

JULY 2021 TERM  
CALDWELL, IDAHO JULY 1, 2021

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

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:01 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services Yvonne Baker, Case Manager Camille Tilden, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decision within 30 days on case nos. 2021-729, 2021-726, 2021-711 and 2021-801. Liens were presented for Board signatures. The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-365

The Board met today at 9:05 a.m. to conduct a medical indigency hearing for case no. 2021-365. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker, Case Manager Camille Tilden, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to deny the case. The hearing concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:19 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker, Case Manager Camille Tilden and Deputy Clerk Jenen Ross. Commissioner White made a motion to continue case nos. 2021-375 and 2021-481 to October 7, 2021. The motion was seconded by Commissioner Smith and carried unanimously. Neither the hospital nor the applicant appeared for case nos. 2021-468 or 2021-475. Case nos. 2021-561, 2021-574 and 2021-472 have been withdrawn by the hospital. Additionally, none of the cases meet the eligibility criteria for county assistance. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue final denials with written decisions within 30 days on the cases as read into the record. The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, IT Director Greg Rast (left at 10:07 a.m.), TCA Jamie Robb (left at 10:07 a.m.), Assistant TCA Benita Miller (left at 10:07 a.m.), HR Generalist Jennifer Allen (left at 10:30 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing Memorandum of Understanding for Information Technology Services for the Third Judicial District and County of Canyon:*** Director Rast explained this is for the Third Judicial District website. There is a one-time fee \$5000 and \$2400 yearly for maintenance of the website. Ms. Robb said an update to the website is very necessary. Mr. Rast has spoken with the Supreme Court and they are supportive of the County taking over maintenance of the website and confirmed his department has the bandwidth to take on this project. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the MOU for Information Technology services between the Third Judicial District and Canyon County (see agreement no. 21-050).

Discussion ensued regarding the HR Director job description. As a housekeeping item Commissioner Smith asked that only the most current revision date be noted on the job description when it is published. Other points of discussion included updating the number of Canyon County employees and to note the educational degree section as 'preferred' and that a combination of equivalent experience could be acceptable. The requirement of a law degree will be removed. The pay range for the position is between \$91,492 and \$116,769; the position will be posted at the minimum salary but depending on experience. Ms. Allen spoke about membership with SHRM and if the position is posted there is will be broadcast nationwide. There is a fee to join SHRM and to post the position, the total cost is anticipated at about \$500. The Board is supportive of both the membership and the posting. There will be no moving allowance if a candidate from out of the area is selected. The posting will remain open until a satisfactory candidate pool is reached. The interview committee will be comprised of the Board, one other elected official (Sheriff Donahue will be asked to participate), Deputy P.A. Zach Wesley and HR Generalist Jennifer Allen. Ms. Allen did request to first speak with the HR team to make sure they are supportive of her being the representation for the HR department. The Board requested that everyone on the interview committee have access to review the applications as they are received. Additionally, the Board will direct HR staff, with the exception of Ms. Allen, that they are not to review any applications or resumes received; Mr. Wesley said he would draft language notifying them of this instruction. Any questions received from candidates will be handled on a case-by-case basis.

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

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

Commissioner White made a motion to go into Executive Session at 10:31 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel. The Executive Session concluded at 10:55 a.m. with no decision being called for in open session.

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

CONSIDER SIGNING FCO'S, ORDINANCE, AND DEVELOPMENT AGREEMENT FOR SKYLINE HOMES & DEVELOPMENT (CR2019-0016) AND THUNDER RIDGE SUBDIVISION (SD2019-0046)

