. 20-118).

Consider recommendation from selection committee of qualification statements submitted for Fair Expo Building Project Request for Qualifications: Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to move this action item to September 8, 2020

Mr. Wesley spoke about an email exchange regarding the need to update the legal notice that is published for the Commissioners' land use hearings. There needs to be some additional language to clarify that the meeting room is open. Language will be added noting that the county will be following the guidance of the health district so in-person seating capacity will be limited to 17 guests, include information about participation via Webex and that written comment is accepted. Commissioner Dale asked if this same language will be used for P&Z meetings, Mr. Wesley said his understanding is that P&Z use the meeting room in the administration building but that it has not been open to the public yet and they are continuing to do things via Webex. The Board is supportive of the revisions to the notice.

The meeting concluded at 9:30 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY BURKE & KATHY DEAL FOR A REZONE AND SHORT PLAT FOR KALOS PLACE SUBDIVISION; CASE NOS. RZ2020-0003 & SD2020-0004

The Board met today at 10:01 a.m. to consider a request by Burke and Kathy Deal for a rezone and short plat for Kalos Place Subdivision, Case Nos. RZ2020-0003 and SD2020-0004. Present were: Commissioners Tom Dale and Leslie Van Beek, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Dan Lister, Katie Deal, and Burke Deal. DSD Director Tricia Nilsson arrived at 10:14 a.m. Dan Lister gave the oral staff report. The request is to rezone a three-acre parcel to R-1 to divide the property into two lots for the Kalos Place Subdivision located on Quartz Lane. It is an un-platted subdivision located between two other subdivisions. The applicants obtained a conditional use permit in 2007 but it expired and now the process has changed and a rezone is required to plat the property. Both the P&Z Commission and staff recommended approval of the requests. The applicant has agreed to adhere to conditions imposed on the project. Following his report, Mr. Lister responded to questions from the Board. Katie Deal testified in support of the requests. We have a road and water users' agreements and the CC&R's have been recorded. Mr. Lister said there are still a couple of conditions that need to be met so the final plat signing will be considered at a later date. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to approve the rezone for Case No. RZ2020-0003 and amend the ordinance and sign the findings of fact, conclusions of law, and order for Case No. SD2020-0004. (Ordinance No. 20-028). The hearing concluded at 10:22 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 4, 2020

PRESENT: Commissioner Pam White, Chair – Out of the office –approved claims from home
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek – Out of the office
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 566302 TO 566302

The Board of Commissioners approved payment of County claims in the amount of \$9,747.98 for accounts payable.

No meeting were held this day.

SEPTEMBER 2020 TERM
CALDWELL, IDAHO SEPTEMBER 8, 2020

PRESENT: Commissioner Pam White, Chair – Out of the office
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Positive Promotions in the amount of \$68,068.00 for the Emergency Management department
- Signature Structures, LLC in the amount of \$8,500.00 for the Facilities department

APPROVED CLAIMS ORDER NO. 566337 TO 566338

The Board of Commissioners approved payment of County claims in the amount of \$598.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 566105 TO 566152

The Board of Commissioners approved payment of County claims in the amount of \$276,375.17 for accounts payable.

FILE IN MINUTES

The Board filed the Treasurer's monthly report for July 2020 in today's minutes.

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

The Board met today at 8:32 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale and Leslie Van Beek, Director of IT Greg Rast, Assistant Director of IT Eric Jensen and Deputy Clerk Jenen Ross. Director Rast updated the Board on the following:

- The Weed and Pest fiber optic project is continuing to move forward; once fiber optic is in place they'll be able to install cameras.
- They are working with the Parks department for a "technology overhaul". Cameras are being installed at several Parks' locations and an audio/video system at Celebration Park classroom areas.

- An email was sent to the Board along with Department Administrators regarding password change recommendations.
- The impact fee collection system went live in DSD on August 1st. So far it is working well with only a few minor adjustments necessary.
- They are continuing with asset tagging. Several areas are already complete and they continue to work with departments to get everything tagged.
- Director Rast is working with both the City of Caldwell and the City of Nampa regarding their fiber optic connectivity back to the county.
- Discussion ensued regarding a letter received from ICRMP, cybersecurity and ransomware.
- 10 projects have been closed out recently and he will plan another time to review those with the Board.

The meeting concluded at 8:56 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 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Brad Goodsell left at 9:34 a.m., Deputy P.A. Dan Blocksom, Deputy P.A. Zach Wesley left at 9:38 a.m., Director of Court Operations Denise Kennel left at 9:16 a.m., Court Operations Manager Jess Urresti left at 9:16 a.m., Landfill Director David Loper left at 9:34 a.m., Chief Juvenile Probation Officer Elda Catalano left at 9:38 a.m., David Ivers and Harold Patchett arrived at 9:18 a.m. and left at 9:41 a.m. and Deputy Clerk Jenen Ross. Weed and Pest Director AJ Mondor and Rachel Spacek with the Idaho Press participated via Webex.

Consider extending the COVID-19 emergency declaration: This declaration extension makes it possible for the county to access federal monies related to COVID-19 expenditures. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the extension of the COVID-19 emergency declaration.

Consider recommendation from selection committee of qualification statements submitted for Fair Expo Building Project Request for Qualifications: Directors Navarro and Sinner, with the help of Paradigm Consultants, met with a committee to review and evaluate the submissions. There are four of the eight companies they'd like to move forward to the IFP (Invitation for Bids) stage. Two of the contractors did not have much local experience or didn't have similar working projects, two others have some work experience but not as much as some of the others and there were some issues with the references that impacted their scores. Four companies did not lose any points in the evaluation process and are the four the committee would like to move forward. A letter will be sent to each of these companies letting them know which companies qualified during the RFQ stage, there will then be an objection period and after that they will start the IFB process with an

offer extended to the four qualified companies to do a low-cost bid on the project. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board accepted the recommendation from the selection committee.

Consider signing independent contractor agreement for interpreter services with Eliza Laumatia and Mike Smith dba Eversmith Inc.: Mr. Blocksom and spoke briefly about the 48-hour notice clause at the request of Commissioner Van Beek. Ms. Kennel said the budget for this service has been greatly reduced partially due to COVID but also because of better planning and scheduling of interpreters. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the independent contractor agreements for interpreter services with Eliza Laumatia (see agreement no. 20-121) and Mike Smith dba Eversmith, Inc. (see agreement no. 20-122) It was noted for the record that two of the names read into the record were not properly agendized so they will need to be added to the agenda at a later date.

Consider signing assignment and assumption of ground lease and consent and release: Mr. Goodsell gave a background of this situation. There is a radio tower located on county property currently owned by Radio Paging Service. A while back there was an issue with the power supply and Radio Paging Service entered into an agreement with SpeedyQuick in order to repair the line and allow SpeedyQuick to take over the tower, however, they also need the county to sign the agreement. The action today will allow the operation and management of the tower to change from Radio Paging Service to SpeedyQuick. In review of the contract it was discovered that Radio Paging Service had gotten behind on lease payments to the county but they have since gotten caught up and Director Loper has worked with the Auditor's office to get a process in place to avoid this in the future. Commissioner Van Beek made a motion to sign the assignment and assumption of ground lease and consent and release. The motion was seconded by Commissioner Dale and carried unanimously (See agreement no. 20-120).

Consider signing memorandum of agreement to support the Community Based Alternative Services and The Substance Use Disorder Services programs: Mr. Wesley said this is to facilitate funding of community-based drug treatment. The county has received this funding for 11 years and there are no significant changes to the agreement this year. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the memorandum of agreement to support the Community Based Alternative Services and The Substance Use Disorder Services programs (see agreement no. 20-128).

Consider signing ratification for jail housing billing agreement with Ada County: This is the standard annual agreement for jail housing. There are no changes from previous contracts and the current daily rate is \$80/day. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the ratification for jail housing billing agreement with Ada County (see agreement no. 20-123).

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 9:00 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 9:42 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and 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 and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Leslie Van Beek and Tom Dale, Deputy P.A. Dan Blocksom, Weed and Pest Director AJ Mondor and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:03 a.m. with no decision being called for in open session.

Consider signing release of liability for work performed for Union Pacific Railroad Company: This is for weed spraying on the right-of-way for the Union Pacific Railroad Company. There is still some information necessary in this contract as far as the exact location and timeframe which needs to be added to the 'described as' section at which time the Board will sign the release. Commissioner Van Beek made a motion to approve the release of liability for work performed for Union Pacific Railroad Company with information following from legal and Director Mondor on location and scope of work. The motion was seconded by Commissioner Dale and carried unanimously. A copy of the release is on file with this day's minutes.

The meeting concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING REGARDING INTENT TO DONATE SURPLUS PROPERTY TO THE ADAMS COUNTY SHERIFF'S OFFICE

The Board met today at 10:32 a.m. for a public hearing regarding intent to donate surplus property to the Adams County Sheriff's Office. Present were: Commissioners Tom Dale and Leslie Van Beek, Sheriff Kieran Donahue, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Sheriff Donahue provided background information on this request and spoke about the good working relationship with Adams County. Director Tolman said a 2013 Interceptor vehicle will be donated. There really isn't much of a loss to Canyon County as the vehicle isn't worth a whole lot; most of the equipment will remain with the vehicle as it won't fit the restyling of the new Interceptor vehicles. No one appeared to offer comment nor were any written comments received. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to close public comment. Mr. Blocksom said that the resolution that was signed on August 20, 2020 would become effective after today's hearing and all that is needed today is to finalize the action. Commissioner Van Beek made a motion to finalize the action of the intent to donate this vehicle

to Adams County. The motion was seconded by Commissioner Dale and carried unanimously. See resolution no. 20-139. The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 11:00 a.m. for an office staff meeting. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy Clerks Jenen Ross and Monica Reeves. The Board reviewed this week's schedule with staff. Commissioner Van Beek addressed issues she wants to discuss with the HR Director including: an update to the personnel manual; make sure job descriptions are up-to-date; how is the oversight of HR going in terms of what their onsite and offsite presence is going. There was discussion about using a temp-to-hire service to fill the vacant front desk position in the Commissioners' Office. Staff will contact HR about assisting with the use of a temp service. The Board reviewed generic letters that will be sent to the agencies who requested funding for FY2021. Commissioner Van Beek wants to make sure the facilities staff is able to complete the small remodel project in the Commissioners' front office area before the end of the year. The meeting concluded at 11:16 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 9, 2020

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Best Buy in the amount of \$5,505.63 for the Information Technology department

APPROVED CLAIMS ORDER NO. 566303 TO 566336

The Board of Commissioners approved payment of County claims in the amount of \$44,035.16 for accounts payable.

APPROVED CLAIMS ORDER NO. 566342 TO 566378

The Board of Commissioners approved payment of County claims in the amount of \$79,092.46 for accounts payable.

APPROVED CLAIMS ORDER NO. 2025

The Board of Commissioners approved payment of County claims in the amount of \$1,616,584.00 for a County payroll.

MEETING TO CONSIDER ACTION ITEMS RELATED TO THE REQUEST BY KARCHER FARMS, LLC AND SS KARCHER, LLC

The Board met today at 10:01 a.m. to consider action items related to the request by Karcher Farms, LLC and SS Karcher, LLC. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Attorney Todd Lakey, other interested parties and Deputy Clerk Jenen Ross. Rachel Spacek with the IPT participated via Webex.

Mr. Wesley said there are a couple items to be considered by the Board this morning, they are as follows:

Comprehensive plan map amendment OR2018-0004 which includes exhibits 102, a 2019 letter for Marrow & Fischer Attorneys at Law and exhibit 103 which is a map and legal descriptions of the parcels showing residential and commercial parcels. And, Conditional Rezone CR2018-0002 which includes the development agreement as an exhibit. At the conclusion of this meeting the development agreement will be given to Development Services staff to collect signatures and then it will come back before the Board for signatures.

These documents are in substantial substance the same documents that were discussed on September 1, 2020. Mr. Wesley brought a couple changes to the Board's attention: 1) there was a parcel split while these proceedings were pending – parcel R32917011 was the original parcel but a part of that parcel was split off and sold, the sold parcel is now known as parcel R32917011A which is referenced throughout the document. After action today, that parcel will be entirely commercial and C-2 zoned in the rezone. In exhibit OR2018-0004, page 7, 10A, they've added a couple of policy considerations from the comprehensive plan map, specifically noting Economic Development Policy No. 1 and Land Use Goal No. 1 and Land Use Policy Residential No. 2. In the previous meeting there was discussion regarding the storage units, whether they pre-dated the comprehensive plan map and which is addressed in Section D. The storage units were zoned commercial before the comprehensive plan map was adopted, but they were not constructed until 2018.

Commissioner Van Beek spoke about the reasons she was able to find support for this decision when she originally did not.

Mr. Wesley said the documents reflect the deliberation that was previously had by the Board on August 5, 2020 and are in substantially the same form as the draft documents that were presented on September 1, 2020.

Commissioner Dale made a motion authorizing the Board to sign the findings of fact and conclusions of law and order regarding case no. OR2018-0004. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Dale made a motion to authorize the Board to approve and sign the findings of fact and conclusions of law and order for case no. CR2018-0002. The motion was seconded by Commissioner Van Beek and carried unanimously.

Mr. Wesley said that Ms. Almeida will need to finalize their documents, including the development agreement, and collect signatures and then it will be brought back to the Board.

The meeting concluded at 10:24 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:02 a.m. with the Director of Human Resources 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, Deputy P.A. Mike Porter left at 11:15 a.m., Deputy P.A. Zach Wesley, HR Director Sue Baumgart and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing amendment no. 1 to employer service agreement with JobScore Inc.: Mr. Porter said this is an update to the contract that was entered into a year and a half ago as a recruitment tool. There is a 3% increase to the contract this year. Ms. Baumgart said it is going well and spoke about some of the new features JobScore offers and the improvements that have been made. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign amendment no. 1 to the employer service agreement with JobScore Inc. (see agreement no. 20-124).

Director Baumgart updated the Board on the following:

- Blue Cross is offering a 90-day extension for 90-day prescription refills and asked for assertion from HR if the county would like to participate. The Board is in favor of this, no formal Board action is necessary and Ms. Baumgart can handle this as the administrator.
- Delta Dental is not going to ask for a rate increase, since there is no increase it will just be an auto-renewal and will not be brought to the Board.

- Director Baumgart indicated that she has responses to Commissioner Van Beek's email from yesterday regarding the personnel manual, update on their work-log, what their employees are doing, employee positions/titles, the compensation plan meeting and the Directors understanding of that. Conversation ensued regarding the compensation plan and designed use of the equity program. Commissioner Van Beek is concerned that there has not be adequate time to review the compensation plan and equity pay.
- The personnel manual is complete on HR side and is with legal for review. Mr. Wesley said he will talk with Mr. Porter and Mr. Laugheed as to where that's at in the process.
- Director Baumgart said her office workload is pretty heavy right now. There are a lot of COVID related leave requests coming in so they are working closely with elected officials, directors and supervisors on intermittent leave. Her office in particular is working on a rotating in-office/remote schedule but everyone is working and she checks in with her staff daily.
- They are trying to schedule flu shots with the health screenings this year in order for them to be done by appointment.

