

APRIL 2021 TERM
CALDWELL, IDAHO APRIL 1, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 572692 to 572718 in the amount of \$10,840.14
- The Board has approved claims 572744 to 572766 in the amount of \$64,333.20

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Carolina Software, Inc. in the amount of \$2,796.00 for Information Technology Department

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:49 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-468, 2021-471, 2021-451, 2021-428 and 2021-466. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days.

Liens were presented for Board signatures.

The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:06 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue (left at 9:36 a.m.), Chief Deputy Sheriff Marv Dashiell, Captain Harold Patchett, Captain Mike Armstrong, Lt. Martin Flores, Lt. Dale Stafford, Deputy P.A. Mike Porter and Deputy P.A. Jenen Ross.

Consider signing a notice of Sole Source Procurement for a thermal imaging KIOSK for use at the Dale Haile Detention Center: Mr. Porter requested to continue this to April 6, 2021 in order for more information to be collected. Commissioner Van Beek said she would like to have the Facilities Director involved in this and has a lot of questions she needs answers to before she can move forward. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue this action item to April 6, 2021 at 9:00 a.m.

Consider signing a notice of Sole Source Procurement for PIPS Technology IRIS multi-lane license plate reader cameras: Mr. Porter said this is simply a notice to be published in the newspaper letting the public know that the Board is considering procurement of these cameras. He has spoken with Sheriff Donahue and Captain Armstrong about this and believes the purchase legally fits under the sole source procurement. This is a two-fold project – there is the equipment and then an electrician to install the equipment. His understanding is that funding for this project is coming from a grant and does not affect the county budget, this information was confirmed by Sheriff Donahue. Captain Armstrong explained that the license plate project has been worked on for the last few years and is a cooperative effort. Canyon County is part of the Oregon/Idaho HIDTA (High Intensity Drug Trafficking Area) and as part of an investigative and public safety tool cameras would be installed in various locations throughout the Treasure Valley. The information from vehicles passing thru the location will feed into a server hosted by Post Falls Police Department. The project is funded by a grant thru HIDTA which has already been accounted for in the budget. Captain Armstrong spoke to the reason for sole source explaining that the server used by Post Falls requires use of these particular cameras with the goal of Post Falls becoming the NW hub for license plate readers. Based on the budgeted amount 5 cameras would be purchased for this phase of the project. Sheriff Donahue explained that the most beneficial and crucial aspect of these cameras is to aid in the search for exploited and missing children. In response to Commissioner Smith's question, Captain Armstrong said there will be another agreement coming thru for data on the servers with Post Falls. Sheriff Donahue explained that the HIDTA program is well funded and as time goes on they would look to acquire more cameras in this part of the state. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of sole source procurement for PIPS Technology IRIS multi-lane license plate reader cameras.

Consider signing a memorandum of understanding with Idaho Transportation Department to install PIPS Technology IRIS multi-lane license plate reader cameras on ITD structures: Mr. Porter explained this portion is in conjunction with the previous discussion. The last to sign the document will be ITD which will trigger the start of the program. Signing this today will keep the project moving forward in the most efficient way possible. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the MOU with ITD to

install PIPS Technology IRIS multi-lane license plate reader cameras on ITD structures (see agreement no. 21-013).

As part of the legal staff update the Board has asked for a legal interpretation regarding an easement issue that will be heard in a land use hearing tomorrow. Mr. Porter said he will pass along a message to Mr. Wesley for additional clarification.

Commissioner Smith would like to speak with Mr. Laugheed regarding code enforcement and wanted to know if there was any new information in regard to the American Rescue Plan and the emergency declaration.

Mr. Porter said there is a meeting scheduled for Monday in regard to the HR/personnel matter and they should have some information to share with the Board after that meeting.

Commissioner Smith said there also needs to be further discussion regarding replacement of members on the P&Z Commission.

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

EXECUTIVE SESSION – PERSONNEL MATTER AND COMMUNICATE WITH RISK MANAGER
REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 9:40 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (i) regarding personnel matters and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy P.A. Mike Porter. The Executive Session concluded at 9:57 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 TO DISCUSS FAIR EXPO BUILDING FUNDING

The Board met today at 10:02 a.m. to discuss Fair Expo Building funding. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Fair Director Diana Sinner, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. Director Navarro said there were four bids from competitive contractors invited to bid on this project, the selected bid came in at \$7.2M. There were some add alternates on the project that could be funded from the \$2.4M in URA monies allocated to the county, however URA monies can only be used for infrastructure, not on the actual building. Before the bids were received there was an addendum phase, one of the questions received was in regard to alternate substitutions for some of the big-ticket items. There have been some unofficial conversations with the apparent

low-bid contractor to see if there are any cost savings to the county with about \$150K worth of items being identified. Additionally, lumber prices are escalating quickly so they are looking at alternatives of plastic/wood combination solutions or aluminum that looks like wood. There is a meeting with the architect and builder set for Monday to evaluate alternate solutions. It is believed that collectively the project is about a \$10M project, subtracting out URA dollars and available funds from the sale of the Agri-plex property, the project is about \$5.5M to \$5.6M short. Mr. Navarro said he met with the contractor recently and they have indicated that they would like to lock in the price of the metal building because costs are increasing so rapidly and because of that he anticipates that there will be a change order for cost changes. Commissioner Van Beek spoke to the potential cost saving measures being only about 1% of the total project. Director Navarro has concerns that reducing the overall esthetic could impact rentability or the ability to rent to multiple parties at the same time, he feels that there is really only one shot at getting this right. Director Sinner shares Director Navarro's concerns and is worried that the savings will have a negative impact in the long run. This is the only exhibit type building that will ever be built so her priority has always been to do it right the first time. Commissioner Van Beek said she is still in favor of building this building in a way that was agreed to with the City of Caldwell. In response to comments from Commissioner Van Beek, Controller Wagoner said that the fair has its own separate levy, there is a levy on property taxes specifically for the county fair fund. Mr. Wagoner further clarified that there is a separate fund for the county fair where property tax money that is levied specifically for the fair is maintained. Revenues generated by the fair go into that fund and expenses associated with the fair come out of that fund.

Director Navarro believes that once the order is placed for the building it will be about a 4 month wait time and suspects that the contractor would have to pay at least 50% upfront. In the meantime, all the flatwork, sewer, water supply lines and power can be done by September 30th.

Commissioner White asked if funds from the American Recovery Act can be used for this project as she feels this would be for the betterment of the citizens. Clerk Yamamoto said that he and the Controller sat thru a webinar yesterday that discussed the ARA but there was no pertinent information provided and at this point no one knows yet how the money can be applied. Commissioner Smith believes that the money can be spent on tourism and this building will promote tourism.

Based on Director Navarro's estimated numbers, Commissioner Smith believes the project will be approximately \$2M short this year. She asked what the impact would be if \$2M was taken from fund balance. Clerk Yamamoto said that due to the situation with the federal government it is something that he believes could be done but he has concerns about how late in the project this discussion is happening.

Commissioner Van Beek asked Clerk Yamamoto his thoughts on the ability to charge fair market rates to recover the costs, if the county is allowed to charge fair market since this building will be considered a premier venue of choice. Clerk Yamamoto said that's an extremely slow payback and his concern is not down the road, it's now. In his opinion he would like for his office to have the opportunity to review the numbers and give the Board an evaluation of what can be done to keep

the county whole, keep the contingency at 33%. Controller Wagoner said that currently the county is at about 40% contingency.

Controller Wagoner said that this project needs to show fully funded in one fiscal year so the budget would need to be opened in order to make formal adjustments. He said that due to receiving COVID related monies the budget was going to need to be opened anyway and suggested opening the budget to make necessary adjustments to this point. Directors Navarro and Sinner said that the budget adjustment will need to happen before any contracts can be signed. The Board is in favor of scheduling a meeting to open the budget for adjustments and staff will work with the Clerk's Office to coordinate.

The meeting concluded at 10:31 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION TO ADOPT THE CHANGES TO THE TITLE AND SALARY OF ONE POSITION IN THE DEVELOPMENT SERVICES DEPARTMENT

The Board met today at 1:32 p.m. to consider a resolution to adopt the changes to the title and salary of one position in the Development Services Department. Present were: Commissioners Keri Smith and Pam White, Controller Zach Wagoner, DSD Tricia Nilsson, HR Generalist Jennifer Allen, and Deputy Clerk Monica Reeves. Director Nilsson is requesting the change in order to promote a current Planner II who is already doing the tasks of a Planner III. Controller Wagoner said there be budgetary implications associated with this change because the position was budgeted as a Planner II. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the resolution adopting changes to the title and salary of one position in the Development Services Department. (Resolution No. 21-036.) The meeting concluded at 1:37 p.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE WEED AND GOPHER SUPERINTENDENT TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 2:01 p.m. for a monthly meeting with the Weed and Gopher Superintendent to discuss general issues, set policy, and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Weed and Gopher Superintendent AJ Mondor, and Deputy Clerk Monica Reeves. Topics of discussion included the following:

- COVID reopening
- Weed abatement/code enforcement
- Update on map overlays for tracking of noxious weeds throughout the state

- Brief review of the weed and pest budget. There are plans to purchase a truck and a UTV. (The Board advised it will send budget guidelines will to department administrators.)
- Having a difficult time filling a seasonal position so he will re-advertise it at \$15 an hour.
- Request to attend Idaho Association of Weed Superintendents quarterly meetings which are scheduled to be held in Salmon, Coeur d'Alene and Riggins. He has \$3,000 budgeted for training and anticipates the costs for the three meetings fall within that range. The Board feels it will be worthwhile benefit for him to attend the meetings.
- Board wants to hear how code enforcement cases are going.

The meeting concluded at 2:24 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 2, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Wall 2 Wall Flooring in the amount of \$18,700.00 for the Facilities Department

PUBLIC HEARING – REZONE REQUEST FOR HANS AND CONNIE HILL BRUIJN, CASE NO. RZ2020-0018

The Board met today at 9:02 a.m. for a continued hearing in the matter of the rezone request by Hans and Connie Hill Bruijn, Case No. RZ2020-0018. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, Hans and Connie Hill Bruijn, and Deputy Clerk Monica Reeves. Present via Webex: Colleen Clark, Kimbell Gourley, Mike Carter, and Mitchel Kiester. Today's hearing was continued from March 18, 2021 so that staff could research the access issue to the subject property. Jennifer Almeida reviewed the late exhibits that were submitted and reiterated that the 50-foot right-of-way was established in 1929. As noted by Nampa Highway District, this is not maintained by the

district and the access is described in deeds previously supplied to the Board. The north/south access to the property from Airport Road travelling south to the subject property is the access noted in the deeds. Staff is recommending approval of the request.

Testimony in support was as follows:

Connie Hill Bruijn testified she is focusing on well-supported legal access across the Kiester property to both parcels. Carolyn Kiester's ownership of the land the easement crosses is not in question. The easement runs with the land no matter who owns the land it is burdened on or is benefited by. The request has been approved by the P&Z Commission and everything the Bruins were instructed to do has been completed. There is a new redraw of Parcel R305880 and all of the land descriptions demonstrate it is subject to all easements and rights-of-way of record or implied. This is a well-established roadway even though it's graveled. It's the 50-foot right-of-way easement from Airport Road just before the Rossen Ditch, it was established in 1929 and was added to the Kiester parcel in 2006. It is a deeded right of way to the Bruin, Schwisow, and Rogers properties. All legal documents for the history and the Bruin deeds from 1988 were previously submitted. It is not maintained by the highway district, but it's not by definition a private road or drive either because it occurred so long ago it did not fall under the need for specific government entities saying this is how deep it should be dug. There is a paved apron from Airport Road onto the gravel road. Mrs. Bruin reviewed basic easement law. This is a responsibility of maintenance because the easement owners have been harassed the last two months about any sort of maintenance, and in Idaho unless it is otherwise specified in the easement right-of-way documents the right and responsibility of maintenance belongs to the dominate estate and that would be the Bruins, Schwisows and Rogers. The duty of maintaining the easement rests with the easement owner, the dominate estate even when the servient estate uses the easement. The duty to maintain does not mean the easement owner is required to repair and maintain for the benefit of the servient estate. It has been an open and known and notorious road for a great length of time and has had continuous and uninterrupted use as a road for accessing homes, property, social family gatherings and agriculture business for over 90 years. The 50-foot easement on the Kiester property has been in use for all of these same purposes as the current use level for at least 45 years. By necessity it is the only right of access to property for four (4) families. They have no right to access Arabian Way and they have become very hostile if the Bruins do access it. Mrs. Bruin is requesting the rezone so her daughter can build on the property. Following her testimony, she responded to questions from the Board.

Hans Bruijn testified that on March 18th the change in characteristics of the area was mentioned by Mitch Kiester as a concern but no one changed the characteristics of the area more than the Kiester family when they sold a major part of their land to a developer who built Lexington Meadows Subdivision. Mr. Bruin did not testify against the subdivision because he believes in personal property rights and they were well within their rights to cash in on high property values and that's why he finds it ironic that the Kiesters, after turning their farmland into a subdivision, are now objecting to the Bruins adding a single home. He the increase in traffic is mainly because of the subdivision that added 35-40 families to the traffic on Airport Road. He is requesting the rezone so he can move his daughter and her family to the property.

Testimony in opposition was as follows:

Kimbell Gourley, the attorney representing Carolyn Kiester, testified in opposition to the application. He said it is important to separate the terminology that's being used back and forth about specificity. A public right-of-way is a concept as far as a public highway owned by a governmental agency such as the Nampa Highway District separate and apart from the concept of a public right-of-way is a private easement and they are not one in the same but they get used back and forth as if they are. That needs to be separated out when evaluating what exists and what does not exist. The deed from 1929 shows the grantor is Hugh McElroy and the grantee is Sohee. Nampa Highway District and no governmental entity is a grantee of that deed so there is no specific conveyance of a public highway or a public right-of-way to a governmental entity. The language does get confusing because it grants an easement to the grantee for the one parcel, which is not the Bruins parcel. Then it attempts to grant a public dedication for a public highway without there being a grantee or a recipient of that so what we have is a private easement that was granted pursuant to this deed to a parcel not owned by the Bruins, and then we have an attempted public dedication. A public dedication requires acceptance by a governmental entity, and the key point is that Nampa Highway District had to advise the Board as to whether it had essentially accepted this public dedication and it treated this as a public highway and what the district has communicated is that it did not accept this dedication nor does it treat it as public highway and it does not deem it part of the public highway system or roads it is responsible for. What we are left with is if you have a public dedication that failed then we don't have a public right-of-way. What you have is private easement that was granted pursuant to that deed, but not to the Bruins or the Bruins parcel. There may be an easement that exists on this property for the benefit of the recipient of that dominate estate but the issue is whether the Bruin's parcel has any right of easement. Mr. Gourley has not seen any document that creates that easement. We have to determine if an easement was ever created. Assuming we don't have a public dedication and assuming we don't have a private easement what Mrs. Bruin referenced is implied easements and prescriptive easements. Implied easements require all of the property was part of a larger parcel and the law will imply that some easement exists because the court does not like landlocked parcels, but there is nothing to establish where that implied easement by law would be created and there is nothing to say it would go across the Kiester's parcel. Prescriptive easements do exist and he does agree with the time period cited as far as 5 and 20 years, but prescriptive easements are narrowly construed and limited to exactly what was used and who used it and the quantity of use and so if we are looking to expand the use or establish what the width is he doesn't believe that works for purposes of what the Bruins are arguing. There does not exist a public dedication, or private easement or an implied or prescriptive easement. Commissioner Smith said this is an administrative land division in which the Kiester's applied, which includes a record of survey with their name on it and its acknowledged that there is a road right-of-way for that property and that it exempts a road right-of-way. Mr. Gourley said the deed from the 1920's clearly grants that easement to the grantee, but it was created for the benefit of one parcel and that parcel is not the Bruins. Commissioner Van Beek said the reality is the applicant acted in good faith and obtained what they thought were legal documents to have access to this property and by denying

them access to a real house on a real road and to state that the Kiesters will allow a granted access to the Lexington Meadows Subdivision but not to an additional house is troublesome to her.

Mitch Kiester testified they have not provided access to Lexington Meadows Subdivision; the subdivision has access through Arabian Way. His mother did not sell property to Lexington Meadows. This is not a public access, it has never been accepted by the Nampa Highway District. There is no maintenance agreement for this road. Mr. Kiester responded to questions from Commissioner Van Beek who asked why the Kiester family objects to having the Bruins maintain and improve that access if it would mitigate dust and provide improvement and benefit to four families? Mr. Kiester said they have never discussed that with the Bruins but that is something they would like to work through with their attorney. Mr. Kiester questioned why his mother should have to pay taxes for an improved road.

Connie Hill Bruin offered rebuttal testimony and clarified that they keep focusing on the fact that it's not a public highway but it still is a legal easement that is well documented on the deeds and it is appurtenant so it does not matter who owns the burdened property or who owns the benefitted property, the easement moves with it on the deeds. There is a clear paper trail that this is an express easement. She knows it's not a public road and she know that it must be maintained and she recognizes as the dominate estate that it is their (the three families on the dominate estate) responsibility. According to Mrs. Bruin, the property that was sold for Lexington Meadows Subdivision was Carolyn Kiester's mother's property. Following her testimony, Mrs. Bruin responded to questions from the Board.

Commissioner Smith asked legal counsel to give a summary. Zach Wesley said the questions before the Board is does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development? Has the applicant made a facially valid assertion that they have legal access to the property? With the documents that have been provided by the applicant they have passed that hurdle and made an assertion and have met their burden of proof. He said the questions we've heard over the last hour and the disputes about this access are appropriate for a district court to hear and if the parties want to resolve the issues with any finality a quiet title action should be raised by either party and they should get before the court to get a definitive answer.

Commissioner Smith noted that late exhibits 34-38 were admitted into the record. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said the criteria laid out by staff has been sufficiently met with the testimony provided today. Commissioner White agreed and said she supports the request. Commissioner Van Beek said the preponderance of evidence is weighted toward granting the application because the Bruins have presented the most favorable argument for their rezone request. She appreciates the testimony by the Kiesters attorney, but in her mind the pragmatic argument outweighs the philosophical argument on whether they have the right kind of access. Access is there and they have to have the ability to get to their property. She supports the application. Commissioner Smith said this application is supported by the comprehensive plan; it's in a highly residential area with residential uses many of which are rural

in nature which meet the intent and purpose of the rural residential zone. The use will not change the character of the area; adequate services and facilities are available; and we have clearly established that they have access to the property. The use will not negatively impact essential services with the limited use. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the findings of fact, conclusions of law and order for Case No. R2020-0018 and to approve the ordinance. (Ordinance No. 21-009.) The hearing concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 5, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 572767 to 572784 in the amount of \$17,045.62
- The Board has approved claims 572719 to 572743 in the amount of \$13,505.36
- The Board has approved claims 572665 to 572691 in the amount of \$22,801.44

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Daniel M Lister, Planner III
- The Board approved an employee status change form for Julio Luna, Hazardous Waste Screener/Heavy Equipment Operator

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Business Interiors of Idaho in the amount of \$1,405.18 for Court Clerks
- Mountain Home Auto Ranch in the amount of \$45,335.00 for Fleet Department

FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for January 2021 and February 2021.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:35 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. Commissioner Van Beek wanted to discuss some upcoming action items on the Board's agenda, but Commissioner Smith said those items should be discussed on the record at the noticed date/time. There was also discussion regarding the draft budget guidelines letter that will be sent to all offices and departments in order to help clarify the process. There was also a review with staff on how action items are added to the Board's agenda. The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY COMMUNITY INPUT MEETING

The Board met today at 9:01 a.m. to conduct a monthly community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Kathy Alder, and Deputy Clerk Monica Reeves. Kathy Alder brought with her the latest published fund balance noting the ending balance of \$40 million which is an amazing balance. Mrs. Alder had the following suggestions for the Board.

- Look at a zero-based budget and see what is in the budget that can be eliminated. It seems budget are increased for certain items and then it never goes away.
- She is concerned about property tax values, but a tax shift is not the solution. She likes California's Proposition 13 because it makes it so that once you purchase your home your property taxes will not go up more than 2% per year. She wants to see the state revamp the way they do appraisals, but in the meantime the only other way to control it is through the budgeting process.
- She hopes the fees in the Development Services Department are paying for the whole program. (Commissioner Smith said they are, the department is operating in the black.)
- If the County receives federal money she would like to see it used on onetime purchases to stockpile things like fuel, light bulbs, filters, parks equipment, etc.

- Raise insurance premiums to make sure the County maintains the claims so it's not costing the taxpayers for the health insurance program.

Commissioner Van Beek said the Board is working on developing budget guidelines that would use the revenue allocation from last year as their starting point to build their budgets. We want to get the expenses and the services met and if we suggest that it would make people work really hard to have a detailed and tight budget because they know their salaries/promotions are based on having their B budget expenditures pretty close.

The meeting concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE CLERK AND CONTROLLER TO CONSIDER ACTION ITEMS

The Board met today at 10:03 a.m. with the Clerk and Controller to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White (arrived at 10:05 a.m.), Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, Facilities Director Paul Navarro, Elections Supervisor Haley Hicks (left at 10:11 a.m.), TJ Wellard (arrived at 10:16 a.m.), DSD Planner Dan Lister (arrived at 10:25 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider resolution designating obsolete personal property with no monetary value: Clerk Yamamoto explained these tables were used with the previous election equipment for ADA purposes. He said the tables are actually 4" too short (width-wise) for ADA compliance so he is unsure why Ada County wants them. Director Navarro said the equipment takes up a large amount of storage space and he would love to have them out of the warehouse. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating obsolete personal property with no monetary value (see resolution no. 21-037).