The Board met today at 11:01 a.m. to consider signing the findings of fact and conclusions of law and order, an ordinance and a development agreement for Skyline Homes & Development, case no. CR2019-0016 and Thunder Ridge Subdivision, case no. SD2019-0046. Present were: Commissioners Keri Smith and Pam White, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross. Ms. Almeida provided a summary of the case as follows: Testimony was taken and a decision rendered on June 9, 2021. There were some conditions that were recommended to be included in the development agreement and a modification to one of the conditions in the subdivision FCOs. The one revision in the subdivision FCOs is in regard to changing the note on the plat to reflect that the turnaround is for residential structures. Two conditions on the conditional rezone and development agreement pertain to dust mitigation. Ms. Almeida has worked with the applicant on the condition regarding dust control measures which are outlined in the proposed findings and development agreement. The applicant has agreed to those conditions and the language proposed. Ms. Almeida is recommending the Board sign the FCOs, ordinance and development agreement. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the FCOs, ordinance (see ordinance no. 21-015) and development agreement (see agreement no. 21-051) for Skyline Homes & Development, case no. CR2019-0016 and Thunder Ridge Subdivision, case no. SD2019-0046. The meeting concluded at 11:04 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR PACKAGING CORPORATION OF AMERICA

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:34 p.m. to conduct a property tax assessment protest hearing for Packaging Corporation of America, (Protest No. 21052), Account No. 31201000 0. Present were: Commissioners Keri Smith and Pam White, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, and Deputy Clerk Monica Reeves. The applicant did not appear for their hearing. Mike Cowan offered comments from the applicant's position stating they are seeking a reduction in value from \$13,187,400 to \$10,600,000. He also presented testimony on behalf of the Assessor's Office stating he does not recommend any adjustments to the assessment. Mr. Cowan responded to questions from the Board following his case presentation. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to uphold the Assessor's value of \$13,187,400. The hearing concluded at 1:56 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 2, 2021

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

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CF HIPPOLYTA NAMPA LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 8:32 a.m. to conduct a property tax assessment protest hearing for CF Hippolyta Nampa LLC, (Protest No. 21048), Account No. 30481012 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Sam Stone, Commercial Appraiser Darryl Spieser, Scott Eckhardt for CF Hippolyta Nampa LLC, Other Assessor Office staff and Deputy Clerk Jenen Ross. Mr. Eckhardt offered testimony in favor of the application. Mike Cowan, Joe Cox and Greg Himes offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, the Board requested this hearing be tabled until Wednesday, July 7, 2021 in order for more information to be collected. The hearing concluded at 9:28 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR KOHLS ILLINOIS INC

The Board of County Commissioners, sitting as a Board of Equalization, met today at a.m. to conduct a property tax assessment protest hearing for Kohls Illinois Inc., (Protest Nos. 21043), Account No. 30994105 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Sam Stone,

Commercial Appraiser Darryl Spieser, Other Assessor Office staff and Deputy Clerk Jenen Ross. The applicant did not appear for the hearing. Sam Stone and Mike Cowan offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 6, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Kara Hawkes, Legal Support Specialist II

#### APPROVED MARCH 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of March 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.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR HERON AID PROPCO LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 8:36 a.m. to conduct a property tax assessment protest hearing for Heron Aid Propco LLC, (Protest No. 21066), Account No. 09685010 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser and Deputy Clerk Jenen Ross. Darryl Spieser offered testimony on behalf of the Assessor's Office noting that he spoke with the representative for the applicant and came to an agreed valued prior to the hearing. Following testimony Commissioner Van Beek made a motion to grant the adjusted value of \$2,600,480. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 8:45 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR WEST VALLEY MEDICAL CENTER INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 8:46 a.m. to conduct a property tax assessment protest hearing for West Valley Medical Center Inc., (Protest Nos. 21063 and 21065), Account Nos. 02944000 0 and 02944100 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser and Deputy Clerk Jenen Ross. Darryl Spieser offered testimony on behalf of the Assessor's Office. No one appeared to offer testimony on behalf of West Valley Medical Center. Following testimony Commissioner Van Beek made a motion to uphold the value for protest no. 21063. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek then made a motion to uphold the value on protest no. 21065. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR NATIONAL HEALTH INVESTORS INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 8:54 a.m. to conduct a property tax assessment protest hearing for National Health Investors Inc., (Protest Nos. 21111 and 21109), Account Nos. 12200510 0 and 12200509 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser and Deputy Clerk Jenen Ross. Darryl Spieser, Mike Cowan and Greg Himes offered testimony on behalf of the Assessor's Office. No one appeared to offer testimony on behalf of the applicant. Following testimony Commissioner Van Beek made a motion to uphold the Assessor's value on account nos. 12200510 0 and 12200509 0. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*Note for the record: As properly noticed the Board met today at 9:01 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 11:02 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure. 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, Deputy P.A. Zach Wesley (left at