The meeting concluded at 11:53 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR AUGUST 2020

The Board met today at 11:53 a.m. to consider signing the Treasurer's tax charge adjustments by PIN for August 2020. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek and Deputy Clerk Jenen Ross. There was question about the adjustment to the Church of God account, Commissioner Van Beek was able to contact Jennifer Mercado in the Treasurer's Office via email who indicated that the Board approved the cancellation of the taxes on August 7th. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for August 2020. The meeting concluded at 12:02 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 10, 2020

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Motorola Solutions in the amount of \$10,547.54 for the Trial Court Administrator
- Smart Deploy in the amount of \$1,382.40 for the Information Technology department
- ZoHo – Manage Engine in the amount of \$16,612.00 for the Information Technology department
- Carolina Software in the amount of \$18,831.05 for the Solid Waste department

APPROVED CLAIMS ORDER NO. 566379 TO 566394

The Board of Commissioners approved payment of County claims in the amount of \$32,280.74 for accounts payable.

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:46 a.m. to consider indigent decisions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Case Manager Terri Salisbury and Deputy Clerk Jenen Ross.

Commissioner Dale made a motion to issue a final approval on case no. 2019-0050. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case no. 2019-1302 does not meet the eligibility criteria for county assistance. Commissioner Van Beek made a motion to issue a final denial with written decision within 30 days. The motion was seconded by Commissioner Dale and carried unanimously.

Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on case nos. 2020-0995 and 2020-0921.

Liens and lien releases were presented to the Board for signatures.

The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER INDIGENT MATTERS

The Board met today at 8:54 a.m. to consider indigent matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Deputy P.A. Dan Blocksom, Deputy P.A. Tyler Powers and Deputy Clerk Jenen Ross.

Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue a final approval with written decision within 30 days for case no. 2020-596.

Case nos. 2020-700 and 2020-804 have been withdrawn by the hospital and upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to uphold the initial determinations of denials on the cases.

The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT MATTERS

The Board met today at 9:02 a.m. to consider an indigent matter. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Dan Blocksom, Deputy P.A. Tyler Powers and Deputy Clerk Jenen Ross. Director Baker spoke about case no. 2019-1099 explaining to the Board that the applicant is on the verge of bankruptcy and in an effort to avoid that has offered a settlement payment of \$955.53 which is 10% of the outstanding amount owed of \$9555.26. The total amount paid out was \$9580.26 with one payment of \$25 being made so far. Commissioner Dale would like to see a few more payments made before forgiveness is offered. Commissioner Van Beek wondered the timeframe the Board has to make a decision which Ms. Baker said she would inquire about. Further discussion ensued about how a county lien may or may not be affected by a bankruptcy and other repercussions. Ms. Baker said that the monthly payment could be reduced if necessary. She will collect some additional information to present to the Board at a later time. The meeting concluded at 9:14 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2020-326

The Board met today at 9:16 a.m. to conduct a medical indigency hearing for case no. 2020-326. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom, Deputy P.A. Tyler Powers, Case Manager Kelsee Hale, Director of Indigent Services Yvonne Baker, Timothy Ryan for St. Alphonsus, Attorney Bryan Nichols for St. Alphonsus, Applicant, spouse and daughter, Interpreter Delia Gonzalez and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to deny the case. The hearing concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2020-630

The Board met today at 10:08 a.m. to conduct a medical indigency hearing for case no. 2020-630. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Dan

Blocksom, Deputy P.A. Tyler Powers, Case Manager Kelsee Hale, Director of Indigent Services Yvonne Baker, Timothy Ryan for St. Alphonsus, Attorney Bryan Nichols for St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to continue the case to November 5, 2020. The hearing concluded at 10:26 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NOS. 2020-392 AND 2020-662

The Board met today at 10:30 a.m. to conduct a medical indigency hearing for case nos. 2020-392 and 2020-662. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom, Deputy P.A. Tyler Powers, Case Manager Kelsee Hale, Director of Indigent Services Yvonne Baker, Timothy Ryan for St. Alphonsus, Applicant and spouse and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue denials on case nos. 2020-392 and 2020-662. The hearing concluded at 10:38 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT MATTERS

The Board met today at 10:41 a.m. to consider indigent matters. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Deputy P.A. Tyler Powers, Deputy P.A. Dan Blocksom and Deputy Clerk Jenen Ross.

Commissioner Dale made a motion to continue case nos. 2020-638 and 2020-365 to November 5, 2020 and case no. 2020-9 to December 17, 2020. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 10:42 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:50 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, Director of Indigent Services Yvonne Baker left at 10:55 a.m., Case Manager Kelsee Hale left at 10:55 a.m., Deputy P.A. Dan Blocksom, Deputy P.A. Tyler Powers and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing designated examiner agreement with Lawrence Banta, M.D.: Director Baker explained this a standard agreement and that Dr. Banta preforms exams on involuntary holds. This year his fee has increased from \$100 to \$125. Upon the motion of Commissioner Dale and second

by Commissioner Van Beek the Board voted unanimously to sign the designated examiner agreement with Lawrence Banta, M.D. (see agreement no. 20-125).

Consider signing Request for Qualifications for design and engineering services related to Celebration Park East End RV Improvement: Mr. Powers explained that this is to authorize the request for qualifications for the design and engineering services required to create the plan in order to move forward with construction of the project. A scope of work is attached which outlines the expectation of the end result. At the request of the Board Mr. Powers outlined the general project requirements noting that this RFQ is specific to the design and engineering services, not the entire project. Commissioner Dale made a motion to sign the request for qualifications for design and engineering services related to Celebration Park East End RV Improvement. The motion was seconded by Commissioner Van Beek for discussion to allow for additional information about the request and Board questions. A vote was taken on the motion with the Board voting unanimously to sign the request for qualifications.

Consider signing legal notice for Request for Qualifications for design and engineering services related to Celebration Park East End RV Improvement: Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the notice related to the request for qualifications.

Consider signing Solicitation of Interest - Celebration Park East End Archaeological Resources Survey Consultant: This project is related to the RV Improvement project in order to identify any resources in the area since excavation will be done and they do not want to disturb anything that may be archaeologically significant. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the solicitation of interest for the Celebration Park East End Archaeological Resources Survey Consultant.

The meeting concluded at 11:09 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY JEFF & AMY BARNES FOR A SHORT PLAT FOR BARNES ESTATES SUBDIVISION, CASE NO. SD2020-0012

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Jeff and Amy Barnes for a short plat for Barnes Estates Subdivision, Case No. SD2020-0012. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, Amy Barnes, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Dan Lister Jeff Barnes. Dan Lister gave the oral staff report. The property was rezoned in 2019, but in order to obtain a building permit a plat hearing is necessary. It is a one-lot subdivision. The City of Nampa has reviewed the request. The P&Z Commission recommended approval of the request. Staff is recommending approval based on a number of conditions. Director Nilsson responded to questions from the Board. Amy Barnes testified that their plan is to build their residence on the lower piece. She also responded to comments that were submitted by Laura Cromwell. Following testimony, Commissioner Dale made a motion to close public comment. The motion was

seconded by Commissioner Van Beek and carried unanimously. Following the Board's deliberation Commissioner Dale made a motion to approve and sign the findings of fact, conclusions of law, and order. The motion was seconded by Commissioner Van Beek and carried unanimously. The final plat will be considered at a later date. The hearing concluded at 1:53 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION GRANTING AN EXTENSION TO VARIOUS SCHOOL DISTRICTS FOR LEVY CERTIFICATION, AND A NOTICE OF UNSCHEDULED REVENUE HEARING FOR FISCAL YEAR 2020

The Board met today at 2:36 p.m. to consider signing a resolution granting an extension to various school districts for levy certification, and a notice of unscheduled revenue hearing for fiscal year 2020. Present: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Controller Zach Wagoner, Sr. System Analyst Steve Onofrei, and Deputy Clerk Monica Reeves. Steve Onofrei said ten (10) taxing districts have submitted letters requesting to extend today's due date for seven working days, to Monday, September 21st. Discussion ensued. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to adopt the resolution granting a seven working day extension in the filing of the levy certification for the City of Nampa, City of Caldwell, City of Melba, Caldwell School District, West Ada School District, Kuna School District, Homedale School District, Melba School District, Marsing School District, and the Middleton School District pursuant to Idaho Code 63-803(3). The seven working day extension extends the deadline for property tax certification to the County Clerk to September 21, 2020. (See Resolution No. 20-145.) Zach Wagoner said the unscheduled revenue is largely associated to the federal Coronavirus (COVID) relief funds; it's an accounting housekeeping exercise they generally do towards the end of the fiscal year to formally adjust the FY2020 budget. The County is receiving unanticipated revenue, not from property tax, but from federal award sources. We have also spent unanticipated monies as well so it will be a net zero accounting exercise. The expenses have occurred largely in the emergency management budget and the Auditing Department is proposing a \$950,000 increase in the emergency management budget with \$900,000 for Coronavirus relief funds and \$50,000 for homeland security funds for an all hazard mitigation plan. There is also an increase in \$20,000 in the facilities department from Coronavirus relief funds for the purchase of cleaning, sanitizing, and disinfecting materials. Commissioner Van Beek asked about the other County departments that have used relief funds and whether they will be reimbursed. Controller Wagoner said the other departments have underspent their line items and there's not a need to increase their budget. We are still receiving reimbursement for those expenses but from an accounting or bookkeeping standing we don't need to increase those departments' budgets because they are able to cover it through the total allotted budget for 2020. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to publish the notice of hearing setting a date of September 23, 2020 at 10:00 a.m. at which time the Board will hear from residents on adjustments to the current expense fund. The meeting concluded at 2:51 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS RENOVATIONS TO THE COMMISSIONERS' MEETING ROOM

The Board met today at 3:00 p.m. to discuss renovations to the Commissioners' Meeting Room. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Facilities Paul Navarro, Lance Campbell, Brandon Barker, and Deputy Clerk Monica Reeves. Discussion included: replacing the portable tables in the BOCC meeting room; keep the room as a multi-purpose room. Facilities staff will design two tables on large locking casters so the tables can be moved. The estimated cost will be under \$1,000. Director Navarro will finalize the drawings for the Board's front office area where modifications will be made to the front desk area, including revisions to the front gate/door. The meeting concluded at 3:17 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 11, 2020

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Henricksen Butler in the amount of \$1,865.00 for the Prosecuting Attorney's Office

RESCHEDULE PUBLIC HEARING TO CONSIDER A REQUEST BY ANSON ECHOLS FOR A PRELIMINARY PLAT AND FINAL PLAT FOR ECHO ESTATE SUBDIVISION, CASE NO. SD2020-0009

The Board met today at 9:32 a.m. to go on the record to reschedule the public hearing regarding the request by Anson Echols for a preliminary plat and final plat for Echo Estate Subdivision, Case No. SD2020-0009. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to reschedule the hearing to September

17, 2020 at 10:00 a.m. The meeting concluded at 9:33 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 14, 2020

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Grainger in the amount of \$1,890.00 for the Parks department

APPROVED CLAIMS ORDER NO. 566485 TO 566504

The Board of Commissioners approved payment of County claims in the amount of \$22,598.45 for accounts payable.

APPROVED CLAIMS ORDER NO. 566505 TO 566519

The Board of Commissioners approved payment of County claims in the amount of \$16,560.31 for accounts payable.

APPROVED CLAIMS ORDER NO. 566471 TO 566484

The Board of Commissioners approved payment of County claims in the amount of \$9,379.34 for accounts payable.

APPROVED CLAIMS ORDER NO. 566417 TO 566470

The Board of Commissioners approved payment of County claims in the amount of \$30,070.26 for accounts payable.

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 9:30 a.m. for a monthly meeting with the DSD Director. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:31 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding 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. Zach Wesley, Director of DSD Tricia Nilsson and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:03 a.m. with no decision being called for in open session.

MONTHLY MEETING WITH THE ADMINISTRATIVE DISTRICT JUDGE AND TCA TO DISCUSS GENERAL ISSUES

The Board met today at 1:32 p.m. with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Pam White and Tom Dale, Commissioner Leslie Van Beek joined at 1:40 p.m., Judge Southworth, Lead Court Marshal Jim West, TCA Doug Tyler and Deputy Clerk Jenen Ross. The following items were discussed:

- Courts are planning to start criminal jury trials in mid-October. At this time they are planning to convene a workgroup to work thru the logistics of jury selection and making sure they are following all social distancing and sanitizing guidelines. Civil trials won't be taken up until December.
- A brief discussion was had about potentially hiring 4 temporary part-time marshals thru the end of December using CARES Act monies. Mr. West spoke about a couple potential candidates and high-profile trials that are upcoming.
- Judge Southworth thinks court operations will continue to use Zoom as it's an efficient way to conduct business and feels there are less failure to appear issues.
- Judge Schiller's will be retiring soon so interviews will be happening on September 23rd to fill the open spot.
- Mr. West spoke about the purchase of some additional radios.

The meeting concluded at 2:06 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:06 p.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Parks

Director Nicki Schwend and Deputy Clerk Jenen Ross. Director Schwend updated the Board on the following:

- Kathy Kershner will be retiring on October 5th so Director Schwend will work with HR to start the search to fill the position.
- 'Remember the Ladies' is the current exhibit at Celebration Park which will be up for a year.
- They have been working on moving into their new offices.
- Programs Coordinator Amelia Barton has been working with IT to create virtual field trips.
- There is a lot of activity happening at Celebration Park including the BLM improving Victory Lane Rd., and Facilities working on a number of projects including location of the camp host, getting poles for sun sails fixed so the stop leaning, concrete repairs and additional signage.
- A PO was presented to the Board for an AED for the Lake Lowell office

The meeting concluded at 2:39 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY BORCHERT FAMILY TRUST FOR A CONDITIONAL REZONE, CASE NO. CR2020-0003

The Board met today at 10:09 a.m. to conduct a public hearing in the matter of a request by Cory Barnes on behalf of Borchert Family Trust for a request for conditional rezone from an "A" (Agricultural) zone to a "CR-RR" (Conditional Rezone – Rural Residential) zone, Case No CR2020-0003. Present were: Commissioners Pam White and Tom Dale, DSD Director Tricia Nilsson, DSD Planner Julianne Shaw, Cory Barnes, Douglas Borchert, and Deputy Clerk Monica Reeves. Samantha Barnes was present via Webex. Julianne Shaw gave the oral staff report. The Borchert family owned three original parcels; administrative land divisions and building permit transfers have taken place over time leaving the 53.8 acre parcel without a building permit or split. The existing home site is occupied by the grandfather who is willing to portion off a 1.7 acre parcel for Cory Barnes to construct a home. The split will be allowed once the rezone and platting are approved along with the development agreement that restricts all future development of the remaining farm. There are multiple platted subdivisions within a mile of the property. Staff is recommending approval of the conditional rezone from agricultural to a conditional rural residential rezone for a potential for one residential lot on 1.7 acres of the subject property. Doug Borchert was prepared to offer testimony regarding the trust, and he spoke of how he plans to live on the property as a farmer. Cory Barnes testified that he worked and farmed the land and it means a lot to have the opportunity to own a portion so he can build a house for his family. In order to preserve the agriculturally zoned land, he was told he needs to take the 4.22 acres, including the existing home, and that is what he intends to do and from that rezoned property he will split the existing residence and the new property for his family. Ms. Shaw said Mr. Barnes does not need to split off the 4.2 acres, the existing residence is allowed on an agricultural parcel; the only area that needs to be split off is the 1.7 acres. Mr. Barnes said he was under the assumption he had to take the farmhouse in order to secure the exclusively ag-zoned property.