Consider signing notice of publication of FY2021 budget adjustments: Controller Wagoner explained this is to publish notice in the paper to adjust the FY2021 budget. He said it's always the goal to operate within the set budget but things happen thru the year and sometimes adjustments need to be made. These adjustments will have no impact to the taxpayers, there is no increase to property taxes. Some of the adjustments will come from Coronavirus Relief Funds from the federal government and some come from cash, fund balance already in the bank. The following adjustments will be made:

- *Clerk, Auditor, Recorder and Elections:* \$111,000 increase from Coronavirus Relief Funds for personnel and operating costs to ensure a safe and health in-person voting experience in response to COVID-19
- *Emergency Management:* \$910,000 increase from Coronavirus Relief Funds for equipment, supplies and materials for the county's response to protecting public health and safety in mitigating COVID-19

- *Capital Investments:* \$4,900,000 increase for the construction of a Canyon County Fair Expo building
- *Motor Vehicles:* \$130,000 increase for additional customer service personnel
- *Development Services:* \$37,500 increase for one upgraded and one additional planner position
- *Trial Court Administrator:* \$12,000 increase from Coronavirus Relief Funds for personnel to assist with Zoom court functions in response to COVID-19
- *Consolidated Elections:* \$111,000 increase from Coronavirus Relief Funds for personnel and operating costs to ensure a safe and healthy in-person voting experience in response to COVID-19

The hearing to formally change the budget will take place on April 15th at 1:30 p.m. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of publication of FY2021 budget adjustments.

Controller Wagoner provided a review of the County Fair Fund. This fund is designed to separate Fair financial activities from other county funds. The county fair receives revenue from property tax along with fair specific activities which are deposited into the fair account/fund. There are also expenses that include personnel, entertainment among other things which are taken from the same fair fund. As of September 30, 2020, the fund balance in the fair specific fund was \$2.3M. A majority of that money is carryover from the sale of land a few years ago.

In response to comments from Commissioner Van Beek, Controller Wagoner said that in 2023 when the current urban renewal area sunsets it will be the choice of the county to increase the property tax collection, there is no automatic transfer of that tax to the county. Commissioner Van Beek believes it could be an option to stream monies that were going to urban renewal to a capital improvements fund which could be a way to subsidize that fund. Controller Wagoner believes the amount is around \$5M and that there should be some good conversations on the subject.

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

CONSIDER SIGNING FINAL PLAT FOR BARNES HOMESTEAD SUBDIVISION, CASE NO. SD2020-0025

The Board met today at 10:36 a.m. to consider signing a final plat for Barnes Homestead Subdivision, case no. SD2020-0025. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, TJ Wellard with Skinner Land Survey and Deputy Clerk Jenen Ross.

Mr. Lister gave a brief staff report stating that this application was before the Board on March 2, 2021 with seven conditions that were approved. Friday a list of the conditions and how they were met was provided to the Board. This is a one lot subdivision served by an approved private road

system. The applicant has provided evidence that the private road has been constructed to county minimum standards and all the plat notes and signatures have been placed on the final plat mylar and therefore staff is recommending that the Board sign the final plat today. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the final plat for Barnes Homestead Subdivision. The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:03 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Planner Kate Dahl and Deputy Clerk Jenen Ross. Commissioner Smith left the meeting at 2:59 p.m.

The following items were discussed:

- Jennifer Allen has made a couple of edits to the Planning Director position. Director Nilsson is looking for direction from the Board to Ms. Allen in order to get the salary range established and prepare a resolution for Board consideration.
- Commissioner Smith feels there is some necessary follow-up needed on the code enforcement issue. Director Nilsson said the big issue is the structure and establishing each persons' role. She feels it would be a good idea to get everyone together again for a meeting. Commissioner Smith asked if Eric Arthur could start a proposed flowchart for the different types of situations.
- Director Nilsson and Ms. Dahl attended the VRT meeting today and provided an updated to the Board. The on-demand ridership isn't performing well in Canyon County but they know the reason why. There are a couple of Canyon County vacancies on the committee and they are looking for nominations to fill those seats.
- Ms. Dahl provided an update on the comp plan stating that there are 9 workgroup meetings that need to be scheduled to discuss the final draft. Part of the issue is that there is a planner assigned to each workgroup and with their workload it has been difficult to schedule meetings. Ms. Dahl spoke about some other tasks that have prevented her from keeping on schedule with the workgroup meetings and comp. plan including various day-to-day office tasks she's had to work as back-up on and website updates. At the request of Commissioner Smith, Ms. Dahl provided an overview of the revisions she made to the website. Discussion ensued regarding new paperwork/forms vs. old paperwork and when it's accepted and the changeover period. In response to Commissioner Smith's questions, Ms. Dahl said there really isn't a new critical path forward because she doesn't feel like she's gotten firm approval/direction from the Board on the current draft that was

previously provided. Additionally, once she's able to get the other workgroup meetings scheduled then she will be able to confirm the planning and zoning hearing and provide a more definite critical path. She asked the Board how often they want updates as the plan continues to move forward. Commissioner Smith said the public input portion is important for her, she's heard from people that they want to be a part of identifying some of those areas and want to be able to look at the maps and the draft version of the plan. In response to Commissioner White's questions, Director Nilsson this version of the comp. plan is a little more strategic. It includes everything required by state law but this time around she feels they received a lot more public input. Commissioner Van Beek asked if special interest groups had been worked with, Director Nilsson and Ms. Dahl stated that they have been working with those types of groups for the past year. They've tried to place people that represent other groups in the working groups. Ms. Dahl explained that there is a lot of data in the updated comp. plan because she feels it's important to make a case for Canyon County to show population, projection and housing among other things. She wants it to be clear that the policies being proposed are based on actual Canyon County data and what the residents are saying. Commissioner Van Beek asked if reclamation plan can be required with conditional use permits. Ms. Dahl said that you often see gravel pits clustered and suggested the county needs to come up with a special area plan of how it wants to see the area reclaimed.

The meeting concluded at 3:09 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 6, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims for grand jury in the amount of \$163.06.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Grit Ground Game LLC dba Grit (Resolution no. 21-039)

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

The Board met today at 8:32 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White. Commissioner Van Beek arrived at 8:41 a.m., Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. The following topics were discussed with the Board:

- A month in review for March was provided as follows:
 - Review of work orders.
 - Caldwell Events Center Campus: gates and fencing are complete, concrete sidewalk has been poured, landscaping is starting and there is an Eagle Scout group coming in early May to help with some of the landscaping.
 - Completed cabinetry projects: workstation in DSD front office, jury assembly room, plat room and chair rail installed throughout the campus.
 - Gun range fencing has been completed.
 - Celebration Park RV Park project is underway.
 - Recently there was a roundtable discussion with the City of Caldwell regarding warehouse property. Director Navarro is asking for direction from the Board in regard to pursuing the A&E design for a building which will be about \$35K - \$40K. He would like to have the design complete so there can be a professional cost estimate done in order to be added to the budget. Commissioner Van Beek is not in favor of putting money toward a project that wasn't budgeted for in this fiscal year. Director Navarro clarified he is just looking for A&E fees so that there can be a design in order to get a bid so that it can be added to the FY2022 budget. He forewarned the Board that the county will probably be asked to leave the current warehouse space next year. Commissioner Van Beek asked Director Navarro to provide to her additional information in writing so she can make a more informed decision. Director Navarro explained that costs to construct the building are increasing every day. The Board requested that he reach out to the current landlord of the storage space to find out what his plans are and if he does intend to ask the county to leave.
 - Met with Jerome Mapp about a county special zoning district and city comprehensive plan updates.
- April projects:

- Lake Lowell docks are being repaired this week and will be put out next week, the lake should open on April 15th.
- Spring landscaping is starting.
- Commissioner Smith and Director Navarro recently visited the animal shelter to review the deferred maintenance such as paint and flooring. There is still a large amount of the maintenance budget available to address any necessary needs.
- Still working to find appropriate/approved colors for the Extension Office and painting will begin once the weather is warmer.
- Cameras will be installed at Crossroads Museum this week. Directors Navarro and Rast will hold a kickoff meeting tomorrow in regard to cameras at Weed and Pest.
- The Board is in favor of a ground-breaking ceremony at the site of the Fair Expo building. Director Navarro suggested that he would like to invite Tom Dale to be a part of the ceremony, the Board is good with this idea.

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 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue (left at 9:25 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:25 a.m.), Captain Harold Patchett (left at 9:25 a.m.), Prosecutor Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The action items were considered as follows

Consider signing a resolution approving award of badge and duty weapon to Deputy Kurt Branham: Chief Dashiell said Deputy Branham has been with the county for over 13 years working in the detention center and meets the guidelines with both the state and county for award of badge and duty weapon. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving award of badge and duty weapon to Deputy Kurt Branham (see resolution no. 21-038).

Consider signing a notice of sole source procurement for a Thermal Imaging KIOSK for use at the Dale Haile Detention Center: Mike Porter is asking the Board to vacate today's notice. In going back thru the information there is some additional information they'd like to collect. Sole source may still be appropriate but will need some additional research. Sheriff Donahue said staff met last week to discuss any perceived conflicts of interest. The detention center has been working for the last 3-5 years on a way to deal with the amount of narcotics coming into the jail. Commissioner Van Beek spoke about this being a valuable and useful tool for the Sheriff's Office but hasn't ever seen it included in the budget. She would like to see this process go out to bid in order to protect people

and maintain integrity. Additionally, she would like to tour the jail and the booking area to determine if the space allocated for this machine is in the best interest of the county. Sheriff Donahue said this hasn't been brought to the budget due to the cost but because of recent events and circumstances the issue can no longer be ignored. He believes it could possibly be paid for with COVID monies and said the Board is welcome to tour the jail anytime. He explained that there is only one place for this machine which will come out in this evaluation process. Commissioner Van Beek said she is still working to get a capital improvement plan because to her understanding there is no cost for this machine that exceeds the prorated cost of the elections equipment and she really feels it needs to be a collaborative effort of what is prioritized. She noted for the record that she still objects to the other and thinks this is more important.

Mr. Laugheed spoke about records that have been created in regard to a food truck at the DMV. Sheriff Donahue spoke on behalf of himself and referenced the email from Assessor Stender regarding concerns about ingress/egress along with limited parking at that location and thinks perhaps having them use the public city street might be a better option. Commissioner Smith said she is in favor of having a food truck at the DMV as she thinks it might help mitigate bad attitudes. It was decided that no food vendor would be allowed in the parking lot.

In regard to a question from Commissioner Van Beek, Mr. Wesley spoke to an email received regarding Middleton Parks and Rec. He said that the Middleton Parks and Rec are their own taxing authority and set their own rate. It is outside of county authority and jurisdiction to weigh-in on the matter.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:28 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters concerning named personnel, records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy P.A. Mike Porter. The Executive Session concluded at 10:28 a.m. with no decision being called for in open session.

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

DISCUSSION REGARDING UPON DEATH FLOW CHART

The Board met today at 10:35 a.m. for a discussion regarding an upon death flow chart. Present were: Commissioners Pam White and Leslie Van Beek, Controller Zach Wagoner, Chief Civil Deputy PA Sam Laugheed, Indigent Services Director Yvonne Baker, Indigent Case Manager Camille Tilden, Coroner Jennifer Crawford, Treasurer Tracie Lloyd, PIO Joe Decker, and Deputy Clerk Monica Reeves. The purpose of today's meeting is to have a roundtable discussion on how to document a clear process, and get the internal communication established, on the County's cremation assistance process. The topic arose when a local funeral director contacted the Board and was upset because the process for payment was not clear to them. Commissioner Van Beek has met with the Coroner, Treasurer, and staff in the Indigent Services Department over the past several months to create a flow chart and FAQ's to help streamline the process and help funeral directors understand the County's process. Coroner Crawford, Treasurer Lloyd, and Director Baker each outlined their respective roles in the cremation assistance process. Director Baker said the indigent services department starts its process when receiving the application and sometimes that's one of the issues because the funeral home is waiting to see if next of kin is being identified by the Coroner even though staff has repeatedly told them to submit the application. The funeral homes want the County to take care of them but they too have a responsibility in this process. It's estimated that the Coroner processes 400 cases a year, with approximately 30 cases a year coming to the indigent services department, although not all of the cases they receive are Coroner-related cases. Camille Tilden spoke of her experiences with funeral directors when working these types of cases and how a well-defined process will be beneficial. Director Baker said there was a meeting in 2014/2015 with the indigent services director, the Board, and the funeral homes and they wanted the County to look at whether the deceased had \$1,000 in assets. There is a Board resolution that sets a \$1,000 maximum. There was discussion about the on-call rotation and how funeral homes help the County and bring in additional business they may otherwise get. A case may be an indigent case and the funeral homes need to accept that risk when they agree to be part of the on-call rotation. Apparently funeral homes do not believe they should have to file an affidavit to get paid, or do anything other than tell the indigent service department that they have a decedent and they want to be paid, and so the purpose of today's meeting is to develop communication that lets them know that is not so. Commissioner Van Beek wants to guide them away from seeking legal advice from the County and encourage them to get an attorney and walk through the process on how to be a personal representative. Treasurer Lloyd said when she receives information from the indigent department they may be listing things they have been told are assets but to actually find those assets is another story. Director Baker said when the funeral homes receive a denial her office gets a call asking what they are supposed to do next. Discussion ensued about the need to have guidelines to help explain to the funeral homes what is happening, what they need to do, what they are responsibility for, and remind them to submit an application. Discussion followed regarding the process for payment and the process for public administrator cases. Director Baker said the funeral homes have to apply to be eligible prior to rendering assistance, but they misinterpret that. They interpret it as they have to wait for the County's approval before they can render services but that is not true, they just have to apply to be eligible for assistance prior to rendering services. Sam Laugheed has some suggested edits to the flow chart that could streamline the process and so he will look at the relevant communication,

applications, and Board resolutions that were adopted in previous years. A tentative meeting date of April 29, 2021 was set for this group to meet again. The meeting concluded at 11:57 a.m. No Board action was required or taken. An audio recording is file in the Commissioners' Office.

MEETING TO REVIEW PROPOSED GUIDELINES

The Board met today at 1:33 p.m. to discuss proposed guidelines. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner White left the meeting at 1:55 p.m. Commissioner Smith explained the Board is trying to develop some guidelines for the new budget process. Commissioner Van Beek provided her prepared guidelines which were reviewed and revised by the Board. A copy of the document is on file with this day's minutes. The meeting concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 7, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - OUT
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 572785 to 572815 in the amount of \$162,043.73
- The Board has approved claims 573148 to 573158 in the amount of \$6,078.00
- The Board has approved claims 572926 to 572966 in the amount of \$40,372.17

APPROVED CLAIMS ORDER NO. 2114

- The Board of Commissioners approved payment of County claims in the amount of \$1,689,997.76 for a County payroll

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Symbol Arts in the amount of \$1,049.50 for Canyon County Sheriff

APPROVED JANUARY 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of JANUARY 2021 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

CONSIDER SIGNING START BY BELIEVING DAY PROCLAMATION

The Board met today at 9:02 a.m. to consider signing the 'Start by Believing Day' proclamation. Present were: Commissioners Keri Smith and Leslie Van Beek, PIO Joe Decker, Victim Witness Coordinator Aleshea Boals and Deputy Clerk Jenen Ross. Ms. Boals said this year it's more of a media campaign vs. in-person type of event. The idea is to get people to understand what 'Start by Believing' is, and treating victims with the kindness and care they deserve. Mr. Decker said that Sheriff Donahue and the Canyon County Sheriff's Office have been a leader in bringing this campaign to Idaho. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the 'Start by Believing Day' proclamation. A copy of the proclamation is on file with this day's minutes. The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – PRELIMINARY PLAT FOR FAISAN POINTE ESTATES SUBDIVISION, CASE NO. SD2018-0011

The Board met today at 10:00 a.m. to conduct a public hearing in the matter of a request by All-Terra Consulting to modify conditions of approval regarding the approved Preliminary Plat for Faisan Pointe Estates Subdivision on Parcel R34445014, Case No. SD2018-0011. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Dan Lister, Adam Fuhrman, and Deputy Clerk Monica Reeves. The proposed modification removes a condition regarding fire sprinkler requirements. The result will allow the fire sprinkler plat note to be removed from the final plat. Dan Lister gave the oral staff report. On February 11, 2021, at the time of signing the final plat the Board decided that plat note #17 regarding fire sprinklers should be removed and the quickest process for that was to amend the preliminary plat decision, which the condition was based on. The matter did not have to go back to the P&Z Commission because it was denied so it only had to come back to the Board for amendment. Once the condition is removed plat note #17 does not need to exist on the final plat. The Board has already signed the final plat so all the

developer needs to do is amend the front sheet and record it. The findings of fact, conclusions of law, and order (FCO's) presented today are essentially the same as before, staff just updated them to provide information that all other conditions have been met and that we are striking the condition regarding fire sprinkler requirements. Adam Fuhrman said they are excited to have the plat note removed. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the preliminary plat and the remove plat note #17 for Case No. SD2018-0011, and to approve the FCO's that were updated by state. The hearing concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 8, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Nemo-Q in the amount of \$4,006.00 for Information Technology Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Slicks Bar to be used 04/24/21 for Opening day for Green House

CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS

The Board met today at 8:34 a.m. to consider signing the Treasurer's tax charge adjustments by PIN March 2021. Present were: Commissioners Leslie Van Beek and Pam White, Treasurer Tracie Lloyd, and Deputy Clerk Monica Reeves. Treasurer Lloyd said this is the administrative end of what was done for March and the total adjusted charge is \$19,223.02 the bulk of which includes the district court rulings for a couple of storage units. She also included a breakdown by fund that shows the adjustments by year, by fund. Upon the motion of Commissioner White and the second

by Commissioner Van Beek, the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for March 2021. The meeting concluded at 8:36 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:45 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-483; 2021-574; 2021-472; 2021-475; 2021-481.

Case no. 2021-452 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with written decision within 30 days on the case as read into the record. A vote was taken on the motion which carried unanimously.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White the Board voted unanimously to issue final denials with written decisions within 30 days on the following cases: 2020-1069; 2021-192.

Commissioner White asked Director Baker questions on how E-med works. Director Baker provided a brief explanation of the E-med process.

Case nos. 2020-1031; 2021-9 meet the eligibility criteria for county assistance. Commissioner White made a motion to issue final approvals with written decisions within 30 days on the cases as read into the record. A vote was taken on the motion which carried unanimously.

CAT assignments, liens and lien releases were presented for Board signatures.

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 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor (left at 9:15 a.m.), Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley (arrived at 9:05

a.m.), Deputy P.A. Doug Robertson, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. The action items were considered as follows:

Mr. Porter explained all of the entertainment contracts have been reviewed by legal and they are satisfied. All of them are the standard contracts that have been used in the past. Commissioner Van Beek made a motion to approve the entertainment contracts as listed below. The motion was seconded by Commissioner White and carried unanimously.

- 2021 Carnival Contract with Paul Maurer Shows (agreement no. 21-016)
- Entertainment Coordinator Contract with Rico Weisman and Boise Arts & Entertainment (agreement no. 21-015)
- Entertainment Contract with Birds n Beasts Inc (agreement no. 21-019)
- Entertainment Contract with Reptile Adventures – Tyler Messina (agreement no. 21-018)
- Entertainment Contract with Billie Madison performing as Bubbie the Clown (agreement no. 21-017)
- Entertainment Contract with Norma Lopez as Pansy the Clown (agreement no. 21-020)
- Entertainment Contract with Dueling Pianos – Jason Buckalew (agreement no. 21-021)
- Entertainment Contract with Brad Ebert – Hispanic Folkloric Dancers of Idaho (agreement no. 21-022)
- Entertainment Contract with the National Entertainment Group and Richard Barker – Comedic Hypnotist (agreement no. 21-023)
- Entertainment Contract with Fusion Talent Group - Josh Casey, Juggler (agreement no. 21-024)
- Entertainment Contract with Fusion Talent Group – Murray Hatfield, Magician (agreement no. 21-026)
- Entertainment Contract with Patti Syme as the Master of Ceremonies (agreement no. 21-025)

Consider signing MOU between the County Prosecutor's Office and the Treasure Valley Partnership:

Prosecutor Taylor explained that he has reviewed this agreement and gave an overview of the SAUSA program. The only change is the financial agreement, all other parts of the agreement have remained the same. There has been a request from the US Attorney's Office to increase the amount the community partners contribute in order to keep up with economic compensation for the position – the contribution amount will increase from \$100,000 to \$115,000. In response to a question from Commissioner Van Beek, Prosecutor Taylor explained where the SAUSA monies come from and that Canyon County doesn't pay anything directly to the program. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the MOU between the Canyon County Prosecutor's Office and the Treasure Valley Partnership (see agreement no. 21-014)

Mr. Wesley presented a letter addressed to Zions First National Bank that is signed annually confirming the county's certificate of insurance for the Administration Building Lease agreement

partnership with the Urban Renewal Agency of the City of Caldwell. A copy of the letter is on file with this day's minutes.

Commissioner Smith spoke about a call she, along with Mr. Wesley, Director Nilsson and Stephanie Hailey had yesterday with FEMA. Although the overall call was not great she does feel like they will now work better with Ms. Hailey in regard to coming up with a compliance plan. Mr. Wesley said he initially had some concerns that the county had missed some things but after the conversation it appears that FEMA is being incredibly inconsistent. Commissioner Van Beek asked if they had taken any position in backing down from the 20-30-year-old properties. Mr. Wesley said that they did not but his take-away from the conversation is that they will back down from the threat of probation and have agreed to work with Ms. Hailey to come up with a plan. Mr. Wesley said he and Ms. Hailey will have a call next week with the FEMA representative in order to complete the plan to FEMA standards and work thru some additional details. Commissioner Smith explained that due to some of the restrictions and enforcement issues in the county ordinance she is in favor of revising the ordinance.

The meeting concluded at 9:26 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 9, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Cintas in the amount of \$3,600.55 for Solid Waste Department

CONSIDER SIGNING THE REVISED FCO'S REGARDING THE DENIAL OF CASE NO. OR2020-0011/RZ2020-0017 FOR THE MARSHAL/DAVIS TRUST REZONE

The Board met today at 8:45 a.m. to consider signing the revised FCOs regarding the denial of case nos. OR2020-0011/RZ2020-0017 for the Marshal/Davis Trust rezone. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith arrived at 8:49 a.m.,

DSD Planner Dan Lister and Deputy Clerk Jenen Ross. Dan Lister explained that this case was heard on March 29th and the FCOs were prepared to reflect the Board's decision of denial. The FCOs have been reviewed and deemed acceptable by legal. Mr. Lister said that actions to work towards an approval have been noted in the order section within the FCOs. Upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to sign the FCO's for the denial of the Marshal/Davis Trust rezone, case nos. OR2020-0011/RZ2020-0017. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY LAKE SHORE DRIVE DEVELOPMENT FOR A COMPREHENSIVE PLAN MAP AMENDMENT, CONDITIONAL REZONE AND PRELIMINARY PLAT; CASE NOS. OR2020-0010, RZ2019-0039 AND SD2019-0052

The Board met today at 9:00 a.m. for a public hearing to consider a request by Lake Shore Drive Development for a comprehensive plan map amendment, conditional rezone and preliminary plat, Case Nos. OR2020-0010, RZ2019-0039 and SD2019-0052. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, DSD Director Tricia Nilsson, Zane Cradic and Alec Egunola with T-O Engineers, Mike Greiner with Lurre Construction and Deputy Clerk Jenen Ross. Jerry Dickerson and Skye Root (joined at 9:31 a.m.) participated via Webex.