11:30 a.m.) and Facilities Director Paul Navarro (arrived at 11:30 a.m. and left at 11:45 a.m.). The Executive Session concluded at 12:17 p.m. with no decision being called for in open session.

#### MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:34 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Assessor Brian Stender, Prosecutor Bryan Taylor, Sheriff Kieran Donahue, and Deputy Clerk Monica Reeves. Commissioner Smith reviewed the topics she wanted to discuss today:

- Employee compensation plan
- Prioritization of (American Rescue Plan Act) ARPA funds
- Switching County emails to a .gov address
- A simple change to the website
- ICRMP

*\*It was noted the employee compensation plan and the ICRMP topics would be discussed in Executive Session.*

Commissioner Smith advised that IT Director Greg Rast wants to change County email addresses for officials and employees from a .org address to a .gov address because it's much safer. The process would be phased over the year and would include a secondary email address as we transition. It's expected to be a seamless process and the timeline can be determined by the elected officials. Discussion ensued about the desire for the group to hear more about this proposal and whether this is a good opportunity for a cloud-based role. A meeting will be scheduled with Director Rast. Commissioner Smith proposed a change to the County website to include information about the elected officials' term dates to include when they were appointed/elected to office and when their current term expires. Commissioner Van Beek thinks it's a good idea. Prosecutor Taylor and Sheriff Donahue had questions about the suggestion and after discussion it was decided that the Clerk will look into adding information to the Elections website page to include not only county officials' terms, but terms information for all elected offices including judges, school board trustees, highway district commissioners, library districts, etc. An Executive Session was held as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 1:50 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss a personnel matter and records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners 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, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Assessor Brian Stender, Prosecutor Bryan Taylor, Sheriff Kieran Donahue, and Deputy Clerk

Monica Reeves. The Executive Session concluded at 2:38 p.m. with no decision being called for in open session.

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

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR LARRY STEVENSON

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:42 p.m. to conduct a property tax assessment protest hearing for Larry Stevenson, (Protest No. 21100), Account No. 28129002 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Rural Supervisor Roger Craig, Rural Appraiser Katrina Ponce, Chief Deputy Assessor Joe Cox, Clerk Chris Yamamoto, Assessor's employees, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she and Larry Stevenson attend the same church. Larry Stevenson offered testimony in support of his protest application. Roger Craig and Greg Himes offered testimony on behalf of the Assessor's Office. Rebuttal testimony was offered by Mr. Stevenson, Mr. Himes and Mr. Craig. Following Board deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value of \$340,800. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:31 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR SUSAN HOLLADAY

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:32 p.m. to conduct a property tax assessment protest hearing for Susan Holladay, (Protest No. 21025), Account No. 32961010 0. The applicant did not appear for today's hearing; however, Greg Himes advised that the applicant believes she has some access issues to her lot but she wasn't able to come up with the documentation in time so the remedy is to uphold the Assessor's value so that Ms. Holladay can appeal to the board of tax appeals. If she able to find additional documentation the Assessor will ask for a reduction. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to uphold the Assessor's value of \$104,680. The hearing concluded at 3:33 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR LAFKY PROPERTIES, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:42 p.m. to conduct a property tax assessment protest hearing for Lafky Properties, (Protest Nos. 21091, 21092, 21093, 21094, 0), Account Nos. 31307000 0, 31308000 0, 31309000 0, and 31310000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Attorney Andrea Rosholt, and