He didn't know they were back to only taking the 1.7 acres. He asked if that removes the requirements they would have to meet for the entire 4.2 acres as far as the city setbacks. Ms. Shaw said that still has to happen because the whole 53.8 acres is rezoned. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to close public comment. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to approve the request by the Borchert Family Trust and to sign the findings of fact, conclusions of law and order, as well as the ordinance and development agreement for Case No. CR2020-0003. (Ordinance No. 20-029 and Agreement No. 20-126.) The hearing concluded at 10:26 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS CARES ACT FUNDING

The Board met today at 3:00 p.m. to discuss the CARES Act funding and whether to opt in or opt out of the program. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Treasurer Tracie Lloyd, Sheriff Kieran Donahue, Assessor Brian Stender, PIO Joe Decker and Deputy Clerk Monica Reeves. Present via Webex: Steve Onofrei and Rachel Spacek from the Idaho Press-Tribune. Sam Laugheed said the Board and other elected officials are in receipt of attorney-client communication, privileged information from the PA's office that they have worked hard to keep in that privileged context, and while there is no problem having a discussion on the open record he doesn't want there to be surprises for the elected officials about what legal would say and so if we want to have an executive session to discuss that part that would be a good idea. The Executive Session was held as follows:

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

Commissioner Dale made a motion to go into Executive Session at 3:04 p.m. pursuant to Idaho Code, Section 74-206(1) (d) to discuss records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Dale, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Yamamoto, Controller Wagoner, Prosecutor Taylor, Chief Civil Deputy PA Laugheed, Treasurer Lloyd, Assessor Stender, Sheriff Donahue, PIO Joe Decker, and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:34 p.m. with no decision being called for in open session.

Discussion followed on the open record and those present included: Commissioners White, Dale and Van Beek, Clerk Yamamoto, Controller Wagoner, Prosecutor Taylor, Chief Civil Deputy PA Laugheed, Treasurer Lloyd, Assessor Stender, Sheriff Donahue, PIO Decker, and Deputy Clerk Monica Reeves. Ms. Spacek from the Idaho Press-Tribune was present via Webex. Sam Laugheed said on September 2nd new guidance was issued that was a marked change from the March, April

22, and June information. The Idaho Attorney General's letter of September 3 is a good public document that can be referred to that says with this update it appears the Treasury has definitively answered a question about whether this presumption can apply to the different prongs of the test and so the guidelines now say what they would need to say, the question is whether those guidelines are enough compared to the law and whether the financial incentive is enough, whether the operational things can be done, and whether the certification that may be necessary and the audit we could get from the relevant supervisors. Things have changed but not all the questions have been answered. The Board is still left having to balance the legal, financial, policy, and operational matters to come to a conclusion. The CARES Act provides that funds can only be used to cover costs that are necessary expenditures incurred due to a public health emergency, and a presumption applies under that if the work is substantially dedicated to public safety (it can for a substantially different use) it can be considered necessary. The second prong is for a substantially different use. The third prong is the expenses were incurred between March and December 30, 2020. There is a presumption and guideline and the FAQ's on the Treasury website that say the government can presume these public safety employees meet the substantially dedicated test, and if the presumption applies, that the work by these employees is substantially different than what had been accounted for and so there is a presumption we can use to get there but that underlying question is if the relevant government entity says that it's not comfortable with it. Sheriff Donahue does not believe the County should participate in the program. He cannot certify that the public safety work, whether it's jail, patrol, etc., is substantially different now than before COVID. It would be a breach of his code ethics, integrity and the truth to say that we would fall into that category. He is not in favor and he won't have his office be a part of it. (Sheriff Donahue left at 3:40 p.m.) Clerk Yamamoto said the intent of the CARES Act funds is to cover COVID costs and with the September 2 information from the Treasury there are nearly two pages of eligible expenditures, but property tax reduction is not on that list. If you have substantially dedicated you can presume that you can use the entire amount, but we cannot prove we have a substantially different use. Commissioner Van Beek said it's been proposed that the State of Idaho could simply take municipal government out of that and handle it directly. There appear to be continued tripping points where if we cannot get the language to say what it means and mean what it says then it becomes problematic for the taxpayer regardless of the amount of incentive so as decision makers that's fair for the community to hear that elected officials are trying to figure out how to use this without getting bit. Where it breaks down is the dichotomy between what the Office of the Inspector General (OIG) is saying and what the Treasury Department is saying. She said everyone in this room today has the taxpayers' interests at heart. Controller Wagoner said the County is very interested in protecting the property taxpayer and we showed that with our recently adopted budget, we did not take our 3% increase and we did not take new construction increase. There has been conflicting direction from the guidance issued by the Treasury compared to the guidance from the Office of Inspector General. Presumption versus substantiated are two entirely different hurdles. This would be a part of a single audit and they would be looking for documentation for support for verification that these payroll expenses were a direct response to the public health emergency and Sheriff Donahue has spoken very clearly to that today. He said the County is utilizing nearly \$1 million of CARES Act monies for unanticipated expenses for teleworking, sanitizing, protecting employee and public's health. Prosecutor Taylor said it might be prudent for the Board to send a letter to the Governor indicating there are too many

unanswered questions so we are declining the invitation at this stage but we know the Governor wants to do property tax relief and Canyon County will help him deliver that to citizens through a state credit and let the Governor dictate that. Clerk Yamamoto said the worst case scenario is that the OIG, whose job is to investigate fraud and abuse says we had an invalid use of the money and we have to pay it back. Sam Laugheed said from his perspective the worst thing that could happen is the County shows a disregard for the rule of law in favor of expedience. Tracie Lloyd said we all want to provide property tax relief and every time the FAQ's come out she goes back to the original CARE Act and wonders why we have to play with the words – it's pretty simple when reading the act. She would love to provide tax relief, but she has to look at what the law says. She believes it's wrong to bring this kind of liability to the taxpayers. Commissioner Dale said in the beginning he was in favor of this, but as we have gone through the process he is listening to the experts and he falls on the side of caution and he wants to pass on this program. He asked Sam Laugheed to draft a letter where the County respectfully declines the program for the reasons discussed today. Mr. Laugheed will work with Joe Decker on communication, but the Board doesn't have to take any action to not opt in. Commissioner White thanked everyone for weighing in on this topic. Clerk Yamamoto said opting out of this program will be unpopular with most of the citizens, but due to liability associated with this he believes it's the right thing to do. Assessor Stender agrees with what has been said today. The meeting concluded at 4:11 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 15, 2020

PRESENT: Commissioner Pam White, Chair – Out of the office
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HP Inc., in the amount of \$2,000.00 for the Treasurer's Office

APPROVED CLAIMS ORDER NO. 566339 TO 566341 AND 566395 TO 566416

The Board of Commissioners approved payment of County claims in the amount of \$20,432.08 for accounts payable. *NOTE: Commissioner Van Beek denied claims on pages 65-76 for charges to Michael's Craft Stores in the amount of \$734.58.

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 Tom Dale and Leslie Van Beek, Deputy P.A. Mike Porter, Chief Deputy Sheriff Marv Dashiell, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution approving award of officer's duty badge and weapon to Deputy Thomas Shearn: Chief Dashiell said Deputy Shearn is retiring after 23 years with the county and the Sheriff is requesting award of his badge and duty weapon. At the request of Commissioner Van Beek, Chief Dashiell gave a brief review of Deputy Shearn's time with the county. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution approving award of officer's duty badge and weapon to Deputy Thomas Shearn (see resolution no. 20-146).

Consider signing FY2021 Canyon County / Norman Family Trust lease agreement: This is for lease of the CCNU building which is shared with the FBI metro task force. The amounts remain the same as last year and the county receives partial reimbursement from the FBI. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the FY2021 Canyon County/Norman Family Trust lease agreement (see agreement no. 20-127).

The meeting concluded at 9:07 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:01 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Mental Health Clinician Chelsea Schwickert and Deputy Clerk Jenen Ross. The following items were discussed:

- Director Brown introduced Ms. Schwickert to the Board and gave an overview of her role interacting with the staff and juveniles. Ms. Schwickert also gave a brief review of her background and her role interacting with the juveniles and families. She provided some state juvenile statistics and spoke about the training she offers the staff.
- The population continues to fluctuate; currently there are only two out-of-county juveniles in the facility.

- A long-term supervisor left in early August but Sean Barrier has moved into that position. Currently there is one full-time and two part-time positions that he'd like to fill; the two part-time people will be for weekend help.
- School has started for juveniles in the facility. The Cabin writing program will still happen but will be virtual.
- Over 1000 lbs. of produce from the garden has been donated. A \$500 grant will help with more garden beds along with donations from Zamzows for fertilizer.
- Contracts with other counties for housing are coming due and will be presented to the Board once received. The only change this year is that the daily rate will change from \$191 to \$210.

The meeting concluded at 10:18 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:18 a.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale and Leslie Van Beek, Director of Misdemeanor Probation Jeff Breach, Chief Juvenile Probation Officer Elda Catalano and Deputy Clerk Jenen Ross.

Ms. Catalano spoke about the following items:

- The truancy event didn't take place this year but they received more donations than ever before, an all-time high. She has been working to identify kids that are the most in need and trying to find a creative way to recognize the organizations for their donations.
- Last year a grant for \$45K was received from the Idaho Department of Juvenile Corrections for the Institutionalization of Status Offenders in order to help manage kids that run away from home or are out past curfew. Due to COVID the majority of the grant wasn't used which was recognized by the state and they have extended the grant and made the funds available thru September 2021.
- Their workload has gone down slightly and they are tracking cases that are being dismissed.

Director Breach spoke about the following items:

- Recently had a PO go thru the new POST training.
- The IDJA Conference will be held virtually this year and every PO was awarded a scholarship to attend.
- Annual evaluations are being worked on he anticipates them being complete by the end of the month.
- Review of caseload numbers: 1198 active probation cases, 520 on bench warrant status, 299 in the community service program.

- Spoke about protocols in place to maintain COVID safe practices.

The meeting concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER FINAL PLAT FOR BOULDER CREEK SUBDIVISION, CASE NO. SD2019-0004

The Board met today at 11:02 a.m. to consider the final plat for Boulder Creek Subdivision, Case No. SD2019-0004. Present were: Commissioners Tom Dale and Leslie Van Beek, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Ms. Almeida reported that the final plat and construction drawings were reviewed by Keller and Associates who has approved and signed the final plat mylar. The applicant's engineer has submitted certification that irrigation, road and drainage improvements have been constructed per the approved plans. The preliminary plat conditions have been met and all required signatures have been obtained. Staff is recommending approval. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to sign the final plat for Boulder Creek Subdivision, Case No. SD2019-0004. The meeting concluded at 11:04 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 16, 2020

PRESENT: Commissioner Pam White, Chair – Out of the office
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase order(s):

- Curtis Blue Line in the amount of \$3,349.00 for the Sheriff's Office
- The Blind Gallery in the amount of \$1,875.00 for the Facilities Department
- Henriksen Butler in the amount of \$16,418.95 for the Prosecutor's Office

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Slicks Bar to be used 10/2/20 and 10/3/20 for at the Milking Barn in Nampa, and for County Line Wine Company to be used on 9/19/20 at White Willow Estate in Star.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 17, 2020

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

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Garrett Vande Vooren, an employee in the Solid Waste Department.

APPROVED PURCHASE ORDERS

The Board approved the following purchase order(s):

- Northwest Power Systems in the amount of \$9,320.02 for the Facilities Department
- BOE in the amount of \$14,523.00 for the Information Technology Department
- SHI in the amount of \$2,913.00 for the Prosecutor's Office

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, Case Manager Kelsee Hale and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to issue initial denials with written decisions within 30 days on the following cases as they do not meet the eligibility criteria for county assistance: 2018-1111, 2020-994, 2020-997, 2020-998, 2020-1075 and 2020-1029. The motion was seconded by Commissioner Dale and carried unanimously.

Case no. 2020-1102 does meet the criteria for county assistance and upon the motion by Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue a final approval on the case as read into the record.

A subordination agreement was presented for Board signature for an applicant looking to purchase a home. The case number was never noted for the record.

The meeting concluded at 8:51 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 9:00 a.m. with county attorney for a legal staff update and to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy Sheriff Marv Dashiell, Director of Court Operations Denise Kennel left at 9:03 a.m., Deputy P.A. Dan Blocksom and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing independent contractor agreements for interpreter services with Cristina Moldovan Do Amaral and Rania Hijazeen: These contracts are similar to contracts that were signed last week and upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreements for interpreter services with Cristina Moldovan Do Amaral and Rania Hijazeen. See agreements nos. 20-129 and 20-130.

Consider signing communications system and services (microwave replacement) agreement with Motorola: The state central control site is being upgraded and in order for the county to connect and be compatible the system will need to be upgraded. Costs for the upgrade will come from the E911 fund and they are hoping for completion early in the summer of 2021. Chief Dashiell spoke about the product and service they've received from Motorola and that the Sheriff's Office has been very happy working with them. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the communications system and services (microwave replacement) agreement with Motorola (see agreement no. 20-131).