Commissioner Van Beek noted for the record that she has had conversations with the applicant regarding timelines.

Jennifer Almeida gave the oral staff report stating that there are no late exhibits for this case. The subject property is designated as commercial on the Canyon County Future Land Use Map and the applicant is requesting a comprehensive plan map amendment to change the designation of approximately 9.47 acres of the property to industrial. The area contains commercial uses that include a storage facility, special events facility, a church, some residential and agricultural uses. The property is zoned service commercial and approximately 4 acres of the site is zoned agricultural. There is C-2 zoning located on the west side of Hwy 45 and agricultural zoning on the east boundary of the subject property. Within one mile of the property there are 20 platted subdivisions for a total of 320 lots; those lots have an average lot size of 1.17 acres. There is a commercial subdivision, called BC6 Subdivision, located on the west side of Hwy 45 just northwest of the subject property. Internal private roads are proposed with no direct lot access to Hwy 45. There is one existing access onto Hwy 45 for the storage units on site and one access point is proposed to Lake Shore Drive. Domestic wells and septic systems are proposed. A condition has been added that approval from SWDH be obtained for the individual septic and well systems based on the use prior to any building permits being issued. The property is located within a nitrate priority area and the requirements of SWDH shall be adhered to. The request also includes a conditional rezone and a development agreement. The applicant has agreed to enter into the development agreement in an effort to limit the industrial uses on site potentially excluding the ones that would be more impactful to the surrounding area. The applicant has proposed to restrict

and not allow the following uses on the site: animal cremation service, animal facility (small or large), batch plants, CAFOs, ethanol plants, fertilizer processing facility, impound yard, short and long-term mineral extraction, slaughter house, water infiltration, wind farm and zoo. The applicant submitted a preliminary plat for the request which contains 12 lots, 3 common lots and is proposed to be developed into 4 phases. Domestic wells will be utilized for water to the site as well as irrigation as it is anticipated that the lots are relatively small in size and may not have a lot of requirements for irrigation. Stormwater drainage will be routed to subsurface infiltration facilities and drainage swales as noted in plat note 2. Nampa School District did not have any concerns. SWDH did indicate that they have not yet approved the nutrient pathogen study for the development but that the applicant's representative has been working with the department (exhibit 33). As conditioned the applicant will have to meet all SWDH requirements including, but not limited to, approval of the NP study. Nampa Highway District will require a plan submittal package and fees for formal review of the plat. A traffic impact study was submitted to the district in February. The district noted the impacts to intersections could not be assessed until the business type is established on each lot. Upper Deer Flat fire department noted the response time to the site to be approximately 17 minutes. The district supplied their fire apparatus access requirements and noted that a fire fighting water supply shall be provided. There is a fire well already located on the property which was put in when the storage units were built. The Planning and Zoning Commission did recommend approval of this request on March 18th. Staff has also found that the request complies with the criteria for a comprehensive plan map amendment and conditional rezone. It complies with the comprehensive plan as restricted by the development agreement. The plat complies with Idaho Code and ordinance requirements and as such staff is recommending approval as outlined in the exhibits and proposed findings.

In response to a question from Commissioner White, Ms. Almeida said that an airpark and airport are proposed to be excluded.

Commissioner Van Beek asked about the landscaping and the 10' road reduction. Ms. Almeida explained that the anticipated uses are less intense uses and the applicant's representative has a PowerPoint which will further cover those uses. It is not anticipated that there will be a lot of traffic to the sites. The reduced roadway still meets fire requirements and provides adequate access to the site. In regard to the landscape, Ms. Almeida said landscape areas will be irrigated via the domestic wells. It is not anticipated that there is going to be a large amount of landscaping that would take more than the typical ½ acre permitted with a domestic well. In regard to a question about whether any letters were received from property owners that are to the southeast of the church, Ms. Almeida said there were no letters received from those property owners.

Ms. Almeida confirmed that this property is the same ownership as the Lake Shore Storage and that the traffic study done for that business has been included in the staff report packet provided to the Board. As they move thru each phase of the plat there will be additional impact studies and highway district approvals.

Commissioner Smith noticed that the excluded uses exhibit was inadvertently omitted from the report but Ms. Almeida said she would remedy that and get it added in as an additional condition.

Zane Cradic offered testimony in favor of the application stating that the project sits on the southeast corner of Lake Shore and Hwy 45. Currently there is a residential house on the east side of the property as well as agricultural land to the north which is in the Nampa impact zone to be residential, on the northwest corner of the intersection is Legacy Feed and Fuel and the southwest corner is a gas station and some other commercial uses. The existing subdivision for commercial is located at Legacy Feed and Fuel on the northwest corner. They are proposing C-2 to the north to buffer the proposed residential from the Nampa impact zone, and M-1 below that. The existing zone is all C-2 except for the 4 acres in the middle which was purchased from the church after they'd already been thru rezone process. Nampa's comp plan shows this area as being mixed use which is a commercial zone or possibly light industrial. The county comp plan also shows the area as being commercial but, on both plans, there isn't any industrial south towards Lake Lowell or even south of Lake Lowell which is why they'd like to bring this in to help bolster those businesses. Several businesses in the community, such as agricultural pumps, an upholstery shop and a cabinet maker, have approached them as they don't quite qualify to be in the current zoning of commercial but are well within the light industrial zoning. The current commercial and agricultural zones that are there have all worked really well together in the past and impacts for additional traffic should be minimal. They've created the development agreement to limit things that would be a detriment to the agricultural and the existing residential community and to just be a good neighbor. They believe this will really compliment the surrounding areas and it should fit in well with the surrounding transportation that is already in place. Mr. Cradic referenced exhibit 35, the preliminary plat explaining that in the center section they are proposing 4 small lots. In regard to irrigation as referenced earlier, they see this as mostly buildings with parking and a lot/yard behind for storage making the landscaping minimal at the front of the building. Along Hwy 45 they have 3 larger commercial lots, these are the lots that they are unsure of what type of business would occupy the spaces although they are still proposed to be commercial. This is the portion controlling the traffic impact study. There is already a traffic impact study for the storage units and as they determine what each business will be they will update the traffic impact study and work with ITD and the highway district to meet the needs of the community. The NP study is really going to limit the number of employees the business can have. They have been working with SWDH because the property is in a nitrate priority area and will be limited based on the amount of waste water that can be generated. More than likely it will be limited to simple restrooms vs. having any kind of waste water. There is a fire well on site and located fairly centrally; they have met the fire district minimum flow requirements.

Commissioner Smith asked about exhibit 37, a letter received from Johanna Harness where she makes claims of high arsenic and nitrates in her well water. She asked if Ms. Harness' statement about the nitrate concentration reaching maximum concentration at 10mg is accurate. Mr. Cradic believes that is a quote directly from the Atlas report. He reiterated that they have been working with SWDH and DEQ to make sure they are meeting the requirements. Part of the reason the SWDH report isn't approved yet is because they came back with comments which are being worked thru to make sure all the issues have been mitigated. Mr. Cradic explained these high levels are normal for the area which is why they have to go thru the NP study and have to take these steps with SWDH and DEQ and why there will be a limiting factor for employees. The report

from SWDH will indicate how much waste water per acre will be allowed on site. Commissioner Smith asked if there is a condition that states this but it is Mr. Cradic's understanding that they have to conform to SWDH's requirements as they won't issue a permit for a septic system unless it meets their requirements. Commissioner Smith has concerns about managing the number of employees and Ms. Almeida said condition no. 16 states that no commercial or industrial development will be permitted on the subject property until such time is the applicant has received approval for waste and domestic water from SWDH. With each building permit that is applied for they would have to meet the requirements of SWDH so at that time they would have to know the capacity and type of use before a building permit would be issued. Ms. Harness has concerns that the development will add to the arsenic in the water. Mr. Cradic stated that you're only allowed to increase what flows out of your site a certain percentage, he believes it's only 1mg per liter. With that requirement they have to show within the design of their septic system that they are below that increase. He said that is all part of the NP study and that it really is an issue across the entire county, not just this one piece of property. Director Nilsson said that based on reports received from IDWR and DEQ the arsenic and uranium is naturally occurring, it's part of the geology and typically development doesn't generally add to it. They do work at the time of development to make sure that the water quality meets standards. She also noted that in regard to the number of employees, those standards are typically enforced by the health district. Ms. Almeida noted and entered into the record exhibit 39 which shows the location of Ms. Harness' property approximately $\frac{3}{4}$ mile from the site. A brief discussion ensued regarding the event center that is adjacent to the subject property, Mr. Cradic indicated that his land owner and the land owner of the event center have been working together and Ms. Almeida indicated that they didn't oppose the project.

In response to a question from Commissioner White, Mr. Cradic explained their property will be buffered from the agricultural ground by a canal and an undeveloped portion of the property. Ms. Almeida confirmed that there was no response from the irrigation district, not even to the preliminary plat. Commissioner Smith asked about the land south of the Ridenbaugh Canal, Mr. Cradic said it's all part of the same lot with the storage units which will be converted to M-1 and at this time the intent is to extend the storage units as a future phase. They are still working thru the logistics of expanding the storage units with the canal thru the property, there wouldn't be another entrance onto Hwy 45, they would put a bridge across the canal for access.

Mr. Cradic said that due to the NP area the systems are a little more sophisticated than a normal leach field, they have a pre-treatment set up and need a little more maintenance. Commissioner Van Beek asked if there was any consideration given to a community well and septic system so that when city services became available they would be ready to become a part of that. Mr. Cradic said to do that would be cost prohibitive because now all of the waste water would be concentrated into a smaller area to distribute vs. spreading it out across the acreage for the soil to be able to absorb and maintain it; in other words, you'd get less of a filtration and the flows would be more concentrated. Commissioner Van Beek asked about the mention of possibly of another gas station at this location even though there are already 2 at the same intersection. Mr. Cradic asked as a point of clarification, if Commissioner Van Beek is asking if removing a gas station as a condition of use was a possibility. He said that his thought on that is that gas stations have to

be recreated over time and typically they don't remove tanks and build in the same location, generally they move locations. He knows the one on the south side of the road has been there for quite some time and could potentially relocate across the street. The intent isn't to put a 3rd gas station but if 2 are surviving then then need is there. A discussion ensued about the rehabilitation of mobile homes as a business at this location and it was decided that this could be an excluded use. In response to a question from Commissioner Smith, Mr. Cradic explained that they'd like to change the parcel the storage units sit on to M-1 because they feel it is a better fit and give them more opportunity to replat for some different lots in the future.

Ms. Almeida said this property was rezoned to C-3 but automatically became a C-2 when the C-3 designation went away. The property was rezoned in 2006.

Mike Greiner spoke to Commissioner Van Beek's question about 3 gas stations being in the area. He said that at this time it is nothing more than speculation about who could or would use those commercial lots. He would not be in favor of limiting the addition of another convenience store which would be driven by demand. Mr. Greiner said that Legacy Feed and Fuel has set the standard quite high and anyone who may want the opposing corner is going to have to come with their 'A game'; if there is an interested party they understand the game they're getting into. Mr. Greiner said the church has been very supportive of the entire project. At the request of Commissioner Smith, Mr. Greiner spoke to the agreement in support of the Wilkins' event center and the Wilkins' support of this project without limitations other than the shared use of the roadway. At this time no site improvements are necessary. Commissioner Smith asked about fencing, Mr. Greiner said the entirety of the storage facility is fenced and will continue to be if/when it expands.

Conversation ensued reiterating the removal of mobile home rehabilitation as an allowed use and that Mr. Greiner is okay with that being deemed a prohibited use.

Commissioner Van Beek asked if the term 'salvaged goods' had been defined and what it includes, it is not allowed in C-2 but is allowed in M-1. Mr. Greiner said they don't have any indication of any interested party who may want to do that, he doesn't see this being huge so he's probably okay with it being removed as a use. Commissioner Smith recommended that this be changed to only be allowed by the conditional use permit process. Commissioner Van Beek noted the development in this area said that she would not be able to find in favor of something that brought salvaged goods into new construction because it feels like it would initially change the nature and the character of the area and affect the surrounding properties. She feels that given the number of industrial businesses that want this area that they wouldn't need to market to a lower end salvage operation. Mr. Greiner said he just doesn't have any idea what future tenants may want to do and asked if the Board would be okay if the refurbishing was done inside the building vs. outside in regard to salvaged goods, something such as appliances. Commissioner Van Beek read into the record the definition of salvaged goods and it was agreed upon that a salvage yard will be a prohibited use. In response to a question from Commissioner White, Ms. Almeida said there are several areas within the matrix that appliance repair could fall under depending on the scope of the use.

Neither Jerry Dickerson nor Skye Root wanted to testify but said they were in favor of the project.

At the request of Commissioner Smith, Ms. Almeida gave a summary of the changes that were made as follows: The uses not permitted on the property include an airpark, airport, animal cremation service, animal facility large and small, batch plant, confined animal feeding operation, ethanol plant, fertilizer processing facility, impound yard, mineral extraction both long-term and short-term, rendering plant, slaughterhouse, water infiltration, windfarm and zoo. As part of the discussion with the applicant, rehabilitation of manufactured/mobile homes and sale of salvaged goods would be prohibited and the Ridenbaugh Canal easement would need to be fully fenced prior to Certificate of Occupancy on any additional mini-storage structures.

Ms. Almeida feels there will be a lot of oversight for each phase of the project by the health department.

Commissioner Van Beek made a motion to accept exhibit 39 showing the location of the Harness property into the record.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to close public testimony.

Commissioner Van Beek made a motion to approve the comprehensive plan map amendment and the findings of fact and conclusions of law and order for Lake Shore Drive Development OR2020-0010. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to approve the findings of fact and conclusions of law and order for the conditional rezone and development agreement with recommended changes to include conditions 8 and 9 that reference the land use matrix as presented by staff on case no. RZ2019-0039. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to sign and accept the preliminary plat and the findings of fact, conclusions of law, conditions and order for Lake Shore Subdivision, case no. SD2019-0052. The motion was seconded by Commissioner White and carried unanimously.

Signing of the FCOs for all cases is scheduled for April 15, 2021 at 10:00 a.m.

The hearing concluded at 10:30 a.m. An audio recording is on file in the Commissioners' Office.

MEETING IN EXECUTIVE SESSION TO REVIEW APPLICATIONS FOR DSD DIRECTOR PURSUANT TO IDAHO CODE § 74-206(1)(A) AND (D)

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner White made a motion to go into Executive Session at 11:02 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, HR Generalist Jennifer Allen and Assessor Brian Stender. The Executive Session concluded at 12:02 p.m. with no decision being called for in open session.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 12, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for George Fletcher Inc. dba: Melba Valley Market; JLC 2 Inc. dba: Idaho Pizza Company; JLC 9 Inc. dba: Idaho Pizza CO; JLC Corporation dba: Idaho Pizza Company (See resolution no. 21-040)

PUBLIC HEARING – REQUEST BY M&T RANCHES, LLC, FOR PRELIMINARY PLAT APPROVAL OF COUNTRY SAGE RANCHES SUBDIVISION, CASE NO. SD2018-0031

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Riley Planning Services on behalf of M&T Ranches, LLC, for approval of a preliminary plat with irrigation and drainage plan for Country Sage Ranches Subdivision, Case No. SD2018-0031. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, DSD Director Tricia Nilsson, Penelope Constantikes, Derrit Kerner, Keith Bowhan, James McKinley, Clint Davison, Middleton City Clerk Becky Crofts, Middleton Mayor Steve Rule, and Deputy Clerk Monica Reeves. Timothy Pruitt participated via Webex but did not wish to offer testimony.

Dan Lister gave the oral staff report. This hearing is a continuation of the M&T Ranches review of the subdivision plat for Country Sage Ranches Subdivision. On March 29, 2021, the Board approved the rezone to an R-1 zone but wanted more information regarding review and comments by the City of Middleton regarding city services, city pathways and landscaping, curb, gutter, and sidewalk requirements. A letter was received from the City of Middleton stating city services are ½ mile away, east and west from the property. The letter from Canyon Highway District is consistent that any lots that are one-acre or larger typically do not require curb, gutter, and sidewalk improvements. Consistent with highway district's letter, construction of an 8-foot asphalt pathway within the Purple Sage right-of-way is required. According to Mr. Lister, after this letter was received staff met with the City of Middleton and after review, the city is not in favor of the request. There are other developers in the area that are interested in pulling the services in that location and they believe this developer should do the same. He received a call from another developer who is interested in pulling services to a nearby property and they have been talking to another developer about doing the same, and they have reached out to Penelope Constantikes about it as well. Based on the letter received, staff is recommending approval with the conditions as provided in the findings of fact, conclusions of law, and order. The conditions do not pertain to the pulling of city services - that will be left up to the Board. Following his report Mr. Lister responded to questions from the Board.

Testimony in favor of the request was offered as follows:

Penelope Constantikes testified the developer was not aware of the City of Middleton's change in position on the development. The other potential developers in the area did reach out to her, however, the neighbors seemed to be concerned about density and bringing sewer and water to the site would increase the density and the developer in this case was trying to listen to the neighbors. With regard to adding a street through the middle block that's going to create double-fronted lots which is not a good idea because it then creates a situation where parcels have access to two public roads.

Derritt Kerner with Rock Solid Civil addressed irrigation and city services questions. He wants to make sure Clint Davison, the neighbor to the east, is taken care of in terms of his concerns with irrigation delivery. Mr. Kerner explained the irrigation system. There is a lateral that will be rerouted to go north and west with a 12-inch pipe. Clint Davison's water delivery system is tied with theirs so they will have a 3-way box to serve the users. They will not disturb other water users with this project. There is a smaller lateral along the southern boundary that will be piped and giving an easement through the Bureau of Reclamation. The highway district likes what they have designed. They were never planning to provide city services, they were going to do one-acre lots with septic systems and wells. They are in the impact area so at the beginning of the project they asked the City of Middleton for a letter, and now it sounds likely they are changing their mind. Their original letter was in support and did not want the developer to explore dragging utilities. We are pretty far removed so he doesn't know if there is any sewer deep enough to service this property with gravity, it would have to be a lift station situation. It will be quite an undertaking to have private people fund that operation. It's not as simple as dragging the sewer. There are enough properties around this property that are not going to subdivide and they are probably going to

remain in the county; the path to annexation is further out in the future than just the short-term. They want to stick with the one-acre lots due to septic and wells. The density goes up (90 lots) with sewer and water being brought to the development which will drive up the costs, and there will be more roadways. He worked on another 40-acre project and the development cost was about \$4.6 million. Mr. Kerner responded to questions from the Board following his testimony.

Testimony in opposition was as follows:

Clint Davison testified about the following questions/concerns: disruption of traffic, water quality concerns; he has question about the border of his property where they talked about the boxes and re-piping and allowing an irrigation feeder, and the location of proposed entrance to 30 houses and whether it will include landscaping so it does not go to weeds. He had a well water sample done in December of 2019 and the results indicated the nitrate concentration is approaching maximum concentration and monitoring is recommended.

Becky Crofts, who is the Middleton City Clerk, testified that the City of Middleton is opposed to this request and is asking that the plat be conditioned with a pre-annexation and water/sewer services agreement. Since the city submitted its original letter regarding this project on January 31, 2019, there has been a change in conditions namely the amount of growth which has impacted the area greatly. This project is within the city impact area. She referred to other developments in the area and extensions that have occurred. The city is requesting the applicant pick up water and sewer and pull it to the development because it's in the direct impact and growth of the city and so it should continue supporting the water/sewer services agreement. Regarding the cost for the lift station, city services are about a ½ mile away and the extension usually runs about \$100 a lineal foot per line; the rough numbers are about half-million dollars. If you add a lift station it's still about \$850,000. If you allow well and septic to go onto this property you have 30 lots that will charge \$40,000 for well and septic and that's \$1.2 million which saves the developer money by pushing that cost to the landowner. That \$850,000 is still less money at the building permit level than having the landowner paying \$40,000 for a well/septic. This is an area with nitrate issues and the lots should be larger or connect to city services. The city is agreeable to an R-1 density and they believe if the developer wanted to pay for the costs to pull services a different density could be allowed should they desire that. The property is within ½ mile of water and sewer services and those properties should connect to those services. Following her testimony Ms. Crofts responded to questions from the Board regarding density, the pre-annexation and city services agreement, impact fees, and development in the area.

Mayor Steve Rule testified in opposition to the request and spoke about the extra costs. He said most likely the developer will increase their density and the sale of those lots will more than cover additional costs for structured piping in that subdivision. He spoke about the grade and the lift station. There is a grade issue, a slight 20-30-foot fall from Cemetery Road to Emmett Road so there will have to be a pump station which is not a new concept. Since 2019 the city has seen significant growth and people are watching to see if city services are going to this property. He estimates the city is seeing well over 5,000 lots in some form of development. This is the imminent path of growth for Middleton. The city has worked hard at getting urban renewal ready and they

are close to bringing in a map that shows industrial growth across the river, Middleton Road area and out to Highway 44 to the east and the west to try to create more industrial and commercial. Commissioner Smith said this is an agricultural area and she asked if the city talks about the path of taking farm ground and the impacts of the one-acre developments? Mayor Rule said there have not been discussions about preserving ag ground. He feels like government does not have the right to tell a landowner they have to stay on their land and farm it.

(The Board took a brief recess from 10:04 a.m. to 10:09 a.m.)