Deputy Clerk Monica Reeves. Andrea Rosholt offered testimony on behalf of the applicant and in support of the protest applications. Sam Stone offered testimony on behalf of the Assessor's Office. Commissioner Smith requested the Board convene into Executive Session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 4:07 p.m. pursuant to Idaho Code, Section 74-206(1) (d) 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, 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, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Attorney Andrea Rosholt, and Deputy Clerk Monica Reeves. The Executive Session concluded at 4:31 p.m. with no decision being called for in open session. While in open session Commissioner Smith said information was shared and it was determined that the Assessor's Office and the appellant will continue to share information and come back at a later date. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board decided to table this item to July 9, 2021 at 1:30 p.m.

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

JULY 2021 TERM

CALDWELL, IDAHO JULY 7, 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 575448 to 575478 in the amount of \$14,848.95
- The Board has approved claims 575505 to 575539 in the amount of \$57,136.23
- The Board has approved claims 575407 to 575447 in the amount of \$43,330.11
- The Board has approved claims 575479 to 575504 in the amount of \$164,478.59
- The Board has approved claims 575604 to 575640 in the amount of \$47,715.58
- The Board has approved claims 575641 to 575661 in the amount of \$12,941.79
- The Board has approved claims 575662 to 575675 and 575764 in the amount of 17,230.00
- The Board has approved claims 575720 to 575763 in the amount of \$64,329.60

- The Board has approved claims 575570 to 575603 in the amount of \$196,212.61
- The Board has approved claims 575676 to 575719 in the amount of \$16,892.16

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Marv's Insulation, Inc in the amount of \$5,160.00 for Facilities Department

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR REESE REAL ESTATE

The Board of County Commissioners, sitting as a Board of Equalization, met today at 8:34 a.m. to conduct a property tax assessment protest hearing for Reese Real Estate, (Protest Nos. 21032 and 21029), Account Nos. 12181101 0 and 04529004 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Commercial Appraiser Sam Stone and Deputy Clerk Jenen Ross. Mike Cowan offered testimony on behalf of the Assessor's Office. No one appeared on behalf of the applicant to offer testimony. Following testimony Commissioner Van Beek made a motion to uphold the Assessor's value on both accounts. The motion was seconded by Commissioner White. Greg Himes noted for the record that in cases like this where no one appeared, and no information was provided it has been the protocol of the Assessor's Office to dismiss the protests. Commissioner Van Beek rescinded her original motion and made a motion to dismiss the cases. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 8:43 a.m. An audio recording is on file in the Commissioners' Office.

*Following the meeting an email was received from Courtney Simmons with Pivotal Tax Solutions withdrawing both protests.*

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CITY DEVELOPMENT, INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:00 p.m. to conduct a property tax assessment protest hearing for City Development, Inc., (Protest No. 21089), Account No. 07540500 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Commercial Appraiser Darryl Spieser, Attorney Andrea Rosholt, Jake Smith, and Deputy Clerk Monica Reeves. Andrea Rosholt offered testimony on behalf of the applicant and in support of the protest applications. Sam Stone, Joe Cox, and Greg Himes offered testimony on behalf of the Assessor's Office. Rebuttal testimony was offered by Ms. Rosholt and Mr. Cox. Following testimony and rebuttal, Commissioners Smith and Van Beek discussed asking for a legal interpretation specifically under the claim that under law both the lease contract and the goodwill from the lease contract is statutorily exempt and required to be subtracted. Commissioner White said she understands both sides of the issue. Commissioner Van Beek made a motion to continue

the hearing to Friday, July 9, 2021 at 1:30 p.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 3:03 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR U-SAVE STORAGE, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:04 p.m. to conduct a property tax assessment protest hearing for U-Save Storage, LLC, (Protest No. 21090), Account No. 24368000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Attorney Andrea Rosholt, Jake Smith, and Deputy Clerk Monica Reeves. Andrea Rosholt and Jake Smith offered testimony on behalf of the applicant and in support of the protest applications. Joe Cox offered testimony on behalf of the Assessor's Office. Commissioner Van Beek made a motion to continue the hearing to Friday, July 9, 2021 at 1:30 p.m. in order to gather additional information and evaluate at a deeper level. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:20 p.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER BOARD OF EQUALIZATION MATTERS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:21 p.m. to consider board of equalization matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, and Deputy Clerk Monica Reeves. Mr. Himes presented the Board with three documents which were considered as follows:

- Document 1 pertains to the homeowner's exemptions have gone online in the short timeframe that the BOE started. The total adjustment to the 2021 certified values is \$3,084,690.
- Document 1A pertains to the accounts where the Assessor's Office had discussions with homeowners. The total adjustment to the 2021 certified values is \$582,910.
- Document 1B pertains to the Treasure Valley Marketplace and the total adjustment to the 2021 certified values is \$6,299,000. (Note - just the improvements, excluding the land.)

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the Assessor's adjustments to the 2021 certified values relating to the adjustments that have come in since BOE started. The meeting concluded at 3:28 p.m. An audio recording is on file in the Commissioners' Office.

## MEETING TO DISCUSS OFFICE IMPROVEMENTS

The Board met today at 3:35 p.m. to discuss office improvements. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. There has been a request by the HR office for a plexiglass storefront improvement. Commissioner Smith feels the office allows for distancing and there is already a system in place to keep people away from the majority of the staff. She does not want to spend money on this. Commissioner Van Beek commented that this had already been offered and was not taken advantage of and that there is already a security system in place. Commissioner White concurred with both Commissioners Smith and Van Beek. The Board will let Facilities Director Navarro know not to move forward at this time and the issue can be discussed further once there is a new HR Director in place.

The Board would like to consider an exterior private exit from the BOCC office space for security purposes. Commissioner Van Beek has received a not-to-exceed quote of \$10,000 from Director Navarro for this renovation and would like to see it added to the Facilities budget. Commissioner Smith would like to make sure the proper channels are followed for funding approval.

The meeting concluded at 3:41 p.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 3:41 p.m. to discuss Board of Equalization matters. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 3:43 p.m. pursuant to Idaho Code, Section 74-206(1) (f) to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion 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. Doug Robertson, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 3:57 p.m. with no decision being called for in open session.

JULY 2021 TERM  
CALDWELL, IDAHO    JULY 8, 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 575540 to 575569 in the amount of \$28,579.99

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Western Building Supply in the amount of \$63,626.56 for Facilities Department
- In-Situ, Inc in the amount of \$3,557.80 for Solid Waste Department

### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:47 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. Case no. 2021-811 meets the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to approve the case. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on case nos. 2021-765. 2021-818. Liens were presented for Board signatures. The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

### CONSIDER SIGNING RESOLUTION REAPPOINTING MEMBERS TO THE CANYON COUNTY HISTORIC PRESERVATION COMMISSION

The Board met today at 8:49 a.m. to consider signing a resolution reappointing members to the Canyon County Historic Preservation Commission. Present were: Commissioners Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Following a brief review of the resolution Commissioner White made a motion to reappoint George DeFord, Juli McCoy and Zach Wesley to the Canyon County Historic Preservation Commission. The motion was seconded by Commissioner Van Beek and carried unanimously (see resolution no. 21-159). 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 9:06 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, Deputy P.A. Doug Robertson, Chief Public Defender Aaron Bazzoli, Fair Director Diana Sinner (left at 9:10 a.m.), IT Director Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing 2021 Canyon County Fair and Romeo Entertainment Group Stage Contract with Lee Brice, Mark Chesnutt, and Rodney Atkins:*** Due to unforeseen circumstances Mark Chesnutt has had to cancel but three replacement acts are being evaluated and they are hoping to finalize the decision this week. The contract can still be signed today as Romeo Entertainment will be responsible for filling the vacant spot. The rider for Mark Chesnutt has been removed from the contract and any amendments will be signed at a later time if necessary. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the 2021 Canyon County Fair and Romeo Entertainment Group Stage Contract with Lee Brice, Mark Chesnutt and Rodney Atkins (see agreement no. 21-053)