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

PUBLIC HEARING – PRELIMINARY PLAT AND FINAL PLAT FOR ECHO ESTATE SUBDIVISION, CASE NO. SD2020-0009

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by Anson Echols for preliminary plat and final plat approval for Echo Estate Subdivision, Case No. SD2020-

0009. Present were: Commissioners Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Anson Echols, Josh Beach, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The property is zoned CR-RR and it contains one 2.35 acres. The property is located close to rural residential zoning and agriculturally zoned properties. Keller and Associates reviewed the preliminary and final plats for conformance and they have signed the final plat mylar. The Planning and Zoning Commission approved the preliminary plat on July 16, 2020. Staff is recommending approval of the request. Ms. Almeida responded to questions from the Board following her report. Anson Echols was available to answer questions if needed. No other testimony was offered. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to public testimony. Commissioner White made a motion to sign the findings of fact, conclusions of law and order, and to approve the preliminary plat and final plat for Echo Estate Subdivision, Case No. SD2020-0009. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS THE USE OF CARES MONIES FOR COURT MARSHAL POSITIONS

The Board met today at 11:03 a.m. to discuss use of CARES monies for temporary court marshal positions. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Controller Zach Wagoner, TCA Doug Tyler, and Deputy Clerk Monica Reeves. TCA Tyler is seeking approval to hire four (4) temporary part-time marshals through the use of CARES monies. The new hires will assist with the upcoming jury trials and with getting court patrons connected to Zoom meetings on the second floor. Controller Wagoner said these are eligible expenditures for CARES Act monies as they are incurred as a direct result of COVID-19. They were not in our original budget, they are new and additional expenses to help facilitate court proceedings in a safe manner. They are reimbursable through the CARES Act. There was discussion about the process for accepting the CARES funds and the Controller responded and said we don't have to adjust the budget to accept cash; we will request a cash reimbursement. Commissioner Dale asked if there is any capacity within the Supreme Court to pick up some of these costs if the CARES Act deadline is not extended. TCA Tyler said the Supreme Court has been juggling CARES Act funding and they dedicated a lot of it to senior judge time to mediate cases to try to avoid trials and to have coverage when there are trials. He thinks money is available but he doesn't yet know what the priority will be. They have indicated a willingness to help facilitate jury trials. Discussion ensued regarding courtroom use and utilization of space. Commissioner Dale supports the request to use CARES funds for the temporary positons. Mr. Tyler reported on the unlawful detainer mediation program. The meeting concluded at 11:21 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 18, 2020

PRESENT: Commissioner Pam White, Chair – Worked from home
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek – Out of the office
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER FOR GRAND JURY

The Board of Commissioners approved payment of County claims in the amount of \$1,124.5 for grand jury.

APPROVED CLAIMS ORDER NO. 566747 TO 566765

The Board of Commissioners approved payment of County claims in the amount of \$11,092.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 566635 TO 566685

The Board of Commissioners approved payment of County claims in the amount of \$20,510.51 for accounts payable.

APPROVED CLAIMS ORDER NO. 566766 TO 566784

The Board of Commissioners approved payment of County claims in the amount of \$38,465.89 for accounts payable.

APPROVED CLAIMS ORDER NO. 566686 TO 566746

The Board of Commissioners approved payment of County claims in the amount of \$107,320.55 for accounts payable.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 21, 2020

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Uline in the amount of \$1,156.51 for the Elections Office

SIGNED DUPLICATE COPY OF ALCOHOLIC BEVERAGE LICENSE

The Board signed a duplicate copy of an Alcoholic Beverage License for Fun and Ann Yee dba Orphan Annie's. The original license was signed on May 14, 2020, but was misplaced by the applicant.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:39 a.m. for an office staff meeting. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy Clerks Jenen Ross and Monica Reeves. The Board reviewed the schedule with staff. There was discussion regarding COVID and the cancellation of the County's annual trick-or-treating event which has been held in the administration building, as well as discussion regarding today's 11:00 meeting pertaining to equity pay. Commissioner Van Beek said she wants all people to feel comfortable and be able to ask questions and get clarification. She also said directors should submit their requests for equity pay to the Board for review. The meeting concluded at 9:01 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUANCE OF PUBLIC HEARING TO CONSIDER A REQUEST BY SUBDIVISION MAKER, INC. ON BEHALF OF DALE & KATHI LEE FOR A PRELIMINARY PLAT AND IRRIGATION AND DRAINAGE PLAN, FOR OAKLEE ESTATES SUBDIVISION, CASE NO. SD2020-0003

The Board met today at 9:32 a.m. to conduct a public hearing in the matter of a request by Subdivision Maker, Inc., on behalf of Dale and Kathi Lee for a preliminary plat and irrigation and drainage plan for Oaklee Estates Subdivision, Case No. SD2020-0003. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of DSD Tricia Nilsson, Darin Taylor with Subdivision Maker, Jamie Sharpe, Colleen Matosich, Jim Matosich and Dale and Kathi Lee and Deputy Clerk Jenen Ross. Present via Webex: DSD Planner Dan Lister, Philip Goelz.

Dan Lister gave the oral staff report. The applicant is requesting approval of a preliminary plat for Oaklee Estates Subdivision. This hearing was tabled on August 31, 2020 for several reasons, one of which was the final letter from Canyon Highway District as there were questions about the stub road to Kemp Rd. There were also questions about the addition of the 25' wide emergency secondary access required by the fire district along lot 2, block 2. Since the original hearing a letter has been received from Canyon Highway District No. 4 indicating that what was presented at the last hearing is all they are going to provide. They've gone thru their final decision and they still want to keep the stub road and the same conditions that the previous letter indicated and have

approved the preliminary plat subject to those conditions. Middleton Fire District did submit a letter stating that they are fine with the 25' easement that goes thru parcel 2 for the secondary access, however, Mr. Lister noted it does have to meet the county easement requirements which is actually 28' wide. The applicant has submitted an application for an easement reduction as well as a property boundary adjustment, both of these items are in process in Development Services. DSD has reached out several times to Black Canyon Irrigation District but haven't received any comments. Communication was received from Colleen Matosich regarding the distance between her property and the five other lots and Darin Taylor provided pictures that some of the landscaping was in disarray and that no special setbacks should be required as part of this preliminary plat. The plat before the Board this morning is not the most current version, Mr. Lister believes Mr. Taylor is working on the most current revisions. It will be up to the Board to either continue the hearing in order to get a clean copy of the preliminary plat with a revised easement or staff has provided a draft copy of the FCOs if the Board wants to approve today. The only real change that will happen is that the easement will be resized from 25' to 28', the rest are conditions by other agencies. In the draft FCOs staff provided conditions that would address the easement size and review by the fire and irrigation districts. There are mechanisms in place that the construction plan and final plat will be correct which would be demonstrated thru those conditions. Based on a question from Commissioner Dale about staff recommendation, Mr. Lister said they always want a clean plat, however, the only revisions to be made are the easements and secondary access but with conditions those revisions could be made to ensure they show on the final plat and the construction plans so it's not anything major that would require this be delayed.

Commissioner Van Beek said that the Board was still receiving information on this case until minutes before the hearing began and although she is in favor of hearing comments today she will not support incomplete information.

Darin Taylor with Subdivision Maker offered testimony in support of the request he spoke about conditions imposed by the highway and fire districts, distance measurements of the property boundaries and overgrown weeds throughout the landscaping.

Mr. Lee addressed questions posed by Commissioner Van Beek regarding what they've envisioned for this property. Each lot would have pressurized irrigation so he would expect lawns or pastures and substantial housing. There will be a water users association, architectural requirements and CC&Rs. He noted that the berms around Willow Creek Estates No. 1 are only on 3 sides and not adjacent to his property. There are essentially no berms on Willow Creek Estates 2 or 3. The Lee's plan to continue living on the property.

Jamie Sharpe and Colleen Matosich offered testimony in opposition to the request.

Ms. Sharpe expressed her concerns about the density that is planned and believes it will greatly affect their subdivision and obstruct her view. She would like to see trees vs. fencing.

Ms. Matosich is frustrated because the additional exhibits weren't on the website for review so they have no idea what the letters from the highway or fire districts say. She would like to have less impact on their way of life and their privacy. She said the weeds that Mr. Taylor spoke of are

actually on the Lee's side of the property line. She feels any homeowner in the new subdivision would want to have some separation from her subdivision. She is concerned that they will see lights or have to look at the back of an outbuilding if there is no separation between the subdivisions. She understands the rights of the Lee's and what they're trying to do but she'd hoped it would be more neighborly and said that there has never been a meeting with the neighborhood of Willow Creek Ranch Estates No. 1. She would like to see some kind of landscape break.

In response to a question from Commissioner White, Mr. Lee said he had not really considered a landscape break because he thinks that anyone who buys those lots would be doing something on the back themselves – either fencing or trees.

Rebuttal testimony was offered by Mr. Taylor. The section of land in question regarding the unkempt weeds is owned by the Sharp's according to Mr. Taylor, it was acquired from the HOA. He stated there was a neighborhood meeting held with notification going to neighbors within 600' as required.

Mr. Lister clarified that for a subdivision a neighborhood meeting is not required per Canyon County code. The rezoning in 2016 required a neighborhood meeting but the subdivision itself, per the ordinance, does not require a neighborhood meeting. This property is in a nitrate priority area so a nutrient pathogen study was done that included a soil analysis and the evaluation of the ground water levels which all came back positive with no need for restrictions. The lot count and layout of the subdivision were based on the results of the nutrient pathogen study which were submitted to both Southwest District Health and DEQ. If it is decided that a berm is desirable along the easement boundary the Lee's may request that both the Smart's and the Matosich's participate in the cost for installation of pressurized irrigation and landscaping. The Lee's will absorb the cost of putting in the berm itself.

Mr. Lister reiterated that there was no neighborhood meeting requirement although normal noticing of 300' was done along with notice to the affected agencies such as the school district. A nutrient pathogen study was done and SWDH provided a letter stating they found it to be acceptable. The minimum requirements of the county's subdivision code have been met and it has been demonstrated that the lots will have proper septic and well. Most of the concerns are based on lot sizes and performance with the area school district but these were things that happened during the rezoning stage at which point the R-1 zone was approved and there were no conditions added. The school district was notified but did not provide any comments so it is assumed that they don't find this subdivision to be an impact. In regard to landscaping, staff reviewed concerns from the neighbors. Due to the setbacks in place there is a fair amount of distance between the Oaklee Estates property and the Matosich and Smart properties. Due to this amount of space staff didn't see that there was any nexus to require any type of special landscaping or fencing. The only change to the plat before they Board is an easement, they are going to change it from 25' to 28'. If this is a big deal to the Board this hearing will need to be continued but staff did provide conditions of approval that would require them to have that completed to county and fire district standards prior to approval of any final plat. In regard to the

landscaping, if it had to go in, that would change the plat. He is not sure if the Board would want to see it as a common area so it's taken care of by an association or how that would be done and how it would affect the drainage on each property. Based on a question from Commissioner White, Mr. Lister said Canyon Highway District No. 4 did approve the plat that is before the Board today with conditions that have been applied in the FCOs. The fire district also approved a secondary access location which is part of the conditions in the FCO.

Commissioner Dale made a motion to close public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously.

Following board comments and deliberation Commissioner Dale made a motion to sign the preliminary plat, noting the change to the easement distance, and the findings of fact and conclusions of law and order. The motion was seconded by Commissioner Van Beek and carried unanimously.

The hearing concluded at 11:10 a.m. An audio recording is on file in the Commissioners' Office.

DISCUSSION REGARDING EQUITY PAY

The Board met today at 11:15 a.m. for a discussion regarding equity pay. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Facilities Director Paul Navarro, DSD Director Tricia Nilsson, Fair Director Diana Sinner, PIO Joe Decker, Public Defender Aaron Bazzoli, Solid Waste Director David Loper, Director of Misdemeanor Probation Jeff Breach, Chief Probation Officer Elda Catalano, and Deputy Clerk Monica Reeves. Present via Webex: Weed Control Director AJ Mondor, Fleet Director Mark Tolman, IT Director Greg Rast, Parks Director Nicki Schwend, and HR Director Sue Baumgart, Debbie Lowber from the County Agent's Office. Clerk Yamamoto spoke of how the equity fund is intended to address unique circumstances and extraordinary items, such as when somebody performs outside of their job description, or if an exempt employee puts in a tremendous amount of overtime. He strongly considered eliminating the equity fund in its entirety because he saw abuse with how it was utilized, however, he decided to cut the 1% equity fund in half. The fund is not intended to be used for bonuses. Controller Wagoner spoke about how the equity pool is a tool to aid with retention and investment in personnel and it needs to be applied thoughtfully and judiciously in unique circumstances to show a recognition of appreciation for doing something above and beyond the ordinary. Commissioner Van Beek said she's asked for up-to-date job descriptions because some are out of date. She would like to recognize the employees who go above and beyond their duties, perhaps by having an employee spotlight area in the courthouse lobby. Commissioner Dale said he supports the equity pool part of the compensation plan which has never been intended as a bonus plan; it's to address the anomalies that arise such as when someone leaves employment and there is a period of time where there is a hole in the workforce and often there are one or two employees assigned to pick up those duties that are not being met. That is above and beyond the job description of that person and that needs to be compensated.

for fairly and that is what the equity pool is intended to address. The requests should come before the Board for review before they are awarded to make sure it is being used the way it is intended. Commissioner White had questions of HR Director Baumgart on the process of updating job descriptions. Director Baumgart said department heads are responsible for updating job descriptions and HR works with them to assist with that task. Discussion ensued on how equity pay should be allocated and how offices and departments should not use the one-half percent allotted to them to be divided amongst the employees. A department head admitted to using it incorrectly and was glad to get the information so he can understand how it will be used in the future. There was discussion about the acknowledgment of using the pool as a retention tool and how perhaps some could view it as a bonus. Commissioner Dale said there is a vast difference between a bonus and extra pay for extra work. Commissioner Van Beek does not see a problem with rewarding people for doing exceptional work. She hopes the job descriptions are up-to-date enough so we know what the employee is doing so that the scope of work can meet the pay scale. The final signatory on that, however it is divided up, comes to the Board which is charged with understanding it and signing off on it. Clerk Yamamoto reiterated that the equity fund was not set up to pay bonuses. Aaron Bazzoli said the compensation plan is not a merit-based system it's based on years of experience and maybe we need a directive that states the only circumstances where equity pay will be allowed. Equity is a one-time thing, but he has concerns about throwing off the compensation plan. Commissioner White said doing an excellent job does not mean you have to use the equity pay and if you don't use it that doesn't mean your staff isn't excellent. Treasurer Lloyd said equity pay is to show that someone has done an excellent job on a project, or they had to perform another job. If a person is exceeding their job description it's up to the elected official the following year to get that position adjusted. You have to look at the position, not the person to ensure equity throughout the County. Commissioner Dale said if someone is doing the work of another person in addition to their own work they deserve to be compensated fairly. Clerk Yamamoto said in the past there was such disparity between offices/departments for the same job and that's why the compensation committee was created. If you have a director that gives money to everyone in their department it messes up the plan and throws it out of whack. The equity pool is to fix anomalies when there was a mistake in the pay and to take care of unique circumstances and if someone is doing somebody else's job in all likelihood they should be compensated for that but it should be vetted. He does not want the equity fund used "willy-nilly" otherwise it will be eliminated from the Clerk's suggested budget. Commissioner Van Beek suggested a wage pause given the current economic climate. She also had questions about the criteria for giving lead pay, such as how is it determined and assigned. Paul Navarro spoke about the system at the state level where position reclassifications were done in lieu of equity pay. Tricia Nilsson said it would be helpful to have some bullet points on the inter-web or in the HR paperwork from the compensation committee that includes the guidelines that be followed. The Board agrees. The meeting concluded at 12:05 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – PRELIMINARY PLAT AND GRADING AND DRAINAGE PLAN FOR KIMBER RIDGE SUBDIVISION, CASE NO. SD2019-0042

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Dennis Jones for a preliminary plat and grading and drainage plan for Kimber Ridge Subdivision on Parcel R37886012, Case No. SD2019-0042. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, Kurt Smith, Tracie Jones, Patricia Alvey, Dennis Jones and Deputy Clerk Monica Reeves. DSD Planner Dan Lister participated via Webex. Dan Lister gave the oral staff report. The parcel was rezoned to rural residential in 2018. The P&Z Commission recommended approval subject to conditions. Staff reviewed the plat with the county engineer and found it to be consistent with the code. The plat is a 48.59 parcel with an average lot size of 3.3 acres. The project will be completed in two phases. Mr. Lister reported on agency comments as well as the testimony at the underlying P&Z Commission hearing. Staff recommends the Board approve the preliminary plat with conditions of approval. Mr. Lister responded to questions from the Board following his report.