James McKinley is opposed to the request due to concerns with impacts to the shallow wells in the area and how it will affect the water table and the nitrate level over time. He supports city services being pulled in, but questions how that will affect him. If services are pulled in does it automatically go to a greater density or does that have to be requested? Commissioner Smith said the request is for 30 one-acre lots, and if the applicant chose to change the density they would come back with a new subdivision with a changed density. If a property owner is under five acres the city can force annex you if they become contiguous. In her experience they do not normally have one-acre lot subdivisions with city services. Dan Lister said if they pull services and Mr. McKinley is within 200-feet of the services the health department will require him to connect once his well or septic fails.

Rebuttal testimony was offered by Derritt Kerner. There is an 8-foot pathway required by the highway district and it will be just inside the right-of-way; they require 50 feet from centerline which is pretty wide for a two-lane road. They are okay with the condition and will include it in the construction documents, but he does not want it to be a requirement that the preliminary plat show it. They will make the entrance look nice with trees and landscaping. They did a nutrient pathogen study which is the highest level of study you can do in a nitrate priority area, and based on the findings they put in an advanced treatment system on all 30 lots. Regarding the city's request for the developer to explore dragging sewer and water, they are not open to that. They started this project in 2018 and it seems to be a "punch in the gut" to be talking about these things now because they've gone through so much work with the subdivision for the well and septic on one-acre lots. A nutrient pathogen study took over a year's time and it cost money, they would not have had to do that if they were going with city services. He said the delays are really hurting them with the recent testimony about bringing city services. It's not as simple as dragging a trunk line which in itself would be very expensive. It would have to have a lift station. It's too big and expensive to put on one person or a co-op of people. There would be a definite increase in density (90-100 lots) in order to get to that ¼-acre lot size and it will cost so much they will not break even. The lift station is too big/important to put on private people; the city needs to be part of the project and pay for it. He wants the Board to consider approving this project today and not make them explore city services. With the more increased density it will require a traffic impact study among other things that would change the highway district's view of this subdivision. Mr. Kerner responded to questions from the Board about the monitoring of wells/septics, the nutrient pathogen study, and the landscaping plan. He agreed to a condition that the HOA will monitor and maintain and require yearly inspections on all septics. He is not opposed to a condition requiring landscaping that matches the city's landscaping plan for Purple Sage Road, however,

they try to avoid a common lot. They can have an easement. There will be an 8-foot pathway that will have trees and grass. Commissioner Smith does not know if that will work. Commissioner Van Beek had questions regarding ground water and the cost of the advanced treatment system compared to putting in city services. Mr. Kerner said the advanced treatment system is \$12,000-\$16,000 in addition to the cost of a normal septic which costs around \$10,000.

Commissioner White asked questions of Becky Crofts regarding the city's pre-annexation agreement. Ms. Crofts said the agreement means the applicant pulls water and sewer services to the property. They connect to city water and sewer and when they become contiguous they are annexed into the City of Middleton. The applicant would pay the water and sewer connection fees. If the developer chose to do a latecomer agreement they would be reimbursed those services based on the calculations for latecomers. They could approach the city for various other things. Commissioner Van Beek asked what city's interest is in cost-sharing or subsidizing the lift station at the northwest corner. Ms. Crofts thinks the city would be open to negotiations, but development should pay its fair share. The city has the tools for the developers to recoup their cost. Commissioner Smith said the letter from the City of Middleton in 2019 requests a payment for a transportation impact fee and she asked if the impact fee still exists? Ms. Crofts said the city does currently have a transportation impact fee and they could request that fee be leveraged against this, although it's been a couple years since she reviewed that letter, but it does have that fee and they discussed the other fee but if the highway district and the Middleton/Star fee is not in place they would request the Middleton transportation impact fee be in place. Mr. Kerner asked the Board to approve the application today with the one-acre lots, wells and septic, and the advanced treatment system. They have gone through all the studies to make that happen. He appreciates where the city is coming from with the growth that's happening, but now they want to go back on a 2019 letter they wrote for the developer. Commissioner Smith said the city's letter asked for a two-acre lot size, so she doubts the developer wants to fully comply with their letter. Mr. Kerner agreed with that point. Commissioner White asked if the pre-annexation agreement is a deal breaker? Mr. Kerner said that is a totally different ballgame, and if the Board asked them to look at that they would have to because they are so far down the road with developing this piece of land, but what happens in a year if the city changes their mind again? Commissioner White said she wants to anticipate growth, rather than constantly chase it. She said this is a good time to consider the pre-annexation agreement. Mr. Kerner wants to ask the neighbors if they want that kind of density; he thinks the one-acre lots are what people want in this area. Commissioner Van Beek said she is going to move for a continuation in order to evaluate the information. Commissioner Smith said the Board asked for this to be continued because we wanted input from the city, however, this is a very rural area and this is what urban sprawl looks like. She wants to give an opportunity for the applicant to work with the city but not have his hands tied. They are a couple years into this process and have incurred quite a bit of expense for this process, and so if we were to table it what would be the items we want more information on related to a subdivision? Commissioner Van Beek wants to look at the negotiations between the city and the developer. There is a lift station proposal but putting the burden of something like that on one developer is more than should be expected of that developer so she wants to look at that cost-sharing. There has been discussion that has entertained a totally different pathway and we have a presentation by the highway district that has expensive impact fees for transportation

and if this goes to a higher density that study will impact the developer and what happens in that area along that road. It will no longer be the rural feel that's been talked about. In order for the developer to pay for that he may have to sell this property and get out from under it. Commissioner Smith said if a condition is placed on this for the city services the subdivision probably won't go through. She wants to explore conditions attached to this subdivision related to the 8-foot path with landscaping, having a plan for how that landscaping is maintained and a condition for the HOA related to the maintenance, monitoring, etc., of the advanced treatment systems, and some work or negotiations with the city, although not mandated. She understands the costs and time that have gone into this, but she does not want to hinder the ability of the city to expand. This is a nitrate priority area and the best system for the community is city services. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to April 26, 2021 at 3:00 p.m. The hearing concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING CRIME VICTIMS' RIGHTS WEEK PROCLAMATION

The Board met today at 11:03 a.m. to consider signing the Crime Victims' Rights Week proclamation. Present were: Commissioners Leslie Van Beek and Pam White, PIO Joe Decker, and Deputy Clerk Monica Reeves. Kim Deugan from Advocates Against Family Violence had previously asked the Board to sign the proclamation and record a short video of the reading in honor of Crime Victims' Rights Week, which is next week. Mr. Decker printed the proclamation on the Board's letterhead and will coordinate the preparation of a short video of its reading. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the Crime Victim's Rights Week proclamation, a copy of which is on file with this day's minute entry. Commissioner Smith was unable to attend this meeting, but she supports the signing of the proclamation. The meeting concluded at 11:04 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:38 p.m. with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Leslie Van Beek and Pam White, TCA Doug Tyler, Assistant TCA Benita Miller and Deputy Clerk Jenen Ross. The following items were discussed:

- Doug Tyler will be going to work for Boise City within the next week, Judge Southworth has sent out notifications of the job opening nationwide which closes on April 23rd. Interviews will be conducted by a group representing as many counties as possible for the district.

There will also be several judge openings so the Magistrate Commission will be conducting interviews to fill those openings.

- Jury trials are being done but only one district court can be done each week. The mask mandate required by the Supreme Court has not yet been lifted but there is a meeting next week where Mr. Tyler anticipates that being discussed.
- The Zoom booths for courts have been remarkably helpful, although not as many may be needed going forward they may still keep some up and running. A lot of advantages have been realized to having the booths available.
- Court Marshals have been stretched pretty thin between in-person court and assisting with the Zoom hearings.
- With the addition of a new District judge they may look to add a new secretary position. There may be a couple retirements coming up but nothing official yet.
- Commissioner Van Beek acknowledged receipt of a letter received from Judge Southworth regarding security matters. He feels that the courts need to see the Triad report in order to understand the security weaknesses. Commissioner Van Beek would like to agendize a meeting to discuss further and consent to release parts of the report to the courts. Discussion ensued regarding the Marshals' roles and responsibilities and security and safety training.

The meeting concluded at 2:02 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE PARKS DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

The Board met today at 2:03 p.m. with the Parks Director to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Leslie Van Beek and Pam White, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend, Outdoor Recreation Planner Juli McCoy and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing grant agreement for Canyon County's FY21 CLG grant award: Director Schwend explained that as a Certified Local Government these are the grants she applies for thru the State Historic Preservation Office. This year they applied for two grants and were awarded 100% of both grants that were applied for. \$13,000 was awarded for phase II of a Rural Landscape and Agricultural Resource survey and \$7,000 for the Map Rock Archeological Historic District Expansion. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the grant agreement for Canyon County's FY21 CLG grant award (see agreement no. 21-027).

Consider signing amendment no. 1 to Canyon County Historic Preservation support award agreement nos. 20-019 and 20-008: Mr. Wesley explained these amendments memorialize minor changes in

the scope of the project but that there are no changes to the dollar amounts. Director Schwend provided a brief overview of the changes. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the amendment no. 1 to Canyon County Historic Preservation support award agreement nos. 20-019 (see agreement no. 21-028) and 20-008 (see agreement no. 21-029).

Director Schwend updated the Board on following:

- Eric Savadow has taken over Juli McCoy's previous position as the Outdoor Education Program Manager.
- Visitor Services position is still open but they are continuing to look for someone to fill the vacancy.
- Approximately 20 field trips have been scheduled for in-person but many more have taken advantage of the virtual field trip. Director Schwend spoke about how the program came together and how well it's working. Commissioner White would like the virtual field trip program recognized at a higher level such as Idaho Association of Counties and will work with Joe Decker to get the program out to more organizations.
- Looking to create a secondary Lifeways program to take to students/schools.
- Fencing at the gun range is costing more than expected. The Facilities department has finished a large portion but they are being pulled in other directions. Director Schwend may look to purchase the fencing in this fiscal year's budget and then it can be installed later in the fall.
- Currently there is one open position on the Gun Range Advisory Board.
- Commissioner Van Beek would like to see Director Schwend have a layout for some long-range planning.

The meeting concluded at 2:54 p.m. An audio recording is on file in the Commissioners' Office.

WEEKLY MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

The Board met today at 3:11 p.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution granting a fee waiver to Tyler Toups for comprehensive plan amendment: Director Nilsson explained that Mr. Toups has property that was rezoned C-1 and would now like it to be residential. She believes that the rezone to C-1 was done by the county when Hwy 44 was done. Mr. Toups is willing to pay the rezone fee of \$850 but is requesting that the comp. plan amendment fee of \$2500 be waived. Director Nilsson said that she did not have a

chance to review this request prior to it coming before the Board so this action item will be rescheduled to a later date after Ms. Nilsson is able to collect some additional information.

Consider signing a resolution granting a fee waiver to ESI Cares Foundation for a building permit:

Director Nilsson said that ESI is requesting a waiver of fees of \$244 for a patio structure to help family as part of the Make-a-Wish organization. Commissioner White feels this is benevolence and made a motion to sign the resolution granting a fee waiver to ESI Cares Foundation for a building permit. The motion was seconded by Commissioner Van Beek for discussion to confirm with Director Nilsson this will bring them into compliance. A vote was taken on the motion with the Board voting unanimously to sign the resolution (resolution no. 21-056).

Director Nilsson updated the Board on the following:

- Every two years the United Way does a community assessment on the type of households in the area and if they are struggling financially or not. A brief review of the report was provided to the Board. A copy of the survey is on file with this day's minutes.
- Results of a customer service survey done within the last year was provided to the Board. The results of the survey are held in HR in case there is any employee feedback.
- Review of the current active hearing schedule. Planning and Zoning hearing schedule is out to July 15th. Director Nilsson has some information on a Hearing Examiner which she plans to add to the FY22 budget. There will be a Planner II position open as of Friday and due to the workload, an additional planner may be needed.

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

EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 3:28 p.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 by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and DSD Director Tricia Nilsson. The Executive Session concluded at 3:50 p.m. with no decision being called for in open session.

At the conclusion of the executive session Director Nilsson resumed her weekly update as follows:

- Commissioner Smith asked about the rezone display on the interactive mapper, she would like to see the whole shape file on the interactive map so that the Board can see the boundaries of the case. Director Nilsson said she will check with Tony Almeida about this.
- Commissioner Smith would also like a list of the expired CUPs and conditional rezones. Director Nilsson said they have a pile of expired CUPs and will have Kathy Frost go thru them. A letter will be sent on the expired ones before any more action can happen. The Board is supportive of getting this cleaned up.

- Comments were sent to Canyon Highway District 4 regarding the draft CIP.
- Some of the items Director Nilsson hopes to have completed before she leaves include:
 - Impact fee comments
 - Fire committee report
 - Employee evaluations for planners
 - Ordinance amendment
 - Budget
- Space is an issue in the DSD office. Director Nilsson is working with Director Navarro to find a place for Code Enforcement.
- Director Nilsson said she has spoken with Mr. Wesley regarding the City of Star annexation and feels it might be helpful for the Board to have a refresher on the meetings that took place and letters that were written a few years back regarding this issue.

The meeting concluded at 4:03 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 13, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - OUT
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 573199 to 573232 in the amount of \$92,041.55

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

The Board met today at 9:03 a.m. with county attorneys for legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto (left at 9:07 a.m.), Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter, PIO Joe Decker (left at 9:20 a.m.), Director of Juvenile Probation Elda Catalano (left at 9:15 a.m.), Elections Supervisor Haley Hicks (left at 9:07 a.m.), Elections Specialist Robin Sneegas (left at 9:07 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution designating polling locations for the May 18, 2021 Election: Ms. Hicks gave a review of the elections that will be happening on May 18th and a map denoting the 12 polling locations was provided (a copy is on file with this day's minutes). Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution designating polling places for the May 18, 2021 election (see resolution no. 21-042).

Consider signing Canyon County Juvenile Probation's Truancy Prevention Kicking-Off School 2021 Community Event agreement with United Way of Treasure Valley Inc.: Director Catalano said the event is scheduled for August 28th at Griffith's Park. Mr. Wesley explained this is a partnership with United Way, because the county is a government entity it is complicated to collect donations. The United Way works as the fiscal agent to manage donations. Ms. Catalano gave a brief review of the purpose, history and benefits of the event and the roles the United Way and her department play in the event. This year it may be a bit of a modified event in order to consider the restrictions imposed by the State and to offer a level of comfort for some attendees. The goal this year is to serve at least 100 juveniles. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign Canyon County Juvenile Probation's Truancy Prevention Kicking-Off School 2021 Community Event agreement with United Way of Treasure Valley Inc. (see agreement no. 21-030).

Consider signing resolution to waive certain landfill fees for Canyon County residents on April 24, 2021: Mr. Decker said once the resolution is signed the press release will go out. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to waive certain landfill fees for Canyon County residents on April 24, 2021 (see resolution no. 21-041).

Commissioner Smith spoke about a complaint she received regarding trash coming off Republic Services trucks. Mr. Porter suggested that Director Loper would be a good point of contact to start that conversation with Republic Services. Commissioner Van Beek would like to start talking about the covered load issue again.

Commissioner Smith asked if there is a standard guideline the Board should be referencing for fee waivers. Mr. Wesley spoke about the history of fee waivers and how it's evolved over the years. He explained that except in the case of a hardship it's usually a discretionary decision. Commissioner Van Beek is in favor of evaluating the discretion that is given.

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

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

Commissioner Van Beek made a motion to go into Executive Session at 9:26 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were:

Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Mike Porter and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:53 a.m. with no decision being called for in open session.

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

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

The Board met today at 10:31 a.m. with the Information Technology Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Assistant Director of IT Eric Jensen and Deputy Clerk Jenen Ross.

In Director Rast's absence, Assistant Director Eric Jensen provided the following update to the Board:

- A PO was submitted yesterday for cameras at Weed and Pest in an effort to avoid future thefts. Connectivity issues out there have been resolved.
- Final phases of the MS Office upgrade are continuing to be rolled out.
- IT is working on the case management system for the Coroner. The previous system is somewhat antiquated.
- Certificates of Authority are a way for servers to securely "talk" to each other. There was one that wasn't operating properly and was a very manual process. They have been in the process of reworking the server so that it's operating more efficiently and in the process of renewing certificates.
- At the request of Commissioner Van Beek, Mr. Jensen spoke about the OnBase upgrade which is scheduled to be done in August/September.
- Asset tracking is continuing.

The meeting concluded at 10:48 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 14, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White

APPROVED CLAIMS

- The Board has approved grand jury claims in the amount of \$1,347.41

APPROVED CLAIMS

- The Board has approved claim 573281 in the amount of \$513.00

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved employee status change forms for the following: Mariann Millet, Housekeeper-Part-Time; Michael Richards, Juvenile Detention Training Coordinator; Katelyn Webster, Interpretive Specialist

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Project Manager.com Inc in the amount of \$16,254.00 for the Information Technology Department
- A Gem in the amount of \$5,480.00 for the Weed & Pest Department

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSES

- The Board approved an Alcoholic Beverage License renewal for Jackson's Food Stores INC dba: Extra Mile #183; Jackson's Food Stores INC dba: Extra Mile #184; Jackson's Food Stores INC dba: Extra Mile #196; Heather Zimmerman dba: The Garage Café; ItalianToGo, LLC dba: ItalianToGo Co; MFM Group LLC dba: Sizzler Restaurant; Intermountain Food Stores INC dba: M&W Markets #6; Intermountain Food Stores INC dba: Franklin Junction (See resolution no. 21-043.)
- The Board approved an Alcoholic Beverage License renewal for Jackson's Food Stores INC dba: Jackson's Food Stores #126; Jackson's Food Stores INC dba: Jackson's Food Stores #198; Jackson's Food Stores INC dba: Extra Mile #143; Jackson's Food Stores INC dba: Extra Mile #144; Jackson's Food Stores INC dba: Extra Mile #147; Jackson's Food Stores INC dba: Extra Mile #148; Jackson's Food Stores INC dba: Extra Mile #149; Jackson's Food Stores INC dba: Extra Mile #177; Jackson's Food Stores INC dba: Extra Mile #178; Jackson's Food Stores INC dba: Extra Mile #179; Jackson's Food Stores INC dba: Extra Mile #180; Jackson's

Food Stores INC dba: Extra Mile #181; Jackson's Food Stores INC dba: Extra Mile #182 (See resolution no. 21-044.)

- The Board approved an Alcoholic Beverage License renewal for Jackson's Food Stores INC dba: Jackson's Food Stores #3; Jackson's Food Stores INC dba: Jackson's Food Stores #5; Jackson's Food Stores INC dba: Jackson's Food Stores #22; Jackson's Food Stores INC dba: Jackson's Food Stores #59; Jackson's Food Stores INC dba: Jackson's Food Stores #60; Jackson's Food Stores INC dba: Jackson's Food Stores #61; Jackson's Food Stores INC dba: Jackson's Food Stores #62; Jackson's Food Stores INC dba: Jackson's Food Stores #63; Jackson's Food Stores INC dba: Jackson's Food Stores #64; Jackson's Food Stores INC dba: Jackson's Food Stores #82; Jackson's Food Stores INC dba: Jackson's Food Stores #85; Jackson's Food Stores INC dba: Jackson's Food Stores #115; Jackson's Food Stores INC dba: Jackson's Food Stores #117 (See resolution no. 21-045.)
- The Board approved an Alcoholic Beverage License renewal for MRG Inc dba: Buck's Saloon & Steakhouse (See resolution no. 21-046.)

MEETING WITH DEPARTMENT HEADS TO DISCUSS BUDGET PROCESS

The Board met today at 9:01 a.m. with Department Heads to discuss budget process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner, Parks Director Nicki Schwend, CCAD Director Michael Stowell, Fleet Director Mark Tolman, Weed and Pest Superintendent AJ Mondor, Facilities Director Paul Navarro, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Detention Sean Brown, Director of Juvenile Probation Elda Catalano, County Agent Jerry Neufeld, DSD Director Tricia Nilsson, Landfill Director David Loper, PIO Joe Decker, Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross.

Commissioner Van Beek said her understanding is that Directors have expressed that they would like the opportunity to present their requested budget to the Board prior to meeting with the Clerk and Controller. This year budget workshops will be held June 14-17 so that Directors and Elected Officials will have the opportunity to present to one another in an effort to gain a big-picture view of what is needed across the county. Additionally, to assist the Directors that interface with all four elected offices and other departments there will be a schedule of what is being funded in the budget. Commissioner Van Beek said that because of ITs tracking process they are asking that all IT related purchases run thru that department and likewise any vehicle purchases are run thru that department.

Commissioner Smith said the Clerk will still be preparing the budget but the Board would really like to see their departments budget before it goes to the Clerk. Her understanding is that sometimes requests are cut before they are presented to the Board. Having an idea of what the

needs are will help the Board be supportive of their Department Administrators. Due to the busy schedule, she encouraged everyone to use their regularly scheduled update meeting to review their budget.

The idea is to have a 4-day budget workshop where all of the Department Administrators and Elected Officials are invited to present their budget requests, hear the requests of the other departments and Offices and be able to compete for their projects. Commissioner White expressed her desire for everyone to continue keeping their requests in front of the decision makers, even if their request isn't funded this year to keep it in front of the Board. It's not mandatory for everyone to be in attendance all 4 days but Commissioner White encourages everyone to listen to as many of the budget requests as possible.

Commissioner Smith said that at the budget workshops the Clerk and Controller will present what they have in the proposed budget and that is the time for everyone to "compete" – to compare what is in the proposed budget vs. what was requested but not included.

Commissioner Van Beek spoke about how she would like to see a plan in place for staging large, long-range projects.

In response to a question from Mr. Bazzoli, the Board indicated that each department will still meet with the Clerk and Controller to discuss their budgets. Mr. Bazzoli also asked how the compensation plan applies, Commissioner Smith said to rely on what is existing already and referenced point 6 in the budget document so that the Board can evaluate the needs of a growing county.

Based on a question from Director Schwend, Commissioner Smith said she will check with the Clerk to see how much notice they are able to get on his proposed budget.

Mr. Decker asked if the Board will be advocating on behalf of their Department Administrators. Commissioner Smith said that is the idea of having the budget discussions beforehand so that the Board has a better understanding of the requests.

Director Nilsson asked when the compensation committee recommendations will be available. She said they normally receive that information in August but thinks the costs should be included the budget numbers. Commissioner White believes that will stay on schedule with the Clerk and Controller in the usual timeframe. The Directors would like this information prior to the budget season. Commissioner Smith said she will work with the Clerk and Controller to see if that information would be available earlier.

Commissioner Van Beek spoke about how she feels expenses need to meet the revenue not the revenue meeting the expenses and that with lower expenses there is a greater margin for equity pay and salary increases if those go forward.

Several Directors spoke about how their departments are interconnected and how they don't want to be taking money from another Director's budget to fund something within their own budget.

The meeting concluded at 9:39 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 CANDIDATE EVALUATION FOR DEVELOPMENT SERVICES DEPARTMENT DIRECTOR

The Board met today at 10:01 a.m. for an Executive Session to interview and evaluate candidates for the Development Services Department Director position. Commissioner Van Beek made a motion to go into Executive Session at 10:02 a.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 White. A roll call vote was taken on the motion with Commissioners Smith, White, and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, HR Generalist Jennifer Allen, DSD Planner Dan Lister, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Steve Fultz joined the session from 10:02 a.m. to 10:50 a.m. Michael Slate participated via Webex from 10:56 a.m. to 11:53 a.m. The Board took a break at 12:05 p.m. and resumed the session at 2:02 p.m. Jeremy Field arrived at 2:05 p.m. and left at 2:53 p.m. Martin Santoyo arrived at 3:08 p.m. and left at 3:54 p.m. Mr. Lister, Ms. Almeida and Ms. Allen left at 4:05 p.m. The Executive Session concluded at 4:15 p.m. with no decision being called for in open session.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 15, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$4,004.00 for Information Technology Department
- HP, Inc in the amount of \$1,049.00 for Information Technology Department
- Consolidated Supply Co. in the amount of \$2,684.08 for Solid Waste Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Two Horse Saloon to be used 5/15/21 at the White Wedding; Two Horse Saloon to be used 6/12/21 at the Salutregi Wedding; Two Horse Saloon to be used 6/19/21 at the Raul Tristan Wedding

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Bon Appetit Management Co, dba McCain Pub; Albertsons LLC, dba Albertsons #103; Albertsons LLC, dba Albertsons #1602; Albertsons LLC, dba Albertsons #176; Albertsons LLC, dba Albertsons #166; Pantera Market LLC, dba Pantera Market (Resolution no. 21-050)
- The Board approved an Alcoholic Beverage License renewal for Canton Café Inc, dba Canton Café (Resolution no. 21-051)
- The Board approved an Alcoholic Beverage License renewal for Little Saigon Vietnamese Restaurant LLC, dba Little Saigon Vietnamese Restaurant; JFL Vond LLC, dba Super C; Raising Our Bar LLC, dba Raising Our Bar (Resolution no. 21-052)

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:45 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Jenniffer Odom and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-490; 2021-510; 2021-514; 2021-486; 2021-487; 2021-535.

Lien releases were presented for Board signatures.

The meeting concluded at 8:46 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper (left at 9:10 a.m.), Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider hearing public comment regarding Sole Source Procurement of Kenworth/Cobalt Service Truck from Kenworth Sales Company: Mr. Porter noted for the record that there were no comments received and no one appeared today to offer comment.

Consider authorizing execution of Kenworth/Cobalt Service Truck from Kenworth Sales Company Sales agreement after opportunity for public comment: This piece of equipment qualifies for sole source as laid out in the published notice. At the request of Commissioner White, Director Loper explained the logistics of building the truck and difference in the terms between "truck" and "chassis". Commissioner Van Beek made a motion to authorize the execution of Kenworth/Cobalt Service Truck from Kenworth Sales Company sales agreement after opportunity for public comment. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a second motion authorizing Director David Loper to sign the agreement. The motion was seconded by Commissioner White and carried unanimously. Mr. Loper explained that with this authorization now signed they'll be able to get the truck into the build process and included in the FY22 budget. Once we're further into the new fiscal year he will submit a purchase order.

Mr. Wesley said there were questions regarding the Wilke rezone, his recollection is that there are FCOs and a DA being prepared for signatures. Today's hearing will essentially be starting over and will be the final hearing.

Director Navarro has suggested having an architect look at the space needs at the DMV and to determine if the space is being utilized effectively. Mr. Wesley believes the dollar amount should be low enough that it won't need to go thru the formal procurement process although it might be a good idea to have Mr. Navarro collect a couple quotes. The Board is supportive of Mr. Navarro collecting some information for a site assessment and for someone to look at the physical structure of the building to determine if it can be expanded.

Commissioner Van Beek spoke about some of the space planning happening at the jail/intake in regard to the body scanning machine. She would like to have a meeting to include the Sheriff, Captain Patchett, Lt. Flores and Director Navarro to discuss the available space for the body

scanning machine. Commissioner Smith does not think a meeting needs to happen at this time. The Board expressed their concerns at an earlier meeting which are now being worked thru in the IFB process.

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

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 9:21 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:27 a.m. with no decision being called for in open session.

CONSIDER ACTION ITEMS FOR LAKE SHORE DRIVE DEVELOPMENT, CASE NOS. OR2020-0010 AND RZ2019-0039 AND SD2019-0052

The Board met today at 10:05 a.m. to consider signing the action items related to the Lake Shore Drive Development request for a comprehensive plan map amendment, rezone and preliminary plat for Case Nos. OR2020-0010, RZ2019-0039, and SD2019-0052. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, interested citizens, and Deputy Clerk Monica Reeves. On April 9, 2021 the Board conducted a public hearing on the requests and following testimony and deliberation the Board voted unanimously to approve the findings of fact, conclusions of law and order (FCO's) for the comprehensive plan map amendment, and the FCO's for the conditional rezone, and the development agreement with recommended changes, and the FCO's for the preliminary plat. The signing of the approval documents was scheduled for today's date, April 15, 2021. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCO's, the development agreement (No. 21-031), the resolution (No. 21-048), and the ordinance (No. 21-010) associated with the Lake Shore Drive Development, LLC, case. The meeting concluded at 10:05 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY MATT WILKE FOR WHITE BARN REAL ESTATE, REPRESENTING L&J INVESTMENTS IDAHO, LLC, FOR A CONDITIONAL REZONE, CASE NO. RZ2020-0015

The Board met today at 10:05 a.m. to conduct a second public hearing in the matter of a request by Matt Wilk of White Barn Real Estate, representing L&J Investments Idaho, LLC, for a conditional rezone including a development agreement, Case No. RZ2020-0015. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Justin Parker, Lowell Fritz, Matt Wilke, April Wilke, Alan Mills, Theresa DiMauro, Colleen Whittig, Jake Fillmore, Sonnie House, Lynn Whittig, Diana Trout, Dave House, Marnie Fillmore, Sandra Kershner, Sonia Martin, Lindsay Whittig, Christi Falen, Michelle Van Lith, Ryan Whittig, Eric Falen, Joyce Greenfield, Richard Given, Diane Liston, Joyce Given, Rod Lowe, and Vivian Ferkin, and Deputy Clerk Monica Reeves. Those who participated via Webex were: Candace Camin, Jennifer Buskirk, Joe Jones and Kassi Chadwick. Deputy PA Zach Wesley arrived at 11:54 a.m. Commissioner Smith said when the P&Z Commission makes a recommendation and the Board changes that recommendation a second public hearing is required which means today's hearing is a brand-new hearing. The Board will consider everything that was considered prior to today and it will also accept new evidence. Commissioner Van Beek disclosed that her husband's coworker is located in proximity to the property and has expressed concerns about this development. Commissioner Smith disclosed that she lives in the immediate area and she drives by the site often and is very familiar with it, but since the last hearing she has not spoken to anyone about this case and she will be able to make an impartial decision. Dan Lister gave the oral staff report. On March 15, 2021 this matter came before the Board of Commissioners and they found that it could come back as a conditional rezone with a development agreement subject to changes to the conditions within the development agreement related to setbacks, noise management, and landscape buffers. Staff has provided revised findings of fact, conclusions of law, and order (FCO's) identifying those changes as well as a revised development agreement. The changes are as follows:

- A total of 19 uses that would be prohibited.
- Add Condition #2B which states that food processing facilities could be allowed subject to a CUP
- Condition #2C(i) states the applicant shall provide a structural setback of 100-feet from the perimeter- the east, south, north, and west property boundary lines.
- The applicant shall submit a noise management plan that indicates hours of operation and how they will deal with noise-generating equipment and how they are minimizing outdoor operations to not exceed 65 decibels between the hours of 7 p.m. and 6 a.m.
- The applicant shall provide a 30-foot landscaping buffer along the perimeter of the property which shall consist of trees, bushes and other native plants within the buffer. The applicant shall provide a plan demonstrating how they are going to do that and how they will maintain it to be weed-free and not become a public nuisance.

According to Mr. Lister the information was provided to the applicant for review and but he has not heard whether the applicant is opposed to or agreeable to the conditions. The applicant has asked for a termination clause that states the development agreement will go away if any of the abutting properties have similar uses but staff is not recommending that because that issue should come back through a modification process if they wish to modify the development agreement. It should not be terminated based on a clause. Staff received comments from neighbors who still

find this use to be very impactful even with the conditions and they feel the use is not appropriate at this time due to impacts of traffic, noise, and property values, as well as the enjoyment of the area. He said Matt Wilke submitted a newspaper article that had good points regarding the need for industrial uses within the cities of Nampa and Caldwell. Staff has provided FCO's that support the development agreement as conditioned and as revised by the Board. The options available to the Board today are: 1) accept the conditional rezone as modified or further modified; or 2) deny the request and direct staff to come back with revised FCO's; or 3) continue the hearing if the Board requires further information. The Board accepted the late exhibits in to the record.

Testimony in support was as follows:

Matt Wilke testified the applicants picked this location based on the close proximity to industrial and the future land use map showing it to be industrial. They received many letters of support from individuals and businesses including the Western Alliance for Economic Development regarding wage generation and job creation for Canyon County, as well as letters from Western Farms, a larger farmer in the state, and the Mayor of Middleton. Mr. Wilke said the County lacks industrial property and is losing business because of it. The soils map shows 85% of the subject property has mostly Class 6 and some Class 3 soils. Class 6 soils have severe limitations that make it generally unsuitable for cultivation and restrict use mainly to pasture, rangeland, forest land or wildlife habitat. Class 3 soils have severe limitations as well. He noted that everything south of Lower Pleasant Ridge Road has a lot better soil. Prior to any industrial use allowed on site L & J Investments Idaho would like to have the ability to revert back to agricultural zoning at the applicant's choice so they do not have to follow the stipulations in the development agreement if they are not able to attract industrial users due to the restrictions in the agreement. They want to have RV storage as an allowed use on the site. The wants to have the landscaping plan put to use as businesses come to the site; there is no reason to put in landscaping until a business is on site. Mr. Wilke said industrial wages are typically higher per average than the standard wage so with the businesses coming to site they would create 70 direct jobs and 32 indirect jobs just with the tree service and the proposed cabinet company. At \$375,000 per acre in wage generation annually on 42 acres, they estimate it would create \$15,750,000 in wages annually in Canyon County. Mr. Wilke said the applicants have done a great job working with the Board, staff and neighbors in limiting a lot of uses to make the site a fantastic project.

Alan Mills testified that the subject property is not good farm ground and it's been said there is a lot of property that's available but that's not true. We don't see many industrial sites with Class 4, 5, & 6 soils; other industrial uses are going on to the prime soils, such as in Nampa. This area has been designated for change for many, many years and there are industrial uses in the area. If you look to the south it's agriculture and sporadic residential and that's a nice demarcation zone. As a County we're either saying we want to attract industry, or if we don't then we have to tell people they cannot count on the comprehensive plan. According to Mr. Mills the reversion clause is very important because even if the development agreement goes as written we don't want to get in a no man's land where it stays conditionally rezoned and then the County has to take action to revert it back. He wants the applicant to be able to say we are pulling the plug and going back to agriculture and not have to hope the County sees it the same way. Mr. Mill said the question

that hasn't been answered is this: *If this is conditionally rezoned to M-1 and reverted back would the comprehensive plan have to be changed to show agriculture?* Commissioner Smith said the answer is no. The comprehensive plan is a guide for growth, it is not something we strictly follow. Even when the comprehensive plan shows it is agriculture and we've made changes to the plan to allow for industrial or residential growth it's just a guide. It cannot be used like an ordinance.

Lowell Fritz testified that we need more industrial property for businesses. The neighbors have a problem with the noise from the steel company, but the applicant cannot change what is there and he feels they are getting penalized because of what the steel plant is doing. It's not fair to make a decision or penalize the applicant because the neighbors are upset with what the steel plant is doing. He said they hope to be good neighbors and not affect the neighbors in a negative way.

Testimony in opposition was as follows:

Theresa DiMauro testified she is a certified crane operator, forklift operator, and is certified by OSHA to do hazmat cleanups. This is not about noise from the steel plant, it's about passing on toxic waste to other agricultural properties. She has concerns about the infrastructure and the noise levels.

Jake Fillmore stated there is no industrial use around the property itself; the borders are not industrial. He disagrees with previous testimony that said this is poor ground. He does not want his way of life to change. He said the decision to approve the steel plant was a huge mistake that cannot be reversed.

Lynn Whittig, who has farmed in the subject property, said the soils in the area are good producers of mint. He spoke of concerns about farmers losing their ability to farm, and that aerial spraying will not be permitted on his property if there are complaints about fumigation and the proposed 100-foot setback is not going to help alleviate his concerns.

Marnie Fillmore testified about her concerns regarding traffic, potential complaints about aerial spraying, and a recent vehicle accident that occurred at the intersection of Weitz Road and Lower Pleasant Ridge Road.

Sandra Kershner testified the proposal will be the first step of turning almost all of the community into a light industrial area. She has concerns about how many businesses will be permitted on the property and how it seems that businesses owned by outsiders are considered more value than those who live in the area.

Richard Given spoke of the uses in the area and the trucks that carry tons of materials on roadways. He said Canyon County has been restricted in its ability to plan for these things before they come in, and his concerns include: traffic, access to the interstate, and the need for improvements to the infrastructure. As far as industrial planning we need business but it needs to be done in a rational way and it should not be done on farmland.

Joyce Greenfield testified about her concerns with traffic, specifically heavy traffic. She spoke of her experience with farming in the area and said the subject property is not as good and versatile as other ground but it is very productive.

Christi Falen testified that we need to look at the long-range plan and what is best for our community and we need to not limit the agricultural production in the area.

Eric Falen lives in the area and is raising hay and animals on his property. He warned of encroachment and said once farmland is taken out of production and uses for something else it's very unlikely it will ever be reclaimed back to agriculture.

Michelle Van Lith read a statement from Jennifer Buskirk who has strong opposition to rezoning this property to industrial even with the revisions discussed at the previous hearing. In March of 2021 Ms. Buskirk was involved in an accident at the intersection of Weitz and Lower Pleasant Ridge Road which is a very dangerous intersection and she is concerned the increased industrial traffic will make it even more dangerous. She urged the Board to maintain the rural lifestyle and quality of life. She is concerned that the tree service company already has issues of nuisance at its current location and she believes moving the company to property surrounded by homes would have a negative impact on the neighborhood.

Ryan Whittig testified about trucks travelling roadways. He farms directly across from the property in question and said it is highly productive farm ground. There is agricultural equipment in the area and bringing more truck traffic to the area will create more conflict. The narrow bridge and small country roads in the area cannot handle heavy truck traffic.

Candace Camin lives on Chicken Dinner Road and she agrees with everything that's been stated in opposition.

Kassi Chadwick lives on Lower Pleasant Ridge Road and she agrees with the testimony that's been given in opposition to this proposal.

Rebuttal testimony was given by Matt Wilke. Regarding future sales of the property, he said they can do an agricultural disclosure where all the potential buyers will sign and it can be added to the development agreement that way they won't have any protests from industrial users of surrounding farming operations. The property to the south is highly productive farmland and the property to the north has Class 3 and Class 6 soils which is not the best soil. Traffic is most likely going to head north because there is no incentive for a truck driver to use the side roads when they can turn onto Highway 19. He doubts large loads of steel are using the secondary roads. The property should be zoned industrial because it's not agriculture. The ag land to the south with Class 1 soils is not where they want to put the industrial zoning; they want it next to the current industrial use which is why they chose this site, and also because of the comprehensive plan. This is an ideal site as traffic flows well on Highway 19 and it has easy access to the interstate.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. It was noted that all late exhibits have been entered into the record. Dan Lister said if the Board decides to review the request by the applicant staff wants to provide some analysis on it if the Board goes with some of the changes they are proposing in the development agreement:

2A Has a list of prohibited uses, they are requesting the ministorage and RV storage be removed. That will be up to the Board to allow that or not.

2C: The intent of that condition was that for every use that comes in would have to be held to this condition so it wouldn't be just the owner at this time meeting all that. When that changes the use to whatever they are using it for then this applies to that user. Staff is fine with revising it to reflect that the only time they would need to do it at that time is if they do a plat and started to split it off then we would want those conditions to be met at the time of plat, but the rest is at time of use or building permit or use.

The applicant has asked for a stipulation that they can revert back to agriculture at any point, but staff does not recommend that. This is similar to the stipulation they asked for regarding when M-1 zoning surrounds them they are no longer subject to the development agreement. At the end of the day we are approving a rezone to M-1 and there are ways to modify that agreement through a process. In this case if they don't want that anymore they would have to come back through the rezone process to change it back to the ag zone because the underlying zone is still M-1 at the end of the day.

Commissioner Smith said she spent a lot of time considering the last hearing and listening to today's testimony and when the Board makes rezoning decisions it has to consider the findings of fact and conclusions of law. Zoning Ordinance section 07-06-07 6A has eight questions we have to answer in the affirmative for approval. The P&Z Commission found reasons for denial. At the last hearing there were two Commissioners that reviewed those findings and found if it was heavily conditioned in the development agreement we could find some positive findings for those. State statute was crafted in a way that was wise because it's a big decision to change from one zone to the next and the P&Z Commission's decision should be utilized and listened to and if there are changes in that having an opportunity for people to come back and talk is important. The community has spoken and although there was some emotion in some of the conversations, they have done a good job identifying the impacts to agriculture. The Board can make a finding that would support denial of the rezone. The comprehensive plan includes a map which shows this property as industrial, but there are also 92 pages of text and when you read through the agricultural component this proposal does not support an industrial zone. The comprehensive plan talks about developing and implementing standards and procedures to ensure that development of ag land is compatible with agricultural uses in the area and that we protect agricultural operations and facilities from land use conflicts or undue interference created by existing and proposed residential, commercial, and industrial development. The main concern in this case is she does not like conditions of approval and that could be from her bias from working in DSD because they do not have enough staff to enforce code enforcement. In many of the cases

that have conditions of approval there's just not a good opportunity for enforcement. In order for the Board to find some peace in approving the application it had to ask staff to attach a number of conditions and that should have been an indication. She is grateful for a second opportunity to review this application and she recommends that although the map is consistent, the text in the plan is not consistent and the conditional rezone is not compatible with surrounding land uses because of the number of conditions we would have to enforce. Also, the conditional rezone does negatively affect, and the uses allowed in that zone, negatively affect the character of the area. Commissioner White appreciates the testimony given today but she has not changed her mind on this request; it's still an issue of compatibility and therefore she is opposed to the request. Commissioner Van Beek referred to a late exhibit from the Warrens (Exhibit 42). There has been a lot of conversation around Gayle Manufacturing and part of the conflict is because it wasn't conditioned to mitigate for the surrounding properties or the farming community. This Board is interested in a well-vetted discussion and researching what is in the best interest of the community. She said Exhibit 43 from Jennifer Buskirk demonstrates one of the best uses of the County's comprehensive plan in building a defensible argument. Some of the mitigation that has to happen in a transition zone has to take into account what's already there and the testimony we heard was there are generations of farming that deserve the same respect and consideration as other businesses wanting to coexist peacefully in that area. The Board tried to mitigate in a fair and responsible way what would mitigate for the concerns that were brought forth and be fair to both parties, but that came home to her this weekend. With the approval of Gayle Manufacturing and the disturbance it creates on a regular basis it's going to be problematic if we are not able to mitigate that further. She referenced the Simplot property being farmed as an agricultural industrial use. She said Mrs. DaMauro provided credible testimony especially now that the Board has been asked to reconsider putting some of those things it conditioned out back on the table. With an RV park you would have to have some type of septic system that would impact the ground water. In the growth of this valley the Board is charged to evaluate an enormous amount of information and where this county is going. We are in process, we are experiencing change in DSD with a new director, and the growth in the valley is unprecedented and we are trying to figure out how to put this puzzle of growth and ag together. Agriculture has to be respected if we are going to maintain it and have it go into the future. Commissioner Van Beek referenced traffic concerns in the area and she is concerned about adding more until we know what we want to do. With more than 80 letters of opposition this is not a decision with a minimum amount of conflict, even with the conditions put on this development there is still some level that both sides are not able to live with. This is highly contested and she finds that in conflict with the comprehensive plan. Farm uses are adjacent to the subject property. What she's heard from the applicant wanting to come back is he does have an alternative route; he has a city that's growing in Middleton that is actively looking for industrial use and welcoming that business. The way the ordinance reads is if the Board is unable to find affirmation for all eight conditions laid out for looking at an approval then it becomes a denial. The Board has to move to a position of denial because of what came back from the applicant and the ongoing opposition that's provided a heavier weight. Commissioner White made a motion to deny Case No. RZ2020-0015 and direct staff to prepare revised FCO's to support the decision and bring them back at a future date. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Smith said something that would help her in this case is if there was an immediate connection to another

industrial zone that could make a difference so that it was incrementally transitioning in the zone. The FCO's will come back at a later date as an agenda item. The hearing concluded at 12:14 p.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEMS: CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO SPUDS BASEBALL CLUB, AND CONSIDER SIGNING A RESOLUTION GRANTING A COMPREHENSIVE PLAN FEE WAIVER TO TYLER TOUPS

The Board met today at 12:15 p.m. to consider signing two action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. The items were considered as follows:

Resolution granting a new alcoholic beverage license to Spuds Baseball Club – Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the new alcoholic beverage license for Spud's Baseball Club. (Resolution No. 21-049.)