The following people testified in support of the request:

Kurt Smith gave testimony about the plat as the project engineer. The applicants agree with the staff report and proposed conditions. They have revised the plat to show a 60-foot access for Lots 1 and 2 for Phase 1, and they will meet the requirements of the highway district. Discussion ensued regarding fire code and a note on the plat. Mr. Smith responded to questions from the Board following his testimony. Commissioner Van Beek does not support the overreach to put the cost of the developer as it pertains to fire code. Mr. Lister it's not a plat note at this point, it's a condition that the fire district review it at the final plat stage and at that point there can be discussions about whether they want a plat note.

Tracie Jones testified that she and her husband own the project but they are not developers. Their goal was to subdivide and build their home and give their kids a few lots and sell a few lots. They had to rezone the property since the original owner had let the zoning lapse. Once they rezoned the property and had professionals involved they realized the project was much more than they anticipated. They listened to neighbors' concerns and decided that 14 lots would be a better alternative.

Dennis Jones testified about lot sizes in nearby subdivisions.

Patricia Alvey testified that she and her husband have been looking for property in a peaceful rural setting and this project offers what they are looking for.

Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner Dale supports the request as it does not take any agricultural ground out of production. Commissioner Van Beek likes the project and their applicants plan to offer something different in the market. She does not want further restrictions placed on the applicants. Following the Board's deliberation, Commissioner Van Beek made a motion to approve the preliminary plat as well as the grading and drainage plan for Kimber Ridge Subdivisions and to sign the findings of fact, conclusions of law, and order. The motion was

seconded by Commissioner Dale and carried unanimously. The hearing concluded at 2:16 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 22, 2020

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale, Vice Chairman – Out of the office
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 566520 TO 566586

The Board of Commissioners approved payment of County claims in the amount of \$58,951.48 for accounts payable.

APPROVED CLAIMS ORDER NO. 566587 TO 566634

The Board of Commissioners approved payment of County claims in the amount of \$47,258.05 for accounts payable.

APPROVED PURCHASE ORDERS

The Board approved the following purchase order(s):

- Motorola Solutions in the amount of \$835,000 for the Sheriff's Office
- The Cobble Company in the amount of \$1,451.20 for the Sheriff's Office
- Intermountain Wood Products in the amount of \$1,306.00 for the Prosecutor's Office

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Dan Blocksom and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing legal notice of entering into personal services contract with Lawrence Banta, M.D.: Mr. Blocksom explained that this contract was signed last week but that notice needs to be published showing the county has entered into a contract. Upon the motion of Commissioner Van

Beek and second by Commissioner White the Board voted unanimously to sign the legal notice of entering into personal services contract with Lawrence Banta, M.D. The meeting concluded at 9:07 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER SIGNING A RESOLUTION GRANTING A TRANSFER ALCOHOL LICENSE TO RAGAZZA DI BUFALO

The Board met today at 9:30 a.m. to consider signing a resolution granting a transfer alcohol license to Ragazza Di Bufalo. Present were: Commissioners Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The former owners of the Orphan Annie's restaurant are transferring their license to the owner of Ragazza di Bufalo who now occupies the building. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution transferring the license to Ragazza di Bufalo (see resolution no. 20-147). The meeting concluded at 9:32 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:05 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner reviewed the following items with the Board:

- A handout was provided showing numbers for the 2020 Canyon County 4-H/FFA Expo including show animals numbers, sponsorship revenue and wristband admission revenue.
- Discussion ensued regarding changes that were made due to COVID-19 and the things that really worked and may be kept in place.

Commissioner Van Beek made a motion to continue the meeting to 10:45 a.m. today. The motion was seconded by Commissioner White and carried unanimously.

The Board went back on the record at 10:45 a.m. to continue the monthly meeting with the Fair Director and a request was made to go into executive session.

EXECUTIVE SESSION – PERSONNEL MATTER

The request to go into executive session was made as follows:

Commissioner Van Beek made a motion to go into Executive Session at 10:46 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. 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, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. The Executive Session concluded at 11:07 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 PUBLIC DEFENDER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:33 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Chief Public Defender Aaron Bazzoli participated via Webex. The following items were discussed with the Board:

- Review of FY2020 budget to date; line items discussed included doctors, psycho/sexual evaluations, postage, interpreter fees, transcript fees, software and machinery for a new copier. Mr. Bazzoli anticipates being under budget at the end of the fiscal year.
- Review of monthly case type counts comparing 2018 to 2019 and 2019 to 2020.
- Discussion regarding new hires/new positions and reworking to job responsibilities within the office.
- Regular meetings are happening with courthouse personnel and court personnel for discussions on how to safely conduct trials.
- Compensation plan increases: certain members are lead attorneys and secretaries who have responsibilities beyond their job description. Along with those who have made step increases in the compensation plan.

The meeting concluded at 2:04 p.m. and 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 Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Landfill Director David Loper, Deputy P.A. Brad Goodsell and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Waste amounts were up 8.02% in July and 3.33% in August; Fiscal year 2020 was up 7%.

- Planning and Zoning Commission meeting for the CUP/Site Certification will take place on October 15th.
- The Household Hazardous Waste event took place on September 9th at the Idaho Center with 450 customers showing up.
- The process to abandon PB-4 began yesterday and should be completed by the end of the week.
- They are looking for a new water source for dust control.
- Fly over of the landfill is scheduled for September 30th.
- Discussion ensued regarding an incident with a dozer in early September in which the machine tipped over. The operator was not injured and there was very little damage done to the machine.
- Inmate worker program: due to COVID-19 the program has been suspended. In the meantime, they've utilized the community service program and the SILD program.
- Timber Creek Recycling is submitting a change order to their contract to increase their pick up fee from \$21.00 to \$27.50. Director Loper believes there needs to be a discussion on increasing the clean wood, sheetrock and green waste fees. Commissioner Van Beek asked Director Loper to create some options for the Board to consider.

The meeting concluded at 3:01 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING CORRECTED ORDINANCE FOR THE BORCHERT FAMILY TRUST CONDITIONAL REZONE, AND POSTPONE THE PUBLIC HEARING REGARDING JOHN CARPENTER'S APPEAL OF A HOME BUSINESS, CASE NO. AD2020-0029APL

The Board met today at 3:04 p.m. to consider signing a corrected ordinance for the Borchert Family Trust conditional rezone case, and to postpone the public hearing regarding John Carpenter's appeal of a home business, Case No. AD2020-0029APL. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Tom Dale participated via conference call, DSD Planner Julianne Shaw, and Deputy Clerk Monica Reeves. Ms. Shaw reported that when the Borchert Family Trust conditional rezone case was approved she mistakenly referenced the case as being a rezone rather than a conditional rezone. Today she presented the Board with an amended ordinance which references the conditional rezone, Case No. CR2020-0003. Commissioner White made a motion to sign the amended/corrected ordinance. The motion was seconded by Commissioner Dale who gave permission to use his stamp. The motion carried unanimously. (See Ordinance No. 20-029, previously recorded on 9/15/2020.) Ms. Shaw also requested the Board postpone the John Carpenter appeal hearing to a later date so she can meet with legal counsel. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to postpone the John Carpenter case to October 9, 2020 at 9:00 a.m. The meeting concluded at 3:08 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 23, 2020

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale, Vice Chairman – Participated remotely
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase order(s):

- Neopost USA, Inc., in the amount of \$23,421.00 for the Elections Office

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Craft Lounge to be used 9/25/20 at the Hands of Promise Campus, Idaho Youth Ranch for a charity event.

APPROVED CLAIMS ORDER NO. 2026

The Board of Commissioners approved payment of County claims in the amount of \$1,752,135.01 for a County payroll.

APPROVED CLAIMS ORDER NO. 566785 TO 566812

The Board of Commissioners approved payment of County claims in the amount of \$17,388.57 for accounts payable.

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:46 a.m. to consider indigent decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kelsee Hale, Deputy P.A. Zach Wesley arrived at 8:52 a.m. and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2020-1115, 2020-1049, 2020-1081, 2020-1030 and 2020-1052. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials.

Commissioner Van Beek made a motion to issue an initial approval on case no. 2020-1105 and final approval on case no. 2020-0638 with written decisions within 30 days. The motion was seconded by Commissioner White and carried unanimously.

Liens were presented for Board signatures.

Director Baker brought for the Board's consideration a settlement offer on case nos. 2019-0077 and 2019-607 belonging to the same applicant. A settlement amount of \$26,426.10 has been offered as part of a subrogation case. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to accept the proposed offer. Director Baker said that this settlement offer will also be presented to the CAT Board for their approval.

The meeting concluded at 9:00 a.m. An audio recording is on file in the Commissioners' Office.

AMENDMENT TO THE AGENDA: CONSIDER NEWLY UPDATED TREASURY GUIDELINES
REGARDING CARES ACT (POSSIBLE ACTION ITEM TO FOLLOW)

The Board met today at 10:04 a.m. to consider an amendment to the agenda to discuss the newly updated Treasury guidelines regarding CARES Act funding with a possible action item to follow. Present were: Commissioners Pam White and Leslie Van Beek, Chief Civil Deputy P.A. Sam Laugheed, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Sheriff Kieran Donahue, Assessor Brian Stender, Sr. System Analyst Steve Onofrei, Caldwell Finance Director Carol Mitchell, and Deputy Clerk Monica Reeves. Present via Webex: Commissioner Tom Dale, Nampa Mayor Debbie Kling, and City of Nampa employees Doug Racine, Edward Karass, and Michelle Camper. Sam Laugheed said on September 22nd it was brought to our attention there were new FAQ's issued by the Office of Inspector General (OIG) in the Treasury that prompted the need for the Board to have a meeting without the typical 48 hours' notice so we used this same timeframe as the previously agendaized meeting but there needs to be a vote to amend the agenda to have a discussion about the new CARES guidelines and FAQ's and a potential action item. The item was added to the agenda yesterday afternoon. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to amend the agenda to include the discussion for CARES, the FAQ's and include a potential item based on the content of the discussion today. Mr. Laugheed created a one-page timeline of the law, the guidelines, and the FAQ's, which is on file with this day's minute entry. Clerk Yamamoto said it's been a real rollercoaster with the passage of the CARES Act by Congress and Governor Little's program for the state of Idaho which included \$10 million for property tax relief. He thinks this is a poor program that's been poorly administered, but with the change in guidelines it would appear that the Board could opt into this program without fear of the OIG saying it was a fraudulent use of the money. He still has issues with it but it's largely a matter of semantics based on the verbiage of "necessary expenditures", "substantially dedicated" and the presumptive clause. Due to the new FAQ's coming out from OIG he brought it back to the Board for further exploration. Treasurer Lloyd said it's not as simple as it looks because the CARES Act provides that payments from the fund may only be used to cover costs that are necessary expenses incurred due to the public health emergency with respect to the COVID disease, that were not accounted for in the budget as of March 27, 2020, and were incurred during March 1 through December 30. She has a hard time seeing where taking the money is proper. As the tax collector she will

administer the decision that is made, but her opinion has not changed; she still believes it is NOT an appropriate use of funds. Commissioner Van Beek had questions regarding the legal ramifications. Sam Laugheed referred to the one-page handout addressed earlier. The law passed by both houses of Congress has not changed since March. Since that time it has been interpreted by guidelines that we are not subject to public comment or review, but we are just an administrative agency interpreting the law and in those guidelines we are subject to FAQ's which are not the law and not subject to anything other than the administrative agency's own decision making. The law has been the same, the guidelines have changed and the FAQ's have changed. The guidelines and FAQ's can change. It's more difficult to change the law. Under this administration and this agencies in this context we have seen them change how they interpret the law and as of September 2nd and now September 21st, it has been very favorable to the payroll public safety plan but it's still not the law. We can rely on it in good faith. The guidelines won't be a defense because they can change but they are proof we are acting in good faith. At the end of the day Canyon County would be on the hook. The state has made it clear that this a voluntary program we can opt into which is a strong defense for the state. Discussion ensued on how the funds are used to ensure compliance with the law. Controller Wagoner said it is very specifically limited to public safety payroll and the County will be subjected to a single audit. These are federal monies and we have to properly account for it and prove that the employees are public safety employees and we have to verify that we paid them. It would be an administrative burden to require the Sheriff's employees to track their time in 15-minute intervals and to try to create a payroll system to account for that. The wording from the Treasury states: *As an administrative convenience, in light of the emergency nature of circumstances you may presume that public safety payroll is substantially dedicated to the COVID-19 response.* Sheriff Donahue said he's been opposed since the beginning and his position has not changed. It is completely unethical and dishonest and he will not instruct personnel to be fraudulent in their claims of verification or clarification that they are doing something out of the ordinary and above their normal duties due to COVID because they are not. He will not go along with this because he thinks it's dishonest. Controller Wagoner said because this is an emergency situation he doesn't have to document public safety payroll personnel every 15 minutes. We may presume that they are substantially dedicated to the COVID response; it is eligible for federal reimbursement. Clerk Yamamoto said the dilemma is whether to give more weight to the CARES Act law or the FAQ's from the OIG and the Treasury. Carol Mitchell said the City of Caldwell from the very beginning has stood against taking this funding as their position is to follow the law/Act and ask whether it's ethical, moral and is it the right thing to do. She said it will be up to the city council to decide if we are going to reconsider their stance but at this point in time she is not recommending the city reopen its L-2 and proceed forward with a vote to participate. The fire and police chiefs cannot identify their duties have changed in any way whatsoever so she is not going to support this to the council. According to Ms. Mitchell, Mayor Nancolas is not in favor of opting in to the program. Mayor Kling said the new guidance has come late and we have the challenge where the CARES Act says one thing and the Treasury and OIG say another which makes it very difficult. The city tracks its COVID use, and the actual COVID interaction does not equate to the \$9 million they would receive and that makes it difficult. The council voted 5 to 1 to not accept the funds. Doug Racine said with the most current guidance he does not have a bar that prevents him from moving forward in terms of what the single audit impact would be. Prior to this guidance he had a concern but just from a

mathematical/numerical perspective the guidance today doesn't prevent him from accepting it if that was the will of the Mayor and Council. Assessor Stender said there is a property tax working group and they are in the legislature trying figure out a way to facilitate tax reduction for all citizens. It could be a yo-yo if nothing comes about to alleviate the tax burden next year. Clerk Yamamoto said if the County opted in \$10 million would stay in the community and if the cities opt in the number staying in the local economy would be around \$25 million. Mayor Kling said if the County opts into the program they city will consider it, but she doesn't know where the vote will go. The soonest they can have a meeting is Friday morning. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to continue the discussion to 4:00 p.m. this afternoon when Commissioner Van Beek, who had to leave for another appointment, could be present. The meeting concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER THE BUDGETING OF UNSCHEDULED REVENUE

The Board met today at 11:19 a.m. to consider the budgeting of unscheduled revenue. Present were: Commissioner Pam White, Clerk Chris Yamamoto, Controller Zach Wagoner, Commissioner Tom Dale (via Webex) and Deputy Clerk Monica Reeves. Controller Wagoner said this is the CARES Act monies which have been spent to reconfigure office spaces, install Plexiglas, purchase disinfecting and sanitizing supplies, etc., and they are reimbursable under the CARES Act. We need to open and adjust certain budgets to reflect new revenue, and unanticipated expenditures. There will be increases both on the revenue side and the expenditure side in the FY2020 budget.