Request by Tyler Touns for a comprehensive plan fee waiver – Commissioner Smith does not support the fee waiver request because the County has a fee program in place and she does not believe Mr. Touns has provided enough evidence to warrant a reduction in fees. Commissioner Van Beek said the documentation provided by staff indicates Mr. Touns said the cost of building materials is too high. Commissioner Smith said that's true for everyone and if we set a precedent based on building prices it will open Pandora's Box. The fees set help cover the costs of redevelopment in this county and we should not support it. Commissioner Van Beek noted that the documentation indicated Mr. Touns did not state a lack of ability to pay the fee. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to deny the request by Tyler Touns for a comprehensive plan fee waiver because of the reasons already articulated on the record. (A template resolution was prepared by DSD staff, but because the Board denied the fee waiver a new resolution will need to be prepared that states the Board is not granting the waiver.)

The meeting concluded at 12:21 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING FINAL PLAT FOR COUNTRY CLUB SUBDIVISION, CASE NO. SD2020-0044

The Board met today at 1:26 p.m. to consider approving the final plat for Country Club Subdivision, case no. SD2020-0044. Present were: Commissioners Keri Smith and Pam White, TJ Wellard, DSD Planner Jennifer Almeida (arrived at 1:27 p.m.) and Deputy Clerk Jenen Ross. Commissioner Smith said that per the staff report it meets all the standards of review for the zoning amendment and final plat approval. The land is zoned R-1. Upon the motion of Commissioner White and second by

Commissioner Smith the Board voted unanimously to sign the final plat for Country Club Subdivision, case no. SD2020-0044.

UNSCHEDULED REVENUE HEARING AND CONSIDER ACTION ITEM

The Board met today at 1:33 p.m. for an unscheduled revenue hearing and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Zach Wagoner, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

Consider resolution approving FY2021 budget adjustments: Controller Wagoner explained that these adjustments relate to the current FY2021 budget. It is always the intent to operate within the budget as originally adopted and approved but occasionally there are extenuating circumstances that require adjustments. These adjustments were published in the Idaho Press Tribune on April 9, 2021. Mr. Wagoner reviewed the adjustments as follows:

- *Clerk, Auditor, Recorder and Elections:* \$111,000 increase from Coronavirus Relief Funds for personnel and operating costs to ensure a safe and health in-person voting experience in response to COVID-19
- *Emergency Management:* \$910,000 increase from Coronavirus Relief Funds for equipment, supplies and materials for the county's response to protecting public health and safety in mitigating COVID-19
- *Capital Investments:* \$4,900,000 increase for the construction of a Canyon County Fair Expo building
- *Motor Vehicles:* \$130,000 increase for additional customer service personnel
- *Development Services:* \$37,500 increase for one upgraded and one additional planner position
- *Trial Court Administrator:* \$12,000 increase from Coronavirus Relief Funds for personnel to assist with Zoom court functions in response to COVID-19
- *Consolidated Elections:* \$111,000 increase from Coronavirus Relief Funds for personnel and operating costs to ensure a safe and healthy in-person voting experience in response to COVID-19

With these adjustments there is no change or increase to property taxes, this is simply to reflect unanticipated revenue from Coronavirus Relief Funds and to make necessary budget adjustment to respond to current circumstances within the county. The total adjustment is just over \$6.2M. No comments were received and no one appeared for today's hearing to offer comment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving FY2021 budget adjustments.

The meeting concluded at 1:38 p.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 CANDIDATE EVALUATION FOR DEVELOPMENT SERVICES DEPARTMENT DIRECTOR

The Board met today at 1:57 p.m. for an Executive Session to interview and evaluate candidates for the Development Services Department Director position. Commissioner White made a motion to go into Executive Session at 1:58 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 Smith, White, and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, HR Generalist Jennifer Allen, DSD Planner Dan Lister, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Mitra Mehta-Cooper arrived at 2:03 p.m. Ms. Mehta Cooper left at 2:45 p.m. Kate Dahl arrived at 3:05 p.m. and left at 3:50 p.m. The Executive Session concluded at 4:56 p.m. with no decision being called for in open session.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 16, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman - **OUT**
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board approved claims 573250 to 573279 in the amount of \$30,468.97

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Curtis Blue Line in the amount of \$1,431.60 for Canyon County Sheriff

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for G & G Investments LLP, dba Bud's; Grey Stone Corp, dba V-Cut Lounge (Resolution no. 21-053)

CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION

The Board met today at 10:00 a.m. to consider extending the COVID-19 emergency declaration. Present were: Commissioners Keri Smith and Pam White, Deputy PA Mike Porter, Chief Deputy Sheriff Marv Dashiell, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Deputy Treasurer Jennifer Mercado, EOM Christine Wendelsdorf, Rachel Spacek from the Idaho Pres-Tribune, and Deputy Clerk Monica Reeves. The Board reviewed the updated 30-day extension for the emergency declaration which had little to no changes besides the date and the removal of the color codes. Commissioner Smith said yesterday the Treasury released some information which seems very limited; we are still working through the issues but it looks like we need an extension. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the extension of the COVID-19 emergency declaration. The meeting concluded at 10:01 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 19, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:31 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. Other topics of discussion included:

- The Board wants to schedule a meeting with the Middleton Mayor, a city councilmember, and their planner regarding the explosive growth that's occurring and to discuss their vision for handling the growth.
- The Board wants to meeting quarterly with local mayors, including the Mayor of Star. Lunch will be provided for these roundtable discussions
- The Board wants to resume the monthly meetings with the County's elected officials to share information regarding their respective offices. Staff will work with the elected officials on selecting a recurring date/time for the meetings which will take place in the Commissioners' meeting room once a month.
- The City of Star has a pending annexation request that the Board has received a lot of comment on so the Board wants to meet with the Mayor of Star about that issue. Staff will coordinate a meeting date/time with officials from the City of Star, as well as the Development Services Department and Zach Wesley from the Prosecuting Attorney's Office.

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

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

The Board met today at 9:32 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- Shop has been busy continuing with up-fittings
- Preparing vehicles coming offline for auction
- Caldwell Police Department has asked if the county would consider selling a vehicle intended for auction at fair trade value. The vehicle is a 2007 Ford Ranger truck that came from Parks with nearly 190K miles. \$3576 is what they've offered. Commissioners Van Beek and Smith said they are in favor of selling the vehicle to Caldwell PD. Director Tolman will work with the PAs Office to create a resolution.
- The vehicle replacement schedule will be ready by the May 17th deadline
- Discussion ensued regarding budget lines and how Fleet budgets and purchases operate
- Going to request a YTD mileage payout to get a better idea of how to manage the motor pool

- Discussion was had regarding installing an automated carwash vs. using an already established carwash service. Commissioner Smith would like more information on on-going costs. Commissioner Van Beek requested a comparison of numbers showing the difference between utilizing personnel to take a car to the carwash vs. having a carwash bay on site.

The meeting concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

WEEKLY MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

The Board met today at 3:32 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution granting a refund to Charles and Scott Kido for a withdrawn rezone and comprehensive plan change: Director Nilsson explained they needed sewer for their project so they are going to hook up to city services. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Charles and Scott Kido for a withdrawn rezone and comprehensive plan change (see resolution no. 21-055).

Consider signing a resolution granting a refund to Legends Mechanical for a withdrawn mechanical permit: The client cancelled the permit to go with another company. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Legends Mechanical for a withdrawn mechanical permit (see resolution no. 21-054).

Consider signing a resolution to deny a refund to Kent Storer for a conditional rezone: This is for a conditional rezone that has already had a hearing. Commissioner Smith believes a refund was discussed on the record. Director Nilsson believes Mr. Storer purchased the property but did not pay the initial fees. More information is necessary for this request so it will be rescheduled to a later date.

At the completion of the action items Director Nilsson continued with her regular meeting updating the Board on the following:

- Discussion regarding a draft ordinance for rural cluster vs. ag cluster. Director Nilsson believes it might be beneficial to meet with the Board, Zach Wesley, Jennifer Almeida and Dan Lister to walk thru some of her logic in creating the draft.

- Discussion regarding annexation and the City of Star's plan
- A draft document will be prepared for the fire water supply committee which Ms. Nilsson will send to the committee along with the Board.
- Employee evaluations are being started today.
- Budget is done she just needs to complete the Clerk's worksheet. Commissioner Smith instructed Director Nilsson to plan for the new positions as she was able to find office space within the Administration building.
- Director Nilsson met with Zach Wesley this morning regarding the Star area of impact and gave an overview outlining some of the logistics and processes when two cities areas of impact overlap.

The meeting concluded at 4:09 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 20, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board approved claims 573533 to 573541 in the amount of \$8,940.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$7,443.00 for Information Technology Department
- HP INC in the amount of \$1,089.00 for Information Technology Department
- Apple in the amount of \$1,759.00 for Information Technology Department
- 1000 Bulbs in the amount of \$3,598.70 for the Facilities Department

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSES

- The Board approved an Alcoholic Beverage License renewal for Topples Fine Dining LLC dba Ragazza Di Bufalo; Idaho Bowling Corporation Inc. dba Nampa Bowl; Sportsman's Hideout LLC dba Sportsman's Hideout (Resolution no. 21-057)
- The Board approved an Alcoholic Beverage License renewal for Jackson's Food Stores Inc. dba Extra Mile #164; George & Kayla White dba Keystone Pizza; Holy Cow Idaho LLC dba Holy Cow!; Horacio Tellez Castillo dba Taqueria Janitzio; East Cleveland Beverage & Tackle LLC dba East Cleveland Beverage (Resolution no. 21-058)
- The Board approved an Alcoholic Beverage License renewal for Stewart & Christensen LLC dba Stewart's Bar & Grill; Eight Twelve Main LLC dba Eight Twelve Main (Resolution no. 21-059)
- The Board approved an Alcoholic Beverage License renewal for Labyrinth Escape Games LLC dba Labyrinth Escape Games; EVRA Inc. dba Casa Mexico; Pantera Market 4, Inc. dba Pantera Market #4; Mongolian BBQ, B-Way/Nampa dba Mongolian BBQ; Silvia K Lane dba The Vault 21 Club; Stinker Stores Inc. dba Stinker Store #113; Stinker Stores Inc. dba Stinker Store #108; Stinker Stores Inc dba Stinker Store #82; Stinker Stores Inc dba Stinker Store #75; Stinker Stores dba Stinker Store #60; Stinker Stores Inc dba Stinker Store #48; Stinker Stores dba Stinker Store #44; Stinker Stores Inc dba Stinker Store #41 (Resolution no. 21-060)

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

Note for the record: As properly noticed the Board met today at 9:12 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 9:14 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed. Deputy P.A. Zach Wesley arrived at 9:24 a.m. The Executive Session concluded at 9:46 a.m. with no decision being called for in open session.

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 Keri Smith and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Deputy Administrator Shawn Anderson, Director of Misdemeanor Probation Jeff Breach (arrived at 10:10 a.m.), Director of Juvenile Probation Elda Catalano (arrived at 10:11 a.m.) and Deputy Clerk Jenen Ross. Director Brown reviewed the following with the Board

- Preliminary review of 'A' budget:
 - Increase to holiday pay line item due to his department not being able to take holidays
 - Increase to Overtime which is the line that covers mandatory training
 - Needs one position this year, last year 6 positions were cut
- For fiscal year 2021 the department is at 114% of revenue
- Currently has two open positions (one open, one person leaving in May); two new employees are in training, will attend POST in June and then be assigned to a team
- Meeting with Facilities and IT to work on developing 'B' budget
- State inspection is tomorrow and Director Brown will review the results with the Board next month
- Working with Luis at Breaking Chains on mentoring program
- PREA investigation was completed with no charges filed

The meeting concluded at 10:17 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 10:17 a.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach and Deputy Clerk Jenen Ross.

Director Breach updated the Board on the following:

- Budget items will be reviewed at his next meeting
- Review of offender numbers: 970 on active probation and 566 on bench warrant status
- One PO will be leaving on the 29th and they will leave the position unfilled; it will remain in the budget for FY2022 and reassess in July to see if any of the workload trends are changing. If trends remain low they may look at not funding the position.
- Court coverage has been worked out for the new magistrate judge

- Cost of supervision collections are really good right now
- Community Service program is going well and numbers are still high; finished last month with 324 participants
- The Misdemeanor Probation Department has been working with Anti-trafficking Coalition with the Department of Homeland Security in order to help find resources

Director Catalano updated the Board on the following:

- Workload has decreased but staff is still very busy
- A lot of time is being spent in court, Ms. Catalano will be meeting with the courts to see if there are some things that can be done to make things more efficient
- She will be reviewing her budget with the Board next month
- Recently met with Director Navarro on future projects and will also be meeting with Fleet and IT in order to get numbers for her budget
- They are continuing to work on the 'Kicking Truancy' program
- Director Catalano is conducting goal setting meetings with her staff and is working to compile input that was received
- Discussion regarding Cost of Supervision
- Some preliminary discussions have been had regarding space for the GED program

The meeting concluded at 10:41 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH ASSESSOR'S OFFICE TO CONSIDER VARIOUS NEW AND RENEWING PROPERTY TAX EXEMPTIONS UNDER CODES: 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014

The Board met today at 1:32 p.m. to consider various new and renewing property tax exemptions under the following Idaho Code sections: 63-602W, 63-602D, 63-602P, 63-602B, 63-602C, 63-602E, 63-602GG, and 50-2014. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Assessor's Business Manager Jennifer Loutzenhiser, Imaging Specialist Helena Thompson, and Deputy Clerk Monica Reeves. Ms. Loutzenhiser explained that she will review the annual exemption applications and go through the applications that need to be discussed individually where there is something different going on with them where they are a new application or seeking a change in their exempt status from the prior year. They also have bulk approvals which are properties that have been exempt before and there is no change in what's happening and the Assessor recommends them for approval in bulk. The applications were considered as follows:

The Assessor's Office recommended approval of the following exemption applications pursuant to Idaho Code, Section 63-602E – Education Exemptions:

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for Mosaics Public School, Inc., PIN 34795011 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith the Board voted unanimously to approve the exemptions for the following accounts: US Bank National Association, PIN 60204000X0; Great America Financial Services Corporation, PIN 64941673X0; and Wells Fargo Vendor Financial, PIN 61643740 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for the College of Idaho, PIN 00838000 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for Northwest Nazarene University, Inc., PIN 11007000 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for the health clinic for Northwest Nazarene University, PIN 11180000 0.

The Assessor's Office recommended denial of the following exemption applications:

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to remove the 602E exemption from Northwest Nazarene University, PIN 11181000 0 and 11178000 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to remove the 602E exemption from Northwest Nazarene University, PIN 11009000 0, 10076010 0, 11184000 0, 11194010 0, 11194011 0, and 11194012 0

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to remove the 602E exemption from College of Idaho, PIN 00843000 0 and 03958000 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to remove the 602E personal property exemption from Leaf Capital Funding, LLC, PIN 64939357 0 and 64939358 0.

The Assessor's Office recommended approval of the following exemption applications pursuant to Idaho Code, Section 63-602D - Hospital Exemptions:

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for St. Luke's Regional Medical Center, PIN 64941679 0 and 64937764 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for the St. Luke's Regional Medical Center employee parking lot, PIN 01646010.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for St. Luke's Regional Medical for the north mob, PIN 30995012 0.

The Assessor's Office recommended approval of the following exemption applications pursuant to Idaho Code, Section 63-602C – Charitable Exemptions:

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the personal property exemption for Terry Reilly, PIN 64941714 0.

The Assessor's Office recommended approval of the following exemption applications pursuant to Idaho Code, Section 63-602B – Religious Exemptions:

Boone Memorial Presbyterian Church of Caldwell daycare center, Parcel 01341000 0 – The daycare provider who was the leasing space has left and now the church is using the space so the Assessor's Office is recommending the exemption be expanded to cover the full property.

Educational Media Foundation (tower only), PIN 64941674 0

Bible Believers Fellowship & Southern Idaho Church of God, Inc., PIN 18988000 0

Nampa First Church of the Nazarene, PIN 09825000 0 - They converted a house in to a medical clinic for people who are uninsured, and they are in partnership with Care House Partnerships. The Assessor's Office is recommending a full exemption.

Idaho Conference of Seventh Day Adventists, PIN 09488000 0 - They turned the property it into a free medical clinic and they will teach cooking classes and other classes. The Assessor's Office is recommending a full exemption.

Olivet Assembly, Inc., PIN 13715000 0, 13718000 0, & 15426010 0 – They have acquired the Sandstone Center and two parking lot parcels in downtown Nampa. The Assessor's Office is not doubting whether they are a legitimate religious organization, the concern is they only have four members for such a large facility.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the religious exemptions noted above pursuant to Idaho Code, Section 63-602B.

Nampa First Church of the Nazarene, PIN 09824000 0 – This is a residential lot and the church says it's being used as an activity field for youth ministry. This item will be tabled as the Board wants the church to show they are actively using the lot.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to table the request by Nampa First Church of the Nazarene (PIN 09824000 0) in order to obtain additional information in order to make a qualifying decision on the use of the lot.

The Assessor's Office recommended denial of the following exemption application - Idaho Code, Section 63-602GG – Low Income Housing Exemption:

Leap Charities, Inc., PIN 12985525 0 – This exemption is intended for organizations that are serving the ultra-poor, but the organization indicated they are receiving Section 42 tax credits and therefore the Assessor's Office does not recommend the property receive an exemption. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to remove the exemption as it does not qualify income-wise.

The Assessor's Office recommended approval of the following exemption applications pursuant to Idaho Code, Section 50-2014 - Urban Renewal:

Nampa Development Corporation, PIN 136010000 0 - Anything owned by urban renewal is exempt unless it is leased. They acquired this property in a land swap with the City of Nampa which is a parking lot in downtown Nampa. It is not being leased. The Assessor's Office is recommending the parcel be granted an exemption. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to grant the exemption.

The Assessor's Office recommended bulk approval of 26 exemption applications under Idaho Code, Section 63-602D as follows:

The Assessor's Office presented 26 applications that have been previously exempt under Idaho Code, Section 63-602D for certain hospitals. All parcels have been previously granted an exemption and the Assessor's Office feels comfortable recommending an exemption for 2021. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to grant 26 properties an exemption under Idaho Code, Section 63-602D as previously approved in prior years.

**See attached spreadsheet from the Assessor's Office which identifies 26 individual account numbers/PINs for the approved exemptions.*

The Assessor's Office recommended bulk approvals of 51 exemption applications under Idaho Code, Section 63-602E as follows:

All 51 parcels have previously been granted an exemption under Idaho Code, Section 602E – educational exemption - and the Assessor's Office is recommending they be granted the same exemption for 2021. Upon the motion of Commissioner Van Beek and the second by

Commissioner Smith, the Board voted unanimously to grant the education exemptions to the 51 applications as previously approved in prior years.

**See attached spreadsheet from the Assessor's Office which identifies 51 individual account numbers/PINs for the approved exemptions.*

The Assessor's Office recommended bulk approvals of 9 exemption applications under Idaho Code, Section 50-2014 – Urban Renewal:

The parcels have all been exempted previously under the urban renewal code and the Assessor's Office recommending they be granted again for 2021. Commissioner Smith asked to review the list of applications and questioned land that is held for development and asked if that's an allowed use. Ms. Loutzenhiser said the only way they wouldn't get an exemption is if they are leasing it. Joe Cox said the law was very loosely written. Commissioner Smith asked if the applications include the buildings located on Indian Creek off of 7th Avenue in Caldwell that urban renewal leases. Ms. Loutzenhiser said those properties are taxed. Mr. Cox said they have "arm wrestled" with them several years ago and since then they have not applied for the exemption. Commissioner Van Beek made a motion approve the 9 applications has presented for Nampa and Caldwell urban renewal. Commissioner Smith asked if the Nampa parking garage is exempt. Mr. Cox said that property is not exempt in his opinion, but a previous Board granted the exemption. Commissioner Smith said they charge the public to park there and so it's no different than charging the public to rent a building which we tax them on. Commissioner Van Beek withdrew her motion and discussion followed. Mr. Cox said where urban renewal leases space it changes their status for an exemption and he believes a parking garage does not qualify. Commissioner Smith said they can appeal the decision. She asked about the Nampa Public Library which is a public use, non-profit, and said that one makes sense because they are not leasing any of the building to private uses. She said with the exception of the Nampa Development Corporation parking garage, all of the properties can confirm they are not leasing anything. Commissioner Van Beek made a motion to deny the exemption for the Nampa Development Corporation (PIN 13415011 0) for the parking garage because it is a facility that charges for profit parking under their urban renewal. She noted they can appeal the decision under the board of appeals if they choose to. The motion was seconded by Commissioner Smith who said the value on this account is \$4.2 million and if it was a parking garage by any other organization it would be taxable. Commissioner Van Beek asked what caveats are afforded under urban renewal. Mr. Cox said it's about how they are using the property. The only caveat would be it's a city-owned parking lot and the city is exempt by statute just because they own it. Commissioner Smith said if urban renewal transfers it to the City of Nampa then it would become exempt. The motion to deny the property tax exemption carried unanimously. Mr. Cox said county properties are automatically exempt by statute, but he thinks they should put in a clause that states "*exclusively used by the county*" and that would force us to keep liquidating property we hold.

Commissioner Van Beek made a motion to grant the following exemptions pursuant to Idaho Code, Section 50-2014:

- Urban Renewal Agency of the City of Caldwell, PIN 04591000 0

- Urban Renewal Agency of Caldwell City, PIN 04561000 0
- Urban Renewal Agency of Caldwell City, PIN 04559000 0
- Urban Renewal Agency of Caldwell City, PIN 04558000 0
- Urban Renewal Agency of Caldwell City, PIN 04557000 0
- Urban Renewal Agency of Caldwell City, PIN 04556000 0
- Urban Renewal Agency of the City of Caldwell, PIN 04555000 0
- Nampa Development Corp, PIN 13415000 0

The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 2:23 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 21, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2116

- The Board of Commissioners approved payment of County claims in the amount of \$1,646,263.41 for a County payroll.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSES

- The Board approved an Alcoholic Beverage License renewal for La Ranchera Nampa Inc. dba La Ranchera – Nampa; Texas Roadhouse Holdings LLC dba Texas Roadhouse; Chop Shop LLC dba Chop Shop; Linda S. Barr dba Petes Tavern; CJTSAI LLC dba Tsai's Kitchen; Sushi Sushi LLC dba Sushi Sushi (Resolution nos. 21-061, 21-062 & 21-063.)

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Goodwood Barbecue Company to be used 4/30/21 at Gilliam Wedding; Goodwood Barbecue Company to be used 5/2/21 at Kondeff Wedding; Raising Our Bar to be used 5/1/21 at Hartman Wedding; Raising Our Bar to be used 5/8/21 at Van Esch Wedding; Raising Our Bar to be used 5/15/21 at Salewski Wedding; Raising Our Bar to be used 5/22/21 at O'Toole Wedding; Raising Our Bar to be used 5/28/21 at Solis Wedding;

Raising Our Bar to be used 5/29/21 at White Wedding; and Raising Our Bar to be used 5/30/21 at Velasquez Wedding.

PUBLIC HEARING – REZONE REQUEST BY KENT BRADSHAW, CASE NO. RZ2020-0021

The Board met today at 9:01 a.m. to conduct a public hearing in the matter of a request by Kent Bradshaw for a rezone of two (2) parcels that total approximately 24.78 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential) zone, Case No. RZ2020-0021. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Kent Bradshaw, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject properties are located at 15361 Willis Road in Caldwell and the area consists of a mix of agricultural and residential uses, and there are 35 platted subdivisions within one mile of the subject property. Access will be provided via a private road and the project will be served by individual domestic wells and septic systems. The subject property is located within a nitrate priority area and the requirements of Southwest District Health will be adhered to. The Army Corps of Engineers concluded that the water features on the property are not waters of the U.S. and no further authorizations are required from the department. The P&Z Commission recommended approval of the request on March 4, 2021 and staff is also recommending approval. Following her report Ms. Almeida responded to questions from the Board. If approved, the method for creating lots will either be an amendment of the land division, or, if platting is triggered a subdivision plat will be required. The property contains two original parcels that have already went through the administrative division to divide each of those and what the applicant is requesting is beyond the administrative divisions so they are requesting to rezone it. This excludes the parcels that were created through the land division and only contains ag-only parcels that were approved through the land division. The applicant intends to rezone 24 acres of the property. The only parcels included in the rezone request are highlighted in green on exhibit 22. The other parcels that were created through the administrative land division are not part of the request, they stand on their own. The two lots to the north along Willis Road are not included in the rezone request. Commissioner Smith had questions about the property line boundaries and the transfers that have occurred. She wants to know what the original deed described because she doesn't want to be a part of something that violates five parcels on an original parcel. Kent Bradshaw testified in support of his request and described the original boundary and the resulting boundary line adjustment and administrative splits. He currently lives in an older house on the property split and wants to build a new house on the property. Commissioner Smith said there isn't anything in the ordinance that allows you to adjust the boundary of an original parcel; you can adjust it but you should still look at the original boundary of the original parcel to determine when platting is required. Director Nilsson said at the end of the day you have the same number of rights, you can't use a property boundary adjustment to get additional splits, but he didn't do that, he just needs the two. Commissioner Smith said this should have been a relocation of building permits because you relocated two from one original to another one. Commissioner Van Beek had follow-up questions for staff. The Board took a recess at 9:26 a.m. so that Commissioner Smith could ask a question of legal counsel regarding property boundary adjustments. The hearing

resumed at 9:42 a.m. Commissioner Smith wants to continue this hearing to have more time to decide if platting is required versus an administrative land division that was approved and then move forward with the rezone at that point. Commissioner Van Beek had additional questions and was seeking additional clarifications on process. It was decided that Ms. Almeida will work with Mr. Bradshaw on what the process looks like for a building permit relocation to transfer those two permits from the southern original to the northern two parcels. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue this hearing to April 28th at 2:00 p.m. The hearing concluded at 9:50 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 22, 2021

PRESENT: Commissioner Keri K. Smith, Chair – **VIA TELECONFERENCE**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 573504 to 573532 in the amount of \$54,123.25.

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Prefunk Beer Bar II LLC dba Prefunk Beer Bar II (Resolution no. 21-064)
- The Board approved an Alcoholic Beverage License renewal for Caldwell Bowl Inc. dba Caldwell Bowl; Debbie Finch dba 1918 Lounge (Resolution no. 21-065)

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:45 a.m. to consider matters related to medical indigency. Present were: Commissioner Leslie Van Beek, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross. Commissioner Keri Smith participated via teleconference.

Case nos. 2021-532 and 2019-1087 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Smith and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days.

Liens were presented for Board signatures.

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

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

The Board met today at 10:02 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioner Leslie Van Beek, Cpt. Mike Armstrong, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. Commissioner Keri Smith participated via teleconference. The action item was considered as follows:

Meeting to receive public comment regarding Memorandum of Understanding with Idaho Transportation Department to install PIPS Technology IRIS multi-lane license plate reader cameras on ITD structures:

No one appeared to offer comment and no other comments were received. Cpt. Armstrong gave an overview of what this technology will offer and assist with. Mr. Porter said these cameras will be purchased with monies from a federal grant. Additional MOUs for software and maintenance will come before the Board at a later time. Mr. Porter explained the reason for sole source as this vendor has worked with County partners previously and this particular camera and the software that goes with it integrate with the systems that Post Falls and other entities use to store the information. Commissioner Smith made a motion to approve the MOU. Mr. Porter clarified that a motion is not necessary, this was just to make a record that the notice was legally published and provided the opportunity for the public to offer comment. Commissioner Smith withdrew her earlier motion. The Board is supportive of this project continuing forward. The meeting concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

GO ON THE RECORD TO CONTINUE THE PUBLIC HEARING IN THE MATTER OF A REQUEST BY BORTON-LAKEY LAW REPRESENTING RIDGELINE VISTA, LLC, FOR A CONDITIONAL REZONE, CASE NO. CR2020-0012

The Board met today at 1:30 p.m. to go on the record to continue the public hearing in the matter of a request by Borton-Lakey Law representing Ridgeline Vista, LLC, for a conditional rezone, Case No. CR2020-0012. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith participated via conference call, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves.

Commissioner Smith was scheduled to be out of the office today and Commissioner White was not present so the Board had to reschedule the hearing. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to reschedule the hearing for Case No. CR2020-0012 to May 4, 2021 at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 23, 2021

PRESENT: Commissioner Keri K. Smith, Chair – **OUT**
Commissioner Leslie Van Beek, Vice Chairman - **OUT**
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board approved claims 573554 to 573586 in the amount of \$12,915.52
- The Board approved claims 573542 to 573553 in the amount of \$6,209.00
- The Board approved claims 573421 to 573474 in the amount of \$25,449.09
- The Board approved claims 573233 to 573299 in the amount of \$117,758.35
- The Board approved claims 573159 to 573198 in the amount of \$56,558.02
- The Board approved claims 573602 to 573603 in the amount of \$1,725.00

There were no meeting held this day.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 26, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerk Monica Reeves

APPROVED CLAIMS

- The Board approved claims 573587 to 573599 in the amount of \$16,414.47
- The Board approved claims 573300 to 573341 in the amount of \$59,678.50
- The Board approved claims 573386 to 573420 & 573601 in the amount of \$205,118.70
- The Board approved claims 573342 to 573385 in the amount of \$22,334.66
- The Board approved claims 573475 to 573503 in the amount of \$24,219.35

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Wall 2 Wall Flooring in the amount of \$4,795.32 for Facility Department
- Prime Construction & Asphalt in the amount of \$2,550.00 for Parks Department
- Mountain Home Auto Ranch in the amount of \$36,880.00 for Fleet Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Stephen Fultz, Development Services Director; Cassandra Lamb, Planner I

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Ridgewood Enterprises Inc dba Legacy Feed & Fuel (Resolution no. 21-070)
- The Board approved an Alcoholic Beverage License renewal for Sodexo America LLC dba Sodexo America; Jak*s Place Inc dba Jak*s Place Neighborhood Grill; Sodexo America LLC dba Sodexo America (Resolution no. 21-071)
- The Board approved an Alcoholic Beverage License renewal for Larosita Mexican Store Inc dba Larosita Mexican Store (Resolution no. 21-072)
- The Board approved an Alcoholic Beverage License renewal for Hutching Enterprises LLC dba H & M Meats and Catering (Resolution no. 21-073)
- The Board approved an Alcoholic Beverage License renewal for Nampa Hospitality LLC dba Best Western Plus; Cook's Two Hole Inc dba Cook's Two Hole Bar (Resolution no. 21-074)

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 5/31/21 for Sales Wedding

WEEKLY MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION, AND TO CONSIDER ACTION ITEMS

The Board met today at 1:05 p.m. for a weekly meeting with the Director of the Development Services Department to discuss general issues, set policy, and give direction, and to consider several action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. The action items were considered as follows:

Consider signing a resolution granting a refund to Brandon Miller for a withdrawn comprehensive plan map amendment and rezone application – The applicant is choosing not to proceed with the application as he feels it does not stand a good chance of approval. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the refund in the amount of \$3,350 to Brandon Miller. (Resolution no. 21-067)

Consider signing a resolution granting a refund to Gary Anderson for a withdrawn building permit application – The applicant was building on a hillside and did not want to pursue the required engineering. He paid a \$250 fee for a plan review deposit and zoning compliance. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution granting a refund in the amount of \$250 to Gary Anderson. (Resolution no. 21-069)

Consider signing a resolution granting a refund to Kent Storer for a conditional rezone fee - Shoemaker Enterprises was the applicant, and Kent Storer acquired the property and it was found that he could do a relocation. Staff identified two options for consideration which comes down to the Board determining how much of the public noticing costs it wants to recoup. Following comments, Commissioner Van Beek made a motion to grant a refund in the amount of \$685 for a conditional rezone fee. The motion was seconded by Commissioner White and carried unanimously. (Resolution no. 21-068)

Consider signing a resolution granting a fee waiver request to the Star/Middleton Fire Districts for a building permit – According to Director Nilsson, the Star Fire District and Middleton Fire District are building the first phase of a fire training center and they have applied for the building permit with an estimated fee of \$1,287.80. They have paid \$70 toward the fee leaving a balance owing of \$1,217.80 and are seeking a waiver although they did not indicate the amount they want waived. Commissioner Van Beek said it's a public agency that will collect impact fees and everybody else has to pay the fees so what's the counterweight to that? Commissioner Smith said it's a distribution of funds from one tax entity to another. She asked if we ever apply to them for things and do they waive our fees? Director Nilsson said the County does not have a need to apply to those districts for things. She said this would be part of an impact fee eligible cost. Following the Board's discussion Commissioner Van Beek made a motion to deny the fee waiver request for the Star/Middleton Fire Districts because in this building climate there is staff time involved and a

larger picture than just one entity involved. The motion was seconded by Commissioner White and carried unanimously. (The Board's minutes reflecting this decision will serve as the written directive to DSD staff. A resolution was not signed for this item.)

Following the consideration of action items, Director Nilsson gave an update to the Board on the following topics:

- This will be the last weekly meeting with Director Nilsson because she is retiring and her last day will be Monday, May 3rd. (The new director will begin on May 5, 2021.)
- Director Nilsson will write out an onboarding process for her successor.
- She gave a review of staff hiring plans, and provided a status update on staff evaluations.
- She spoke briefly of projects that require wrap-up
- Director Nilsson suggested the Board's staff contact the COMPASS and VRT offices and inform them that Director Nilsson will no longer be serving as an alternate on either of those boards.
- Director Nilsson will send the Board a memo regarding the summary of the water supply committee

The Board went into Executive Session as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 1:30 p.m. pursuant to Idaho Code, Section 74-206(1) (b) to discuss a personnel matter. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 1:43 p.m. The Executive Session concluded at 2:06 p.m. with no decision being called for in open session.

While in open session, Commissioner Van Beek made a motion to amend her earlier motion to go into Executive Session and expand it to include the following sections subsections: (a) and (b) regarding personnel matters, and (d) regarding records that are exempt from public disclosure, and (f) to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith noted that no decision was made, but there was discussion for the above-mentioned sections pursuant to Idaho Code, Section 74-206(1).

The meeting concluded at 2:07 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING WITH DIRECTOR OF INFORMATION TECHNOLOGY AND AMBULANCE DISTRICT TO DISCUSS IT SERVICES

The Board met today at 2:09 p.m. with the IT Director and the Ambulance District to discuss IT services. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, IT Director Greg Rast, IT Operations Manager Don Dutton, Ambulance District Director Michael Stowell, Leann Axe, District Secretary, Chief Steve Blados, and Deputy Clerk Monica Reeves. Director Rast is offering to provide IT services to the Canyon County Ambulance District at a rate of \$45 per hour, which is roughly half of what the district is paying its current provider. There has been a history of frustrations, from the IT Department's perspective, with the response times and connectivity issues the district experiences when trying to access Spillman which is what initiated today's meeting. Director Stowell said the district has utilized the services of Valli Information Systems for at least 17 years and he is satisfied with the service they provide and he disagrees with the statement about frustrating issues and he wants to continue using the services of their current provider because that person built their system and has institutional knowledge. Commissioner Van Beek suggested Director Stowell accept the offer from Director Rast because she thinks he will be pleased with what the IT Department can provide and there will be the benefit of saving tax dollars. Discussion ensued regarding the services currently being provided, and there was discussion about the top-to-bottom services the County IT Department is offering. Director Stowell suggested another meeting be scheduled where his contractor could be present to speak about the level of service he offers. The company charges \$100 per hour and the district only budget \$20,000 annual IT services. He sees no reason to change his current IT contract. Director Stowell said this issue came up several years ago when the Board looked into having Legal and HR cover the ambulance district and the Prosecutor's Office weighed in and advised the Board not to do that. He has reached out to the County HR Department for a consultation but they are not solely the HR provider and they do not give direction. Commissioner White is leaning toward allowing the ambulance district to continue with their current provider. Commissioner Van Beek wants the opportunity to evaluate and talk with the provider and she said the best interest is served when we collaborate to provide efficiency and good service. She is in favor of IT providing the service. Commissioner Smith asked Director Stowell why he would not be in favor of a proposal that could support the existing infrastructure at half the price, and he responded that he would be very surprised if they didn't have to change things. Commissioner White is reluctant to tell Director Stowell what he should do with IT services. Commissioner Smith said the 50% cost difference is substantial so she would like Director Stowell be open to having a consultation visit with County IT services and explore the option to see if it would impact the services and to see whether there is some type of transition that would work for the district, and if there is not he should let the Board know. Commissioner Van Beek concurs, and she would like to see a service book from Valli Information Systems. Steve Blados said for the next meet he would interested to hear how Director Rast came up with his cost estimate and how Valli Information Systems came up with theirs and he'd like to see information regarding future price increases. The Board agreed.

No Board action was taken on this issue of providing IT services to the district. The meeting concluded at 2:51 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY M&T RANCHES, LLC, FOR PRELIMINARY PLAT APPROVAL OF COUNTRY SAGE RANCHES SUBDIVISION, CASE NO. SD2018-0031

The Board met today at 3:12 p.m. to conduct a public hearing in the matter of a request by Riley Planning Services on behalf of M&T Ranches, LLC, for approval of a preliminary plat with irrigation and drainage plan for Country Sage Ranches Subdivision, Case No. SD2018-0031. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Penelope Constantikes, Daren Taylor, Derritt Kerner, Keith Bowhan, Middleton Mayor Steve Rule, Becky Crofts, Amy Woodruff, Roberta Stewart, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 4:08 p.m. The original hearing date was March 29, 2021 and was continued to April 12, 2021 and that hearing was subsequently continued to today's date. Commissioner Smith disclosed that she drove by the site on her way to another event but that will not affect her ability to make a decision on this case.

Dan Lister gave the oral staff report. This was a rezone application and a plat application and the rezone portion was approved for an R-1 zone but the plat portion was continued for more information. On April 12, 2021 the Board continued this item and requested two items: 1) to provide a landscaping area at the frontage of Purple Sage Road, and 2) to have the applicant work with the City of Middleton to figure out a way for connectivity so it doesn't block the city's future services. The applicant is trying to understand the concerns in the sense that if they did go with city services, which would create 60-90 lots, it would still create concerns with the neighbors who want to preserve it as a rural residential zone. Staff reached out to SWDH regarding advanced treatment systems and they stated DEQ has a good system in the sense that each owner will have to demonstrate how they will be treated yearly and they have to have a contractor onboard to provide those services, however, DEQ is having a hard time enforcing that which is a concern. They recommend if city services are available, they should connect.

Testimony in support of the request was as follows:

Penelope Constantikes said the applicant met with the City of Middleton this morning and she will yield her time to Darin Taylor.

Darin Taylor said the developer is okay with the landscaping requirement on the north boundary. The P&Z Commission recommended denial of this application because at least one commissioner thought the storm drainage areas should be on a common lot for future maintenance purposes by the HOA rather than on an easement and they are okay with making that adjustment on the plat. If approved today it would take the developer 6 ½ months to finish the project and having lots to sell in November of 2021. If they extend city water and sewer there will be 3 lots per gross acre and they estimate they wouldn't have lots to sell until March of 2023. This morning the city

informed the developer that rather than extending water and sewer west from its current location the city would like them to extend services from the south, come up along the east side of Emmett Road and then go east on Purple Sage Road, so that changes the distance from ½ mile to nearly one mile, doubling the distance. Mr. Taylor submitted exhibits demonstrating the estimated costs to the developer showing it would cost half million dollars to extend water along the latest route. The lift station would be \$400,000, including other costs to engineer and design work for a total just under \$2 million. They recognize the importance of this area and the importance of extending services to provide municipal services. With this 40-acre site there are approximately 182 developable acres around this site and if they choose to go that route and incur the additional costs then what they are looking at is 182 acres of developable land. Once this property comes in the other parcels will come in and if they follow the same path and sign an agreement to extend services and for latecomers' reimbursement and extend the services the developer would be looking at 3 units per acre for all 182 acres for a total of 546 houses and his client would be directly competing with all the other properties around him. Although they recognize the city's decision and have thoroughly analyzed it, it does not make business sense for them to proceed in delaying this project. This morning they offered to the city to participate financially and/or take the lead in constructing and coordinating with the other developable properties. They would like the city to help them achieve their goal of not having a delay and added expense. Following his testimony, Mr. Taylor responded to questions from the Board.

Derritt Kerner responded to questions from the Board regarding conditions if the project is approved. They have been putting drainage ponds in easements successfully, but if the trend is to put them on common lots they can switch to common lots. They will have a condition to provide a common lot with a pathway per city standards. It will be shown in the construction drawings. He has met with the neighbors and they have no problem with the improvements that will be made to the irrigation system. He did not know the city was going to object to the proposal. With regard to the advanced septic treatment system, Mr. Kerner said they can put language in the CC&R's so the HOA can have control over making sure the homeowners comply with the requirements of their advanced treatment systems.

Testimony in opposition to the request was as follows:

Becky Crofts, the Middleton City Clerk, testified the city met with the developer twice. She referenced the developer's questions about a latecomers' agreement and said it did not seem like something the city could answer immediately if the developer was not participating in the water/sewer extension. She said the subdivision located to the east testified in opposition to this request because they had pulled water/sewer to their property. The goals in requesting the extension of services is to properly plan for orderly growth and with this area being a high nitrate area city services is the long-term environmentally sound solution to that problem. Ms. Crofts said the city is not in opposition to an R-1 density and if you adjust the numbers by the time the builder/owner spends \$40,000 that's nearly the same cost as the developer extending water and sewer which now provides a much larger regional planning tool rather than putting those costs back on the homeowner. The developer is made whole through a latecomers' agreement. The construction drawings are not complete so there is time to add the water/sewer. The city will

prioritize this project ahead of other projects to help with the timing. When city services are so close to the property and there is so much desire and conversation surrounding this property, not requiring the applicant to help with the extension of services impedes the city's ability to grow north. The timing is unfortunate but we are here today and we have to address the situations in front of us today not where we were two years ago. Following her testimony, Ms. Crofts responded to questions from the Board.

Amy Woodruff, the city's contract engineer, testified that in 2015 the City of Middleton did extensive planning in this area and developed a comprehensive sewer plan that would allow the area to develop with water and sewer for this type of density and it's really unfortunate that there was a misfire on timing in terms of communication. She spoke of how advanced treatment systems do not approach what is required for a community system. The city is looking for a long-term permanent environmental solution for the region and not having services for this 40-acre tract could be an impediment to transitioning and redevelopment. Following her testimony Ms. Woodruff responded to questions from the Board.

Mayor Steve Rule testified about his experience with selling advanced treatment systems in the early 2000's and his knowledge that those systems can fail. Elected officials must protect water tables and community growth and he urged the Board to deny the request stating and he stated that the city will work with the developer and provide a good service for them. If the developer brings services to the property he sees no reason why the city would not allow latecomer fees. Ms. Woodruff once again responded to engineering questions from the Board and said the city will work cooperatively with the developer to get the schedule in harmony. (The Board took a break at 4:43 p.m. and the hearing resumed at 4:54 p.m.)

Commissioner Smith spoke about the questions she wanted to ask Legal and DSD staff regarding the JEPA agreement requirements and hearing procedures for land use applications. The rezone application has been approved and the deadline for appeals has passed.

Darin Taylor offered rebuttal testimony and said he stands by the developer's cost estimates. With regard to latecomer fees, he said they want the same latecomers' agreement that others have. He disagrees with the city's message about costs and the time schedule. He said advanced treatment systems are being constructed with better technology, more durable materials, and better science so we have reason to believe these systems should last at least as long as they used to. Mr. Taylor said the developer's attempts at a cooperative approach have been thorough and good but unproductive mostly because of the timing because the developer filed so long ago and now the city sees things differently and has different pressures. The plat complies with the County's ordinance requirements:

- Storm drain ponds will be put in common lots,
- They will provide a common lot with landscaping to city standards along the north boundary of the property, including an 8-foot-wide asphalt pathway

- There will be a mechanism to maintain records and monitor maintenance of the advanced treatment systems and they can include in the HOA documents that homeowners provide that documentation to the HOA and DEQ

Mr. Taylor requested the County acknowledge that even if this 40-acre piece does not stop and change it will not get in the way of orderly growth because there is still a clear path forward to the other developable properties in the area. Commissioner Smith asked if the developer will agree to a condition that would allow for the subdivision to be annexed once it was contiguous. Mr. Taylor said yes. Deputy PA Zach Wesley said the proper time to require consent for annexation would be in the rezone phase, however, the Board could potentially require utility easements for city service to be extended to the property. Dan Lister said as part of their agreement to meet Canyon Highway District's requirements, they have to do a pre-annexation agreement when they do paving. Mr. Taylor said he's unsure what the annexation agreement is but they intend to build a pathway and continue Middleton's desire to have a connected pathway system. Commissioner Smith wanted to know if the conditions state that we are going to require them to meet all of Canyon Highway District's conditions or just that they have to do the 8-foot path. Mr. Lister said they just have to meet the district's requirements, however, on top of that it says recommended improvements although it's not a requirement. Mr. Wesley said that condition seems beyond the scope of their regular authority. Mr. Lister will remove letter from the attachment, and he will add the landscaping and asphalt pathway requirement as a separate condition. The Board agreed. Commissioner Smith wants a condition added that allows for utilities.