	FY2020 Adopted Budget	FY2020 Budget Adjustment	FY2020 Amended Budget
Current Expense Fund			
Emergency Management	\$138,987	\$950,000	\$1,088,987
Facilities	\$3,942,51	\$20,000	\$3,962,531

Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to include the unanticipated revenue as identified by the Controller. (Resolution No. 20-148.) The meeting concluded at 11:23 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (D); INTERVIEW AND EVALUATE PLANNING AND ZONING COMMISSION CANDIDATES

The Board met today at 1:34 p.m. for an Executive Session to interview and evaluate candidates for the Planning and Zoning Commission. Commissioner White made a motion to go into Executive Session at 1:34 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding a personnel matter and to discuss records exempt from public disclosure. The motion was seconded by

Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners White and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Candidate David Eicholtz, and Deputy Clerk Monica Reeves. Mr. Eicholtz left at 1:54 p.m. Candidate Sheena Wellard arrived at 2:35 p.m. and left at 3:09 p.m. Candidate Scott Brock arrived at 3:10 p.m. and left at 3:29 p.m. Candidate Nicko Demeter arrived at 3:30 p.m. and left at 3:47 p.m. The Executive Session concluded at 3:56 p.m. with no decision being called for in open session.

CONTINUED DISCUSSION RE: NEWLY UPDATED TREASURY GUIDELINES REGARDING CARES ACT
(POSSIBLE ACTION ITEM TO FOLLOW)

The Board met today at 4:03 p.m. for a continued discussion regarding the newly updated Treasury guidelines regarding the CARES Act, with the possibility of opting into the program. Present were: Commissioners Pam White and Leslie Van Beek, Chief Civil Deputy P.A. Sam Laugheed, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Sr. System Analyst Steve Onofrei, Caldwell Finance Director Carol Mitchell, and Deputy Clerk Monica Reeves. Present via Webex: Commissioner Tom Dale, Assessor Brian Stender, and Rachel Spacek from the Idaho Press-Tribune. Clerk Yamamoto presented the Board with an example of a property in Middleton and one in the City of Nampa depicting values and tax savings, a copy of which is on file with this day's minute entry. Speaking specifically of Canyon County, the taxes have gone down without the Governor's program. Discussion ensued regarding taxable values and levy rates. Carol Mitchell said the City of Caldwell will have special council meeting tomorrow at noon, but her stance and Mayor Nancolas's stance have not changed with the new information. They still believe this is not following what the CARES law states. Commissioner Van Beek said she doesn't see the value of putting our staff through the exercise of capturing the benefit for a savings of \$25 a month. She is not in favor of opting in to the program. Commissioner Dale said by the word of the Sheriff we know the activities of public safety for Canyon County is neither substantially dedicated to COVID and it is not substantially different than what they had normally done on a year-to-year basis. He is not in favor of opting in. He is in favor of true property tax reform that is ongoing and sustainable and he looks forward to the legislature find a solution to a statewide problem. Commissioner White is leery about opting in and she is not in favor of it. Commissioner Van Beek asked if anybody knows how Ada County got to a level of comfort to opt in to the program. Further discussion ensued about property tax. Commissioner White said we all stand on one premise and that is the property taxpayers need relief but this is not the way we see it going through. *(A motion of the Board was not necessary as the County has functionally already opted out.)* The meeting concluded at 4:52 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 24, 2020

PRESENT: Commissioner Pam White, Chair - Out of the office
 Commissioner Tom Dale, Vice Chairman - Out of the office
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 25, 2020

PRESENT: Commissioner Pam White, Chair – Out of the office
 Commissioner Tom Dale, Vice Chairman – Out of the office
 Commissioner Leslie Van Beek – Out of the office
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 28, 2020

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale, Vice Chairman – participated remotely
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 566902 TO 566937

The Board of Commissioners approved payment of County claims in the amount of \$43,671.32 for accounts payable.

APPROVED CLAIMS ORDER NO. 566938

The Board of Commissioners approved payment of County claims in the amount of \$18,705.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 566863 TO 566901

The Board of Commissioners approved payment of County claims in the amount of \$373,907.77 for accounts payable.

APPROVED CLAIMS ORDER NO. 566862

The Board of Commissioners approved payment of County claims in the amount of \$13,118.90 for accounts payable.

APPROVED CLAIMS ORDER NO. 566813 TO 566849

The Board of Commissioners approved payment of County claims in the amount of \$31,823.88 for accounts payable.

APPROVED CLAIMS ORDER NO. 566850 TO 566861; AND CLAIM NO. 566659

The Board of Commissioners approved payment of County claims in the amount of \$66,380.66 for accounts payable.

APPROVED PURCHASE ORDERS

The Board approved the following purchase order(s):

- Les Schwab Tires in the amount of \$13,584.31 for the Solid Waste Department
- Fence-Material.Com in the amount of \$49,265.58 for the Facilities Department

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:01 a.m. to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Dale participated via conference call, Controller Zach Wagoner, Sr. System Analyst Steve Onofrei, DSD Director Tricia Nilsson left at 9:11 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution granting a refund to William and Kristin Spicer for a withdrawn application: Director Nilsson said staff has been working with the applicants but they didn't like the options available to them for relocation of their building and have withdrawn their application. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution granting a refund to William and Kristin Spicer for a withdrawn application (see resolution no. 20-151)

Consider signing a resolution setting the levy rates for all Canyon County taxing districts: Mr. Onofrei gave a brief overview of how levy rates are set. Canyon County has 60 taxing districts and he reviewed each request and each public notice noting that none of the taxing districts have exceeded the amount they are allowed to ask the taxpayers for. Commissioner Van Beek made a motion to sign the resolution setting the levy rates for all Canyon County taxing districts. The motion was seconded by Commissioner Dale and carried unanimously (see resolution no. 20-149).

The meeting concluded at 9:17 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION CHANGING THE TITLE, SALARY AND JOB DESCRIPTION OF ONE POSITION IN THE ASSESSOR'S OFFICE

The Board met today at 1:39 p.m. to consider a resolution changing the title, salary, and job description of a position in the Assessor's Office. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Tom Dale via conference call, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Demi Etheridge from HR, and Deputy Clerk Monica Reeves. Joe Cox said as technology has changed some jobs have evolved to new positions where employees have to have a lot more technical skills and so they want to address a job description and reward the person who has stepped up and made the Assessor's Office more independent. The job description will go from an office manager position to a business manager position. It is a hybrid position that will be required to rewrite applications so they can pull information from assessment software and have more autofill features. They will also have additional responsibilities and be required to manage personnel. The Assessor has a \$10,000 line item which will be used as compensation for the position which will have a start date of October 1st. The HR Director has reviewed the job description, salary range, and resolution for accuracy. Following discussion, Commissioner Dale made a motion to adopt the resolution changing the title, salary, and job description from an office manager position to a business manager position for the Assessor's Office. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 1:53 p.m. An audio recording is on file in the Commissioners' Office. (Resolution No. 20-150.)

MEETING WITH INDIGENT SERVICES DIRECTOR TO DISCUSS ESTABLISHING INCOME AND EXPENSE ALLOWANCES IN DETERMINING MEDICAL INDIGENCY AND TO CONSIDER AN ACTION ITEM

The Board met today at 2:01 p.m. with the Indigent Services Director to discuss establishing income and expense allowances in determining medical indigency and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Tom Dale participated via teleconference, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. Director Baker provided a document to the Board outlining the monthly allowable expenses. She explained the only real change this year is to the imputed minimum wage that's used; this year it will be \$9.32/hr. based on information from the Idaho Department of Labor.

Commissioner Van Beek made a motion to sign the resolution establishing the income and expense to be considered in determining medical indigency. The motion was seconded by Commissioner Dale and carried unanimously (see resolution no. 20-152). The meeting concluded at 2:19 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION: EVALUATE PLANNING AND ZONING COMMISSION CANDIDATES

Commissioner Van Beek made a motion to go into Executive Session at 2:31 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) for a personnel matter and to review records exempt from public disclosure to evaluate Planning and Zoning Commission candidates. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Dale, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 2:45 p.m. The Executive Session concluded at 3:30 p.m. with no decision being called for in open session. A resolution of appointment will be forthcoming.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 29, 2020

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale, Vice Chairman – Participated remotely
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase order(s):

- Lowe's in the amount of \$2,292.00 for the Facilities Department
- Amazon Capital Services in the amount of \$2,133.68 for the Elections Office

APPROVED CLAIMS ORDER NO. 566813 TO 566849

The Board of Commissioners approved payment of County claims in the amount of \$142,458.91 for accounts payable.

MEETING TO CONSIDER ACTION ITEM

The Board met today at 8:32 a.m. to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Dale participated via Webex, Deputy P.A. Brad Goodsell, Mike Murgoitio with Timber Creek Recycling, Landfill Director David Loper joined via Webex at 8:40 a.m. and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider change order no. 1 to wood waste removal agreement with Timber Creek Recycling LLC to increase price per ton effective October 1, 2020: Mr. Goodsell gave a background on the process and contract of using Timber Creek Recycling. Mr. Murgoitio provided information as to the reason for the increase and what he uses some of the recycled materials for. The price this year will increase from \$21.00 to \$27.50. Director Loper spoke about his experience with Timber Creek and that he's been really happy with the service that has been provided. Commissioner Dale made a motion to sign change order no. 1 to wood waste removal agreement with Timber Creek Recycling LLC to increase price per ton effective October 1, 2020. The motion was seconded by Commissioner Van Beek and carried unanimously (see agreement no. 20-132). The meeting concluded at 8:54 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Tom Dale via teleconference, Deputy P.A. Zach Wesley, Fair Director Diana Sinner, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action item was considered as follows:

Action item: Consider signing invitation for bids for the Canyon County Fair Expo Building construction project: Mr. Wesley explained that the final documents for bid are not ready from Cole Architects yet but hoping they will be ready around mid-October. The PAs Office will work with Board staff to coordinate new dates.

EXECUTIVE SESSION – PERSONNEL MATTER, 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 (i) regarding personnel matter, records exempt from public disclosure and attorney-client communication, and communicate with legal counsel regarding

pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners 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 and Leslie Van Beek, Commissioner Tom Dale participated via teleconference, Deputy P.A. Zach Wesley, Fair Director Diana Sinner (present from 9:05 a.m. to 9:25 a.m.), DSD Director Tricia Nilsson (present from 9:25 a.m. to 10:00 a.m.) and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:00 a.m. with no decision being called for in open session.

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

PUBLIC HEARING TO CONSIDER A REQUEST BY NORTHSTAR RANCH DEVELOPMENT, LLC FOR A PRELIMINARY PLAT, DRAINAGE AND GRADING PLAN FOR MONUMENT PLACE SUBDIVISION, CASE NO. SD2019-0006

The Board met today at 10:08 a.m. to conduct a public hearing in the matter of a request by Northstar Ranch Development, LLC, for a preliminary plat, and a drainage and grading plan for Monument Place Subdivision, Case No. SD2019-0006. Present were: Commissioners Pam White and Leslie Van Beek, Todd Lakey, Mark Butler, Paul McNamara, Derriitt Kerner, Karl Pedersen, Charles Peebles, Drayth Sielaff, Heath Van Patten, and Deputy Clerk Monica Reeves. Present via Webex: Commissioner Tom Dale, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Jennifer Poirier, Trevor Soggs, Ursula Warden, and Danny Feltenberger. Commissioner Van Beek disclosed that she had had communication with Ursula (Radke) Warden who asked questions regarding the process for this case and so she disclosed limited information to Ms. Warden. She forwarded the email communication to DSD staff which should be included in the record. Commissioner Van Beek said her communication with Ms. Warden will not impugn her ability to go forward with this case. (She also believes Ms. Warden had communication with more than one Commissioner regarding this case.) She noted that not only has she not been able to review the voluminous information that was included in the record at a late hour, she also has questions about the questions that were asked by Ms. Warden. Jennifer Almeida gave the oral staff report and reviewed the late exhibits that were submitted. The subject property is 54.92 acres located within Middleton's impact area. It is not located within a floodplain. The applicant is seeking approval of a preliminary plat, drainage and grading plan. The property is zoned CR-R1 and is subject to a development agreement which was part of the rezone that was approved for the project in September of 2019. All lots meet the average minimum lot size of one acre. The subject property is designated as residential on the Canyon County Comprehensive Plan, and it is an area anticipated for residential uses. The property is adjacent to CR-RR zoning as well as CR-R1 zoning. The property is adjacent to platted subdivisions on the west and north boundaries. Keller and Associates has reviewed the preliminary plat package for conformance with County code and has recommended that the preliminary plat be approved with conditions as outlined in their letter identified as Exhibit 5. The conditions have been included as recommended conditions of approval by staff as well. The applicant has submitted a preliminary geotechnical report, hydrology report, and storm water drainage calculations. A grading and drainage plan as well as a slope stabilization

and revegetation plan were submitted as required by County code. Access to the site will be via Blessinger Road. Internal public roads will provide access to each residential lot. Canyon Highway District has reviewed and approved the preliminary plat, and the applicant has gained approval of a variance from the highway district. The project will be served by individual septic systems and wells. The property does not have irrigation water rights and individual domestic wells can be utilized to irrigate up to one half acre of each lot. The Farmers Union Ditch Company has reviewed the plat and drainage plans and in their letter they indicated they have an easement along the Farmers Union Canal, 25 feet from the top of the bank. Middleton Fire Protection District has reviewed the preliminary plat and approved the wildfire interface plan as required by the development agreement for the rezone. Staff is recommending approval of the plat finding that it meets the zoning ordinance and Idaho code requirements. Staff has provided recommended conditions of approval as found in Exhibit 1 of the staff report. Commissioner Van Beek asked questions for staff pertaining to the enforcement of the wildfire interface plan, the steep slopes, impact on the drainage swale, the drip system for the septic systems, and the fire code pertaining to fire flow.

The following people testified in support of the request:

Todd Lakey testified the engineer and staff have recommended conditions of approval that the applicant is satisfied with. The P&Z Commission unanimously recommended approval subject to conditions, which the applicant agrees with. He said the P&Z Commissioner requirements as far as the preliminary plat are met, and they conform with the County ordinance and state code and also with the conditional rezone conditions the Board included, as well as the development agreement for the project. Mr. Lakey said today's hearing is not the hearing to revisit the land use or the site plan although some of those in opposition seek to do that. This is the opportunity to review the technical requirements of the plat. He said his clients have gone the extra mile in a number of areas particularly the extension of Blessinger Road to the south, to meet the "Christmas list" of the highway district in wanting connection in that area for many years, and the emergency access they are providing to the north for connectivity and to reduce the fire response times. They initially presented those two options on lot sizes on the south in regard to that drain and the Commissioners selected the larger lot size and that was preferable to the applicant as it reduced the liability regarding that drainage of the common area that used to exist there. They are following the site plan that was selected and approved by the Board. Since the rezone they have completed the geotechnical study and submitted that report; it included a soils analysis and a well log review and according to that report the property can be developed as proposed in the preliminary plat. They also performed the hydrology study, completed the subdivision engineering report. Southwest District Health (SWDH) has not reviewed it yet, but they do perform a review and they sign off on the final plat, not the preliminary plat. The report shows they can move forward with what they have proposed. All the studies support the project as laid out in the preliminary plat. They have submitted the wildfire interface plan that was approved by the fire district, and it will be enforced by the CC&R's. They will meet the highway district requirements as far as extending Blessinger Road. They approved the slope variation from 6% to 8%, similar to what's been approved in the area before. The P&Z Commission added Condition No. 6 regarding piping some of the drainage swales to help promote the efficiency in some of those drainages. On the common lots, Lot 10 and Lot 28, are the stubs they provided for connectivity to the subdivision

to the west off the culdesacs. He said it shows some of the inconsistency with neighbor input they have been trying to deal with. They initially provided those to provide connectivity which some seem to want, but the majority of those who testified last time didn't want that connectivity so the P&Z Commission put in a requirement that the applicant post those as private property and fence them on one boundary and the applicant is willing to do that. He said they were worried about people coming from the proposed subdivision into their subdivision, but they were put there to help people from their subdivision get over to Blessinger Road. Commissioner White asked about people recreating on the land. Mr. Lakey said that is part what they talked about initially where some people felt like their recreation area (riding ATV's and hiking) was being taken away, but frankly that was trespassing in the past. This is private property and they were doing that without permission so the applicant is trying to facilitate some continued use of that but at the end of the day some of those neighbors said they didn't want connectivity. Commissioner White asked if there will be pathways or walking trails. Mr. Lakey said those were little connections to the project but the neighbors said they don't want that. The applicants agree with the P&Z Commission's recommendation and are happy to fence those off and mark them as private property. The previous reference was in regards to the drain where they increased the lot size and removed the common area, and that was their preference of the two options provided. The other condition the P&Z Commission had was to include an operation and maintenance manual for the drainage swales and areas in the CC&R's and he said they are going to do that. Commissioner Van Beek asked follow-up questions regarding the fenced portion of common areas. Mr. Lakey again said today's hearing is not to revisit the lot size, or site plan or land use and then he responded to the questions. The lots on the southern boundary range in size from 1.7 to 2.4 acres and they designed the project to have fewer lots on that western boundary and that was part of the site plan, not what they are here to address today. The questions about wells, septic, and soil types have been evaluated and analyzed in the reports that have been submitted from the geotech report to the hydrology report and to the subdivision engineering report. They have conducted extensive studies to answer the questions from neighbors. SWDH has final buyoff on the final plat and they have to sign off on it or the applicant doesn't get to move forward as proposed. In response to a Commissioner Van Beek's question about lot size, Mr. Lakey said the lots were smaller previously but they selected the option to take away the common area and increase the lot size. They had a request from a neighbor to move their private road to the south, but the applicant cannot be required to do that. Commissioner White asked if Blessinger Road will be completed at the expense of the developer. Mr. Lakey said yes it will, they are doing the emergency access but they only have one-half of that right-of-way to the north so they are connecting it all the way to the property line but for a small sliver of property to the north where the landowner was not being reasonable about selling. The highway district seemed to be favorable in pursuing some effort on their part to obtain that little piece of property to make that final connection. According to Mr. Lakey, the applicant is doing 99% of it with an emergency access. Discussion ensued regarding common lots, and the wildfire interface plan. Commissioner Van Beek said there is a concern with the access walkway onto Zenith Lane and it has to do with their agricultural operation. In reviewing an exhibit, Mr. Lakey said the blue dots represent the connecting pathways the neighbors didn't want connected. Commissioner Van Beek asked if he has addressed the special transitional overlay area from the Star comprehensive plan. Mr. Lakey said he has not addressed Star's comprehensive plan in the preliminary plat as this project is

subject to Canyon County's comprehensive plan. He has not covered that because we are not here today to discuss land use. Mark Butler spoke about character references of those who have worked on this application. Initially the developers met him and talked about being a partner on the project and they had that concept for a while and then Todd Lakey came on. Mr. Butler said he is not a paid consultant for the developers, he is here testifying about his land use experience. The developers are going beyond what most do. He's never seen a developer build so much arterial offsite to deal with fire department issues and connectivity issues like this project and that holds a great amount of value in trying to provide a level of comfort with regard to all the engineering issues because it seems like most of the questions and concerns would be engineering and he agrees with that. This application was submitted eight months ago and they worked about a year before that on other items. All agencies will have to provide approval. Mr. Butler spoke about the detailed engineering provided by Derritt Kerner noting that in a different/previous application in the City of Eagle they spent six hours working on details of dumpster enclosures. He said P&Z Commission John Carpenter scrutinized this item with engineering. Mr. Butler then spoke about his work experience. He has 30 years of planning experience, 12 years on the government side and then he started working on the side of developers in 2000 and during that time he was an Eagle City Councilman for four years, and served on the Eagle Urban Renewal Agency for four years, the Eagle Design Review for nine years, and many other committees. Since 2000 he has been qualified to testify on land use and constitutional laws that relate to land use in the 3rd, 4th and 5th District Courts in the State of Idaho. He has done some development but mostly adaptive reuse in buying old buildings in downtown Eagle in trying to keep the character and bring them into current standards. Commissioner Van Beek asked if he feels there has been any conflict of interest on his part between his interest in the comprehensive plan and his development background and this subdivision. Mr. Butler said he does not. He was hired to work on the Star comprehensive plan, and he wrote it all and during that process they had an amazing neighborhood turnout and after about a year when it ended up in front of the city council only one person, a farmer from Star, was the only person who had a concern. They had great public outreach. He knows what the special transition overlay is but it's not part of this meeting and he'd rather not get into it because it's not part of today's hearing. Commissioner Van Beek asked Mr. Butler if he feels like the five points outlined for that by the opposition are relevant to this decision. The five points are as follows in italics:

Development adjacent to the special transition overlay area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned.

Mr. Butler said in reading on it talks about the buffer that would be required, and would not be required unless the lots are not intended to be redeveloped. The portion does not apply.

Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying

Mr. Butler said in his opinion he believes the City of Star would most likely approve this in accordance with their plan, they would look at these lots as being large – one to two-acre lots – being rural in nature. It also talks about lots that are on well and septic being compatible with other ones even though the others could be 5, 10, 20, & 40. They look at this kind of development as a rural development. When they talk about urban and urban transition next to rural, they are

talking three units per acre and more. This is rural next to rural so in his opinion this would not be in conflict with Star's comprehensive plan and the specific language in the special transition overlay area.

Modified street sections such as with no curbs, gutters, or sidewalks should be encouraged for adjacent compatibility where deemed appropriate.

Mr. Butler said he wrote that because if a development comes in next to an existing rural development like Hillsdale Estates where those owners didn't want to see urban roadways (curbs, gutters, sidewalks) immediately transitioning into a rural roadway so they wanted the character of rural to remain rural.

When residential development is planned with lots that directly abut lots with a special transition overlay an appropriate transition is to be provided for the two abutting residential types

Mr. Butler said the comprehensive plan is a guide, it goes on to talk about when you have densities of urban style densities of three, four, or five units per acre adjacent to rural, it's not compatible when you have that type of thing which they do not have here that you need some sort of buffer, so it either said a one-to-one lot or, he believes in the code they adopted a 20-foot landscape buffer so there are different ways to buffer but that does not apply to this project because this is not an urban development next to rural, it's rural and rural.

Larger setbacks should be required for new lots planned to abut existing special transition overlay area lots.

Mr. Butler said what they adopted in the code based up on that guidance in the comprehensive plan was that one of the options for proper transition is, for instance in Hillsdale Estates, if they had a 30-foot backyard and they are one unit per acre, somebody comes in with three units per acre next door they didn't want somebody with an urban development with a 15-foot backyard next to a rural development with a 30-foot backyard and so they thought that would be a good way to provide a transition. Commissioner Van Beek said Mr. Butler was actively involved in developing these concepts but the concepts maybe, to some extent, are not applicable or taken out of context or at least needed clarification in context of this current proposal. Mr. Butler said the comprehensive plan language you read is applicable in Star or in the impact area to any application. That language would support this development in his opinion 100%. Commissioner Van Beek asked him to talk about the topography, and the concern with the extension of Blessinger Road and some of that blindness on the hills. Is there any mitigation for that? Mr. Butler said the 8% they are allowed to go on the slope is still very minimal; a 10% slope is standard. The guidance in the language that Canyon Highway District has is 6% but in cases of heavy hillsides you can ask to go more and they have allowed the applicant to go 8% which is very reasonable and workable with fire departments. He said they had the applicant run this road straight which cost them a lot of money. They wanted to curve up the hill but the curves would have provided more sight issues, and a straight road is clean and clear. The safety of this road is far better than Can-Ada Road where the grade reaches 16%, and Middleton Road through the Galvin property which is about

16%. Commissioner Van Beek referred to the groundwater concern raised by Mr. Warden and she asked Mr. Butler to address the aquifer recharge map in that area. Mr. Butler said that would have to be addressed by Derritt Kerner the engineer. Paul McNamara testified that he is very proud of the thorough package they have put together for this project. He envisions the subdivision will be very inviting with family residences with wide open spaces and nicely wrapped in white ranch fencing. It will look like higher-end subdivisions within the neighboring area but more affordable for people. It will have custom home that will be compatible with the area. Following his testimony Mr. McNamara responded to questions from Commissioners Van Beek and White. Derritt Kerner with Rock Solid Civil is the design engineer for this project and he responded to engineering questions. They have gone well beyond what you typically see with a preliminary plat for wells, septic, drainage, and roadways, especially with the Blessinger Road extension because they had to make sure that was viable with the highway district and built to their standards and safe in order for this project to go through. Blessinger Road will be extended from the south, and that includes a large portion, two-thirds of a half mile that will be built offsite. They will acquire the right-of-way as soon as they achieve preliminary plat approval and will acquire that right-of-way and the whole section of Blessinger Road will be built which he believes a lot of people are happy about. There will be fire department emergency access. The highway district will have to acquire a portion of right-of-way in order to connect this and it's on their plan for next year, but it will take a little bit of time for them to get the funding and make that happen. Regarding drainage, he said the Farmers Union Canal and the Farmers Union jurisdiction ends a half mile to the east and then Drainage District No. 2 has jurisdiction across the project. Farmers Union has asked them to keep them privy to the development and the applicant will do that, and they will remove old pipes and replace them with a 48-inch diameter pipe. They worked out a drip system with SWDH. Houses will be at the top of the hill and septic and well will be separated appropriately; some lots will have to have a drip system on steeper slopes. Discussion ensued regarding the drip system. Trevor Soggs testified that he owns 7.5 acres to the east with the drainage running through his property. He recently installed a 36-inch culvert with Drainage District No. 2's approval so with this project proposing a 48-inch pipe it will be larger than required. He believes the project will be compatible with area and he hopes to still be able to walk the area on the roads/sidewalks the developer provides. He said the landowners should be able to use their land for what they want, not to provide recreation for other people.

The following people testified in opposition to the request:

Ursula Warden testified that the reason some of these questions continue to come up is because they filed as an HOA with their attorney a reconsideration request last holiday season and they never got a response from the County as to it being denied, or the reasons for it being denied which is poor on the County's part to not respond to its constituents. They have audio and the typed notes from the last meeting and the two do not match, and there are comments made under oath that are outright lies starting with Mr. Lakey saying they did look at the Star comprehensive plan and it was in line with Canyon County's plan and that is documented. She said it's a conflict of interest for Mark Butler, who worked on the Star comprehensive plan and then purchased property in this area knowing the Star comprehensive plan he created and made it overlay with Canyon County's and so it is a conflict of interest. This entire process continues to be one-sided in favor of the developer, in fact, they can barely hear any of today's hearing because

of moving papers and making noises and a poor connection and that in and of itself is one-sided that the public's hearing and participation doesn't matter as much as the developer's. She reached out to the Canyon Highway District a couple weeks ago, and the school district/the school superintendent, and the busing company after the last P&Z Commission hearing because it was alluded to that the bus stops were going to somehow come down their private road because there is no connector and because they will lose the stops on the top of Blessinger Road due to the steepness and connecting it through. All three agencies told her they were not aware of this development and had serious concerns about steepness. There is only one child who rides the bus in the neighborhood and she has special needs and they have concerns about how she will get to the bus and where they will stop. The bus company said they want to see the plans because it affects where the busses stop which then in turns impacts whether or not those buses go down their road. The sewer and water district responded to her a couple weeks ago and said they have not approved a plan and the reason lot sizes matter is because on those steep lots there is not a lot of buildable space which means those houses are going to be narrow and close together on the top of the hill. A drip system is great but on a narrow steep lot where is the buildable space and the space for the second drain field? Those are issues that haven't been answered yet. She said no one in their neighborhood uses ATV's to drive on the property, all the ATV's come from the newer neighborhoods behind and in front of them, and she wants the record to show they do not recreate on that land with ATV's. Also, they did not ever state that they wanted a connected walkway. That might have come up in the initial meeting two years ago when Mr. Butler met to get a feel for the neighborhood and one of the neighbor's kids, who used to walk to the school bus but no longer lives out there, used to walk the hill to get there. No one in the neighborhood currently walks to a bus stop up there, and the special needs child wouldn't use the connection because she comes from a different direction. Ms. Warden said there is so much stuff that is inaccurate and is the opposite of what Mr. Lakey and Mr. Butler have said at the initial meeting, which again she has audio of but it does not match the documented record. Their biggest issue as the HOA is that the process is disconnected and they have been using the Star plan and other neighborhoods that didn't get approved initially to justify what they are doing here and now that we are past that initial part they are going back and saying "we didn't do that, or that wasn't relevant, or this is not true" and that is an outright lie. They are saying sewer and water has approved a plan, but it hasn't been approved and they are saying the highway district has their plan worked out too but the highway district told her nothing has been approved yet, and they have said they reached out to the school district, but she talked to the superintendent who isn't even aware of the subdivision and she major concerns with it. Ms. Warden asked how they can keep pushing forward when things have not been shored up, it's wrong and it's wrong that the Commissioners don't even have the wherewithal to respond to their reconsideration. She said they are not anti-development, they would happily have development if it was appropriate and it matched the initial P&Z Commission hearing and the first Board of Commissioners' hearing based on everybody's numbers of a 1.98 average of two acres with the appropriate lot size and yet here we are so they can make a bang for their buck and put in a road that is not going to be all the way completed. The traffic this neighborhood will bring and not be able to get all the way through Blessinger will cause a nightmare for the residents. They have had two more fires, and the road is narrow and eroding away and the developers have no plans to widen the road or make it safer. This is unacceptable and the way you commented on it during last meeting with *"oh, developers*