Review of conditions that were added at the previous hearing:

- #1 All improvements are completed or bonded
- Meet DEQ requirements for the storm water pollution prevention plan,
- Review by the irrigation district prior to final plat
- Final grades at subdivision boundaries match the final grades, runoff is maintained on the subject property
- Obtain SWDH signature and Canyon Highway District signature
- Water users' maintenance agreement that typically can be added to CC&R's
- Storm water prevention maintenance plan shall be recorded as part of the CC&R's
- All exterior lighting shall be shielded and directed downward to reduce light pollution, exterior lighting provisions shall be recorded as part of the CC&R's prior to the Board signing the final plat

Today the Board directed staff to add the conditions regarding the monitoring and maintenance of advanced treatment systems as part of the CC&R requirements; landscaping with asphalt pathway requirements and that they meet city requirements; and that maintenance measures be provided under the CC&R's. Also, provide for a utility easement for future city utility services as part of the plat. Commissioner Smith said it would help with the compliance issue to have something in the CC&R that addresses lack of compliance, perhaps language that says the CC&R's should include provisions for enforcement. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. (It was

noted that exhibits #17 through #22 have been entered into the record.) Commissioner Van Beek made a motion to include the four conditions regarding pathways and landscaping, the monitoring and maintenance of the advanced treatment systems, the allowance for a utility easement, and the removal of attachment C from Condition #6 as presented.

Commissioner Smith recommended changes to the findings as follows:

- Finding 2: Remove the sentence that R-1 zoning is being considered because the decision is final.
- Finding 5: The property is located within the Middleton city impact area and is designated as residential. The two-year-old letter is not applicable to the subdivision so she proposes to strike that reference.
- Finding 6: Doesn't seem to be applicable, however, adding the March hearing for the rezone would be an applicable finding. It's important to note that the NP study was already approved by SWDH.

Commissioner Van Beek accepted those recommendations as part of her motion. The motion was seconded by Commissioner Smith to approve the findings of fact, conclusions of law, and conditions of approval, and order to approve the preliminary plat. Commissioner White disagrees with some of the testimony because it's all based on personal opinions. We should be in front of development rather than chasing it and an excellent example of that is the pre-annexation agreement. She is strongly in favor of that she will support this with the pre-annexation agreement. Commissioner Van Beek said she didn't understand Mr. Taylor to oppose annexation into the city, and, the Board has made allowances for city services and easements to be brought to this property. The agency letter from SWDH was deemed sufficient according to County ordinance and she does not know how to unwind the clock and say two years later that it's not appropriate. The time to require that or deliberate on that issue has passed. She does not disagree that that would be in the best interest of the City of Middleton, but the developer went through the process and received agency comment which was accepted and that's the quandary we are in today. Deputy PA Zach Wesley said a condition requiring a pre-annexation agreement would be outside the scope of a preliminary plat approval. If we are going to require an annexation a rezone was the appropriate time for that. Commissioner Van Beek said even though she thinks the best application is to go with city services she has a policy basis for upholding where we're at. Commissioner Smith agreed and said the preliminary plat meets the technical requirements of the ordinance. She said we need to support the City of Middleton and amend the impact area agreement ASAP so we can help future development fall in line with the city's plan. Commissioner Van Beek agreed. The motion to approve the preliminary plat with the recommended changes for the FCO's carried by a two-to-one split vote. Commissioner White was opposed to the motion to approve. The hearing concluded at 5:38 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 27, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hiddleston Drilling & Pump Co. in the amount of \$20,887.98 for Solid Waste Department
- Blue Cosmo in the amount of \$1,267.98 for Parks Department

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for The Chicago Connection LLC dba Chicago Connection (Resolution no. 21-075)
- The Board approved an Alcoholic Beverage License renewal for The Getaway Bar & Grill Inc dba The Getaway; City of Nampa dba Ridgecrest Golf Club; TV Hotels LLC dba Holiday Inn; GMRI, Inc dba The Olive Garden Italian Restaurant #1731 (Resolution no. 21-076)
- The Board approved an Alcoholic Beverage License renewal for The Chicago Connection LLC dba Chicago Connection; Muniz Family Grocers Inc dba Grocery Outlet of Caldwell; Krung Thai Restaurant LLC dba Krung Thai Restaurant; Galimofre LLC dba Italianesque; Howards Tackle Shoppe Inc dba Howard's Tackle Shoppe (Resolution no. 21-077)

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:04 a.m. with county attorneys for a legal staff update. Present were: Commissioners Leslie Van Beek and Pam White, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Commissioner Van Beek asked about a letter of reconsideration that was recently received regarding a land use case. Mr. Wesley said the county has 60 days to respond so the relevant information will be compiled and then he will review the options for response with the Board. The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE FAIR DIRECTOR TO CONSIDER AN ACTION ITEM

The Board met today at 9:32 a.m. with the Fair Director to consider an action item. Present were: Commissioners Leslie Van Beek and Pam White, Fair Director Diana Sinner, HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution to change the job descriptions of two positions at the County Fair:

Director Sinner explained that they recently had an employee leave which gave the opportunity to make some adjustments to the structure of the department. She provided an overview of the changes that were made to the two job descriptions. There is no salary range change to either position. In response to comments from Commissioner Van Beek, Ms. Allen spoke about timeframes for updating job descriptions. Ms. Sinner spoke about her department's program plan for employee performance including goals, competencies and job knowledge which will be tied to compensation. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution to change the job descriptions of two positions at the County Fair (see resolution no. 21-109). The meeting concluded at 9:46 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:44 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Leslie Van Beek and Pam White, Chief Public Defender Aaron Bazzoli, IT Director Greg Rast (joined at 1:49 p.m. and left at 2:13 p.m.) and Deputy Clerk Jenen Ross.

Mr. Bazzoli updated the Board on the following:

- FY2021 budget is on track for this point in the year.
- Mr. Bazzoli spoke about how he spent some time with Director Rast along with other groups to discuss JustWare and what will happen once it's no longer supported which will happen in June. Mr. Bazzoli feels Director Rast has done a great job negotiating on behalf of the county, both for the PA and PD, and feels a potential agreement has been reached with a company that could end up saving a fairly significant amount of money over the last part of the fiscal year as well as provide support while new software programming is developed. The intent is to work with the company to design software that would be tailored for their office and needs. At the request of Commissioner White, Mr. Bazzoli gave an overview of the JustWare system. Mr. Bazzoli said he and Director Rast settled on a company called Pine Technologies, which is driven by former JustWare employees who've branched off to their own company. Director Rast spoke about the negotiated deal – currently the PD's office is paying \$74,000 for 47 licenses, the PA's office is paying \$56,000 for 79 licenses. Director Rast negotiated 60 licenses for the PD's office for \$30,000, for the

PA's office he negotiated 90 licenses for \$45,000 which equates to \$500 per license, collectively there would be \$55,000 in savings. All of this information was forwarded to Prosecutor Taylor for his consideration and Director Rast noted that each office is being negotiated separately. Pine Technologies is custom writing case management solution to replace JustWare and are looking for input from both the PD and PA offices to develop the modules and if the county continues paying over the next several years they will give the software to the county at no cost. Director Rast feels this is something worth trying as the county will be paying less per year and at the end will receive the software for free. The other portion Pine Technologies is willing to do at no charge is the data conversion which means they take all of the existing information and convert it in the new platform. This is usually an additional expense. Mr. Rast feels there is a potential savings of over \$750,000. The memo outlining the information was sent to Prosecutor Taylor on April 21st but Director Rast hasn't heard anything back as there is a lot of information to review. Mr. Bazzoli said that if in a couple years they don't like the product there isn't any long-term commitment. Commissioner Van Beek wants to make sure that all this information is provided to Commissioner Smith and there is the opportunity to speak with Prosecutor Taylor. She is in favor of this and always supportive of saving taxpayer money. Director Rast noted for the record that Mr. Taylor never requested these negotiations, he was simply in negotiations due to discussions pertaining to the public defense side but thinks it would be a good conversation with all parties involved. Some kind of new system will need to be in place by July 1st as that is when Journal Technologies is retiring the software currently being used.

- Mr. Bazzoli let the Board know that a purchase order will be coming down for the purchase of some MacBooks to replace several HP laptops. The purchase will be made with grant funds received last year that need to be accounted for this year. Changing over to the MacBooks will increase the replacement cycle to 7-8 years.
- With the addition of one new district judge and two new magistrate judges, Mr. Bazzoli spoke about the office organization structure and assignments in regard to court assignments, support staff and investigators assignments. Mr. Bazzoli intends to ask for one additional support staff position in the FY2022 budget to support the increase.
- Space constraints are really becoming an issue and will need to be addressed in the near future.
- Two new investigators will be starting next week.
- Interviews will be conducted next week for two attorney positions.

The meeting concluded at 2:22 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:22 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Leslie Van Beek and Pam White, Solid Waste Director David Loper and Deputy Clerk Jenen Ross.

Director Loper discussed the following with the Board:

- Waste amounts were up 12.20% in March, FY21 is up 7%.
- In order to change the domestic well into a commercial water right at the Stuart property the well needs to be re-drilled with casing all the way to the bottom so that it won't collapse again. Several issues were encountered with the drilling so the PO and claim will be approximately \$1500-\$1800 more than anticipated.
- The land use planning portion of the expansion is complete. Currently they are strategizing with the consultant to put all the data together for the geotechnical and hydrogeologic data. The next step is to have an informal meeting with DEQ to gauge what they are going to want for design submittal. The first thing that needs to be determined is if there will be need for a liner or no liner and what kind of information DEQ will require. A letter to DEQ will be drafted outlining the data that has already been collected. Mr. Loper would really like to have someone from the PA's office involved right from the beginning and is hoping to wait until June to see who has been assigned from that office.
- With the amount of growth in the county the landfill is getting 500-1000 cars daily and Saturdays are always in the 1000's range. Mr. Loper feels that at some point the county really needs to consider a transfer station. He feels it would reduce loads and traffic, be more convenient for trash collection companies, would reduce waste blowing on roadways and save costs on scales and infrastructure. He doesn't have an exact location in mind but thinks somewhere on the Nampa/Caldwell corridor near the interstate would be good and anticipates that 5-10 acres would be needed. The Enterprise fund is healthy and he's spoken with Mr. Laugheed who thinks a transfer station would fit under that fund. There are a lot of nuances and logistics to be worked thru still.
- In the FY22 budget he is proposing 4 new FTE's - an operator, a mechanic, a scale house operator and a screener/operator. He will be able to budget for those positions without changing the rate structure at this point. Some of the other large items being included in the budget include a service truck and a loader. Additional core drilling to do some geotechnical work for the expansion is anticipated to be a larger expense.
- In response to comments from Commissioner Van Beek, Director Loper spoke about the work his staff assisted with at the gun range and how it offered training and experience they wouldn't otherwise have. Discussion ensued regarding a closing plan for the gun range if that were to ever happen.

The meeting concluded at 3:07 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 28, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Jenen Ross

APPROVED PURCHASE ORDER

- The Board approved a purchase order for Sunshine Window Cleaning in the amount of \$2,823.40 for the Facilities Department

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSES

- The Board approved an Alcoholic Beverage License renewal for Terry W Dice dba Tiny's Lounge; Caldwell Elks Home Association dba Caldwell Elks Lodge #1448; Cloudcroft Inc dba River Bend Golf Course (Resolution no. 21-078)
- The Board approved an Alcoholic Beverage License renewal for Craftsman Unlimited Haircuts LLC dba Craftsman Unlimited Haircuts; New Big Smoke LLC dba Big Smoke #109; New Big Smoke LLC dba Big Smoke #102; HFO LLC dba Tobacco Connection #37; HFO LLC dba Big Smoke #113; HFO LLC dba Big Smoke #115; Owyhee Motor Sales INC dba Owyhee Motor Sales Inc (Resolution no. 21-079)
- The Board approved an Alcoholic Beverage License renewal for Nampa Restaurant Ventures, LLC dba T.G.I. Friday's; La Copa LLC dba La Copa (Resolution no. 21-080)

MEETING WITH THE CITY OF STAR TO DISCUSS ANNEXATIONS

The Board met today at 8:47 a.m. with the City of Star at Star City Hall and via teleconference to discuss annexations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Mayor of Star Trevor Chadwick, City of Star Clerk Jacob Qualls, City of Star P&Z Administrator Shawn Nickel, Middleton City Planner Roberta Stewart, DSD Director Tricia Nilsson, DSD Planner Kate Dahl, Trace Leighton and Deputy Clerk Jenen Ross.

Commissioner Smith explained that the Board has heard concerns from constituents regarding plans being developed by the City of Star and thinks it's important for Canyon County to

understand the plan. There have been meetings with the Mayor of Middleton who understands that he is going to have to pull his impact area back and everyone is going to have to work together.

Key items of discussion included:

- Impact area boundaries for the cities of Star and Middleton
- Water rights in the impact area
- Suggested meeting with Keller and Associates to determine options for a lift station and on-going infrastructure maintenance costs
- Suggested meeting between Ms. Stewart, Mr. Qualls and other key staff to discuss the water sewer masterplan
- Service agreements with the Canyon County Prosecutor and Sheriff that may or may not still be in effect
- Agreement that is in place with Canyon Highway District #4 for managing the roads within Star
- Canyon County residents don't feel that they have representation and have not been allowed to offer input
- City of Star's policy on requested annexation vs. forced annexation
- Land use planning to evaluate the impact to all property owners
- As indicated in the letter sent to the City of Star last week Canyon County is initiating the 30-day notice
- Housing density near the river
- Greenbelt and open space plan along the river
- Ponds within the subdivisions and agreements that may or may not be honored by Hunter Homes
- Suggested meeting for staff to work together to agree on a process to move forward and use of the fiscal impact tool developed by COMPASS

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

EXECUTIVE SESSION TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE IN WHICH THE GOVERNING BODY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS, PURSUANT TO IDAHO CODE § 74-206(1)(E)

Commissioner White made a motion to go into Executive Session at 1:36 p.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were:

Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Deputy P.A. Doug Robertson, Beth Ineck with the City of Nampa. The Executive Session concluded at 1:59 p.m. with no decision being called for in open session.

CONTINUED PUBLIC HEARING TO CONSIDER A REQUEST BY KENT BRADSHAW FOR A REZONE: CASE NO. RZ2020-0021

The Board met today at 2:07 p.m. for a continued public hearing to consider a request by Kent Bradshaw for a rezone, case no. RZ2020-0021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, DSD Director Tricia Nilsson, Kent and Alison Bradshaw, TJ Wellard (arrived at 2:09 p.m.) and Deputy Clerk Jenen Ross.

Commissioner Smith explained this hearing was continued from April 21, 2021. Ms. Almeida said that at the April 21st hearing the Board continued the case to allow the applicant time to apply for a relocation of building permits in an effort to legitimize the previous administrative division that was done on this parcel and to only have four parcels on each original. The applicant applied for the relocation on April 23rd and in doing so one of the parcels will be removed once the decision document is completed and recorded. Exhibit 25 shows the northern parcel, the applicant has applied to remove it from the previous approval and in doing so applied for a building permit relocation to recognize the transfer that took place for parcel 34502011. The remainder of the property will be rezoned to RR and with that Ms. Almeida believes all the ordinance requirements will be met. As previously stated staff is recommending approval of the request to rezone to RR along with recognizing the decision will be recorded by the applicant as part of the relocation process.

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

Commissioner Smith said she's reviewed the application, conclusions of law and finding of fact and this is consistent with the lot classification map that was provided, it is already identified on the future land use map as a residential area, identified as residential on the Middleton maps, it is not prime farmland, has pretty decent soil, 2 acre lots for rural residential will be a nice amenity in the area for some hobby farms and she believes it's a good fit. Commissioner Smith supports approval as written.

Commissioner Van Beek supports what Commissioner Smith said and the application. Commissioner Van Beek made a motion to approve the rezone on case no. RZ2020-0021 and sign the findings of fact and conclusions of law and order and the ordinance (see ordinance no. 21-011). The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:34 p.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross.

The following items were discussed:

- Draft copies of the State of the County packet were provided to the Board and reviewed:
 - Commissioner Van Beek doesn't want to lead with the COVID response. Commissioners Van Beek and Smith would like it at the end of the presentation. Commissioner White thinks maybe it should be first as that is how the year started.
 - Board asked that "the greater good" sentence be removed from their message.
 - Suggested highlights include the landfill expansion, HHW event, job statistics, percentage of tax collection, relationship between the PAs Office and the courts, completed picture of the renovations done at the Lake Lowell office.
 - Information has been received from most of the Board's department heads, however, nothing has been received from any elected official.
 - Discussion regarding order of presentation.
 - State of the County will be distributed via being posted online, probably a press-release to the media, social media and could be available at the budget hearing in August.
- Discussion regarding estimated \$30,000 renovation to the PIO office to expand into the courtyard.
- Commissioner Smith said she would finish the announcement about Steve Fultz today and get it to Mr. Decker.

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

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 29, 2021

PRESENT: Commissioner Keri K. Smith, Chair - OUT
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- WASP Barcode in the amount of \$1,977.00 for Information Technology Department
- Jatheon in the amount of \$7,649.00 for Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Brandi Beard, Investigator I; and Parker Hetherwick, Investigator II

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:51 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Sr. Admin Specialist Terri Salisbury.

The following case does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial with written decision within 30 days on the following case: 2021-561.

Liens were presented for Board signatures.

Director of Indigent Services Yvonne Baker presented case 2021-464 for a continuance from May 20, 2021 to June 3, 2021. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue a continuance on case no. 2021-464.

Director of Indigent Services Yvonne Baker presented a subordination request on case no. 2009-639. After discussion between Yvonne baker and the Commissioner it was requested that more information was provided by the applicant, before a decision is made. No decision was made.

The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Prosecuting Attorney

Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley (arrived at 9:04 a.m.), Deputy P.A. Alex Klempel, Deputy P.A. Mike Porter (left at 9:08 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:08 a.m.), Cpt. Harold Patchett (left at 9:08 a.m.), Lt. Martin Flores (left at 9:08 a.m.), Lt. Dale Stafford (left at 9:08 a.m.), Sheriff Kieran Donahue (arrived at 9:03 a.m. and left at 9:08 a.m.), Rachel Spacek with the Idaho Press (arrived at 9:02 a.m. and left at 9:08 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a legal notice and an invitation for bids for purchase of a thermal imaging kiosk for the Dale Haile Detention Center: Mike Porter explained that they are asking the Board to start the invitation for bid process for the x-ray machine in the Dale Haile Detention Center. Cpt. Patchett said the purpose of the machine is to stop drugs from coming into the facility. There have been some incidents lately that have really brought the issue to light and these sorts of incidents create a lot of liability. On May 27th the Board will open any bids that are received, then the review process would begin to see if any of the bids meet the scope of work and qualifications that are provided in the IFB. The bid amounts would then be considered for the qualifying bids. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign both the notice and invitation for bids for purchase of a thermal imaging kiosk for the Dale Haile Detention Center.

Consider signing Thomson Reuters West Publishing Corporation's subscription order form for the Canyon County Prosecuting Attorney's Office: Prosecutor Taylor explained this is the legal research program used by his office. This contract is for the bridge term of 3 months at \$2858.26 monthly. Mr. Laugheed explained that this 3-month bridge will put the contract on a better county fiscal year schedule. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Thomson Reuters West Publishing Corporation's subscription order form for the Canyon County Prosecuting Attorney's Office (see agreement no. 21-032).

Commissioner Van Beek spoke about the replacement of the JustWare system and asked if the Prosecutor's Office has had a chance to speak with the Public Defender or IT about the new system being discussed. Mr. Laugheed said they have not spoken but feels the best course of action for his office is to go thru the RFP process.

Commissioner Van Beek invited the Prosecutor's Office to the 4-day budget workshop in June and will forward the budget document created by the Board to Mr. Laugheed.

The meeting concluded at 9:27 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING TO CONSIDER A REQUEST BY AMY & CODY LORDS FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NO'S OR2020-0012 & RZ2021-0007

The Board met today at 10:01 a.m. to go on the record to reschedule the public hearing in the matter of a request by Amy and Cody Lords for a comprehensive plan map amendment and rezone, Case No's OR2020-0012 & RZ2021-0007. Present were: Commissioners Leslie Van Beek and Pam White and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to May 7, 2021 at 9:00 a.m. The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO APRIL 30, 2021

PRESENT: Commissioner Keri K. Smith, Chair - OUT
 Commissioner Leslie Van Beek, Vice Chairman - OUT
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings held this day.

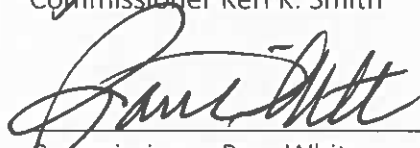
THE MINUTES OF THE FISCAL TERM OF APRIL 2021 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this 13 day of July, 2021.

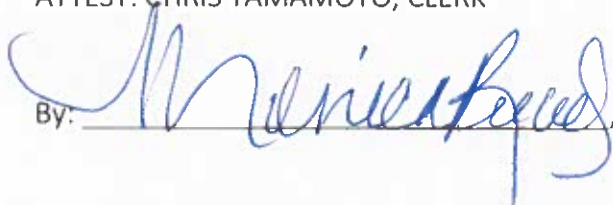
CANYON COUNTY BOARD OF COMMISSIONERS


Commissioner Leslie Van Beek


Commissioner Keri K. Smith


Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: , Deputy Clerk