have a right to develop”, but we bought here first and our right to live here supersedes the right to develop. She is appalled at the comments that were made and she will release them to the public if the Board doesn’t start taking this seriously, and again, they do not match which she finds nefarious. Commissioner Van Beek asked Ms. Warden if any of her questions have been answered and whether the report her husband provided differed from what was contained in the staff report. Ms. Warden said it’s in his letter and it’s in the initial Board of Commissioners’ minutes. He did a geospatial analysis of the lot sizes and it did match with that 1.98 acre which would be appropriate for this area, but then because the developers say they can get away with doing less than the two-acre average. She does not feel she got an answer; we talked about drainage/slope and we have concerns about the sewer and the septic. They want to know where the buildable lots are, where the drain fields are, where the second drain fields are going because it’s their understanding you have to have a backup drain field and on steep narrow lots she’s not sure where they going to put that. They have fire concerns because they had two fires this past summer that got out of control because new neighbors weren’t maintaining all the property the right way. She said CC&R’s won’t do anything. She asked why the canal district hasn’t commented on this project, and she wants to know who is responsible for maintaining the trimming and shrubbery. She also said Commissioner Van Beek is the only one who has asked any thoughtful questions regarding concerns from the neighbors which is very telling of where the interest lies on this panel. In response to questions from Commissioner Van Beek, Director Nilsson addressed the CC&R’s and the placement of septic systems and drain fields. Once a final plat is approved those details are worked out for each individual lot with the developer and SWDH. It’s dependent on where it can go, where they wish to place the dwellings, but it’s done on a lot-by-lot basis and then there’s a diagram produced for each lot. SWDH issues a preliminary septic permit and then there’s a final permit prior to certificate of occupancy for the dwelling so there’s not an overall development specific location of septic systems, it’s done on a lot-by-lot basis with the developer and the representative. They bring in their initial septic permit with their application for a building permit so that SWDH knows where they intend to put their building, and then there’s a condition on the building permit for a final inspection by SWDH that DSD requires prior to issuance of a certificate of occupancy. It’s a two-step process. The septic permit has a diagram of where the drain field is and any secondary drain field, location of the wells, and any other features that are needed to know that affect the placement of the septic systems. CC&R’s are a private agreement, the County does not enforce them, it is up to the HOA. The only conditions DSD enforces are conditions on the plat or in the conditional rezone decision.

Rebuttal testimony was offered by Todd Lakey

Mr. Lakey said they meet the requirements of the preliminary plat, the county code, and state code. The highway district has reviewed and approved the preliminary plat. They have worked with SWDH and they sign off on the final plat. He believes those who have testified in opposition do not understand the difference between the land use and platting and ultimately the development of the project. As far as the comprehensive plan, this is a plat, it’s not land use so that was part of his response but he will touch on that briefly. As he recalls the land use stage when we were talking about the rezone itself he talked about the Star comprehensive plan and the Middleton comprehensive plan and the County’s comprehensive plan and the fact that this is

less dense than some of those potential options if it were to go into Star or Middleton. As Mr. Butler said we are less dense than potentially what could be out there, and this is a transition between urban development that may come from a city and county development that exists out there now. This is platting, this is not land use. Commissioner Van Beek said she wants to address Ursula Warden's concern during the reconsideration process. She feels bad there was some misunderstanding about the time frames and legally it is allowed to run out, but she doesn't necessarily support that and she always asks to look at reconsideration requests. She emailed Mr. Lakey and asked him to clarify information she believes is a tripping point for people opposing this and it has to do with the Willowbrook Subdivision. She pulled the audio file and listened to it and reviewed comments, and Mr. Lakey provided a four-page rebuttal in response to that hearing. Todd Lakey said yes, but he was focusing on the plat not trying to jog his memory on the land use. Commissioner Van Beek wants staff or Mr. Lakey to pull that and include it as part of this record because it's significant in explaining some of the density questions. She asked him to talk about why this wasn't looked at as a 1.98 acre as recommended by the P&Z Commission. Mr. Lakey said again this is not a land use hearing. They looked at it in the land use context compiling all of those potentials out there. Willowbrook was a conditional rezone and was approved with conditions as far as density goes with connection on Blessinger Road and other requirements. The cities plans, if they come out this direction, are much more dense so they looked at this as compatible with everything that could potentially be going on out there and then also in line with Sage Canyon, the most recent subdivision contiguous to the northeast, and so that's where they came up with the proposed lot sizes and looking at the topography, and the extra things they are doing on this project to make it a positive project. They will be doing very high quality custom larger estate-type homes that will fit with the area. Those are all the criteria they put in to determine what they did, and they tried to be responsive to some of the comments in the design and layout. Commissioner Van Beek said the timeframe was too short, that was a very good piece of information and again it showed diligence on the part of the Board in evaluating some of those comments she's heard come up numerous times. Commissioner White asked about bus stops. Mr. Lakey said he doesn't believe there is a requirement under the ordinance for that, but they are open-minded to it, but there is not a condition for that in the preliminary plat. Derritt Kerner responded and said no, they have not incorporated bus stops. It's not a typical route to give this plan at this phase to the school district, but they are open-minded. He does remember some coordination about building two dead-end culdesac roads and where those busses will likely continue down Blessinger. They currently stop on the far southeast corner (where they will be extending Blessinger Road) and so they will drive on the new Blessinger Road that they are going to build and likely down to the ends of those culdesacs and pick up students. Todd Lakey said they anticipate school buses but they haven't designed a covered bus stop in the plan. Commissioner White said she hopes it would be in the notes to look at that and see what is required and how it will work. Derritt Kerner said with the addition of extending the roadway network for the highway district, they're going to give the bus routes more road in order to access the students internal to the development and getting the bus closer the developments around this project that currently walk a great distance to the bus stop. Mr. Lakey said part of the context for some of those comments were their desire not to have those connections that we are going to be blocking off. Previously there were children in the adjacent subdivision that may have wanted to walk up those roads to catch buses, but he thought he heard they are no longer there and that's one of the

reasons they are not in favor of those connections they have designed that they are now going to be fencing off and labeling as private property. He said they have been in regular communication with the highway district, they've walked the site and approved the variance and the preliminary plat. They have worked with SWDH, but we are not saying they are done. They sign off on the final plat and ultimately they have to get a septic permit when somebody chooses where they will locate their house. The required reports have been done and the scientific analyses have been done and they support the application from our perspective. The wildfire interface is something nobody else has out there, this is new and it is the extra mile they are going so they are going to be a safer subdivision from a fire perspective than others that exist, including the neighbors that are opposed. There is a 200-foot setback for the septic systems, as per SWDH standards. They comply with the ordinance requirements and agree with the proposed conditions. They have done extensive analysis of the factors involved and will have those agencies approval before they can build homes and septic systems. Commissioner Van Beek referred to the argument presented in the request for reconsideration and said they have taken it from the comprehensive plan, which she supports. The P&Z Commission's recommendation for denial had to do with the agricultural component and her question is this: is it actively farmed? You cannot farm ground on a 20% slope. How much of the 54 acres is actually farm ground because that is how they built their argument? Mr. Lakey said recognizing this is a land use question again. The ground does not have irrigation water rights, it's sloped and in native vegetative sagebrush – it hasn't been farmed, it's not ground that's been in active ag production. He anticipates in the past it may have been used for grazing, but not for active agricultural operations. The document referred to came after the rezone hearing and would have been part of the process had they pursued a judicial review. It is not part of the plat. Commissioner Dale said this is a public hearing to look at the preliminary plat, drainage and grading plan. This is not a consideration of zoning. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner Van Beek said this is a case where there's been preparation on both sides and she likes the process of being able to make a well-grounded argument that meets the standard of review. She did not initially vote in favor of this decision; she felt the recommendation from the P&Z Commission was the right decision and she still has some reservations about the slope and area and the concerns that are out there but she would like the opportunity to put her reasons on record as she weighs this and what she can and cannot consider. In the preliminary plat she sees some late exhibits coming in with things she has tried to articulate. It was very nice that Mr. Butler was here to help provide some clarification on that with his planning background. She likes for the DSD Director to weigh in with the process, and it's hard to get that process of when the timing comes in and she's heard many times that they will have to prove that up to the entities that provide the permitting in order for it to go forward. She does not necessarily like the way a drip system works, but that's not her area of expertise so she has to rely on the expertise of people rendering decisions, namely SWDH. She appreciates the testimony of the engineer today. She appreciates Todd Lakey's comments that in the representation of the applicant they have tried to meet and exceed the standards of performance for this subdivision which she understands some people may not like, but this valley is changing and in that her question is relevant on the agricultural portion of that because she is favor of evaluating reconsiderations and that was true on this one, although it did not happen but in looking back at the reasons that were outlined in the process of change she used the comprehensive plan and it

would be hard to apply that across the board to this particular piece of ground so if we are looking at best and highest use would you take a piece of ground that is not prime ag farm ground and turn it into rural? That also is an argument that Mr. Butler helped provide, that and the Star transition overlay. This is rural to rural because if we were doing urban density you would have three or four homes to help offset the cost of putting in the infrastructure that will hopefully be seen as a benefit. There is a market for this kind of development, and her question is relevant on the size of the acreage on 1.8 acres because with no water rights if you put a larger acreage you will get fuel for fire and CC&R's are only as good as the people enforcing them. By minimizing to the extent that we can still safely provide services with individual well and septic, the house takes a ½ acre and you have a ½ acre of dry scape and then they follow those zones and the wildfire plan. That didn't have to be done but it was done and it provides clear guidelines for mitigating the risks. She argued against having sprinkler systems saying that people should know where they are buying and they will pay for it in their insurance premiums but this developer is saying he is willing to put those in at a cost and having said that is the basis for her argument in the event that this goes to court. She is only here to evaluate the merits of the arguments she has been presented; she cannot argue on "I want the view, I don't like somebody coming next to me". She cannot make an emotional argument, but she can make an argument based on findings of fact, conclusions of law which she has done using the attorney's argument for this reconsideration. She finds that the applicant has gone above and beyond in exceeding the standards of performance for presenting a package to the Commissioners that demonstrates good faith in putting something into Canyon County. She would not be inclined if this were a subdivision that would have to be subsidized but given the components of this, the infrastructure, the fire sprinklers, the septic system, it's going to attract people that have the income to support that kind of development. In looking at the shift that's happening to the residential sector you have to have people where you market higher-end homes and that is an argument that's been presented today that she, strictly on the basis of the merit of the argument, would support this as presented. Commissioner Dale said this has been in process for a long time and he really appreciates the efforts of this developer and all the people involved who have gone above and beyond to make sure they can provide the type of development that would do the most good. We are to consider whether or not the preliminary plat, drainage and grading plans meet the requirements. This meets all the requirements, this is not a land use discussion although those discussion points are interesting and relevant to a certain degree. He is in favor of this project and believes it will be a benefit and provide a market segment that is needed out there. Commissioner Van Beek appreciates Mr. Butler and she appreciates the opposition's comments. In having Mr. Butler provide testimony about his years of experience she believes it does not represent a conflict of interest to have someone use their professional skills. She believes there has not been any violation of ethics in having a purchase knowing the comprehensive plan. She knows a lot about land development in Canyon County but that should not mean she couldn't look at areas she considers desirable and purchase. She took his comments in good faith there was not a violation. She would like the applicant to have a copy of it because it was so well written and addressed her pointed questions. She likes to be diplomatic but to the point in fielding some of those that she thinks would help those in opposition. Commissioner White said when we bring this hearing to the measure of its merits and what's been presented and the information we have, both sides presented their testimony and she appreciates that. She thanked everyone for participating whether by WebEx

or in person and said it's a privilege to be able to handle the business of land planning in this fashion. Things that assist the Board are comments from the people and many times we do get the remarks that we don't hear or don't listen, but we do hear the comments, we read the emails and put it all into context with the comprehensive plan and the land planning laws, rules, and ordinances to come to a decision that is defensible and transparent. With the things that are proposed she wants to make sure the child with special needs will have a way to access the bus in an easy manner. There have been two fires out there and with the wildfire interface plan she believes it will make this area of Canyon County something to be looked at and used as an example. She appreciates Mr. Butler's expertise and said he made it clear why he is here and she thanked him for that. She has tremendous respect for what he has done and how he was prepared to give testimony that was defensible. She does not have a problem with approving and making the decision that we as the Board of Canyon County Commissioners are charged to make, and then she made a motion to approve the request by Northstar Ranch Development, LLC, for a preliminary plat, drainage and grading plan for Monument Place Subdivision, Case No. SD2019-0006 and to sign the findings of fact, conclusions of law and order. Commissioner Dale seconded the motion and said he really appreciate the comments that have been made by the Commissioners, Mr. Lakey, Mr. Butler, and Ms. Warden. He said he doesn't always ask a lot of questions, but he did read through the materials and most of the questions were answered. (Due to technical difficulties it was hard to hear Commissioner Dale's comments at this point.) The motion carried unanimously. The hearing concluded at 12:04 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2020 TERM

CALDWELL, IDAHO SEPTEMBER 30, 2020

PRESENT: Commissioner Pam White, Chair - Out of the office
 Commissioner Tom Dale, Vice Chairman – Out of the office
 Commissioner Leslie Van Beek – Out of the office
 Deputy Clerks Monica Reeves/Jenen Ross

No meetings scheduled today.

THE MINUTES OF THE FISCAL TERM OF SEPTEMBER 2020 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 5th day of January 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek
Commissioner Tom Dale
Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK
By: M. Reeves, Deputy Clerk