***Consider signing contract with Pine Technologies:*** This contract has been reviewed by legal and the terms are fairly standard. The annual cost is \$45,000 for the licenses, maintenance and support. Director Rast addressed questions posed by Commissioner Van Beek and Mr. Robertson reviewed the substantive changes. This is a year-to-year contract with auto renewal unless terminated. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the contract with Pine Technologies (see agreement no. 21-052).

The meeting concluded at 9:21 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR JOANNE AND REIN WOLTERS TRUST AND CALDWELL CAMPGROUND AND RV PARK LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:33 a.m. to conduct a property tax assessment protest hearing for Joanne and Rein Wolters Trust and Caldwell Campground and RV Park LLC, (Protest Nos. 21013, 21012 and 21011), Account Nos. 34927000 0, 34926000 0 and 34925000 0). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Kevin Sorenson, Commercial Appraiser Darryl Spieser, Scott Eckhardt for CF Hippolyta Nampa LLC via Webex and Deputy Clerk Jenen Ross. No one appeared on behalf of the applicant to offer testimony. Commissioner Van Beek made a motion to dismiss the cases due to lack of evidence. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CF HIPPOLYTA NAMPA LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:32 a.m. to conduct a property tax assessment protest hearing for CF Hippolyta Nampa LLC, (Protest No. 21048), Account No. 30481012 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Scott Eckhardt for CF Hippolyta Nampa LLC via teleconference and Deputy Clerk Jenen Ross. A brief review of the previous hearing was provided by Greg Himes, Mike Cowan and Scott Eckhardt. Mr. Eckhardt offered testimony on behalf of the applicant. Mike Cowan and Greg Himes offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal and deliberation Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Van Beek. The hearing concluded at 12:44 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 9, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change forms for Bonnie C Puleo, Sr. Administrative Specialist; and Vincente Olvera, Juvenile Detention Officer.

#### PUBLIC HEARING – PRELIMINARY PLATS FOR HESSE ACRES SUBDIVISION, CASE NO. SD2019-0013 AND HESSE LANDING SUBDIVISION, CASE NO. SD2019-0011

The Board met today at 8:39 a.m. to conduct a public hearing in the matter of requests by Mark Hess for approval of a preliminary plat with irrigation and drainage plans for Hesse Acres Subdivision, Case No. SD2019-0013, as well as preliminary plat approval with irrigation and drainage plans for Hess Landing Subdivision, Case No. SD2019-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Planning Official Dan Lister, William Mason, and Deputy Clerk Monica Reeves. Today's hearing was continued from June 11, 2021 where the Board wanted to allow time for Mr. Mason to speak with the owners about compliance with floodplain requirements; removal of the note about the waiver of sidewalks; and to correct the FCO's to address certain sections of the ordinance, namely 07-

10A-11, and others, to make sure the plat meets the floodplain requirements of the ordinance. Dan Lister testified that staff added a paragraph showing how it meets the floodplain ordinance. He attached the engineer's review of that section and included Mason and Associate's letter. Regarding Hesse Landing, they found there are no alterations to the water course as part of this, there are no improvements. At the time of building a house they will have to meet the floodplain requirements for that development. There is some construction that will be required for the road, however, they found the location is above base flood elevation and therefore found the improvements would not change the base flood elevation and that minimal improvements to that are within the floodplain. The plat is in conformance with what was asked for by the Board. Mr. Lister revised the notes and added a sentence that says any construction within a mapped floodplain requires a floodplain development permit in accordance with the standards of the Canyon County Floodplain Ordinance. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White made a motion to approve the preliminary plats for Hesse Acres Subdivision, and Hesse Landing Subdivision, and to approve the FCO's for both cases, and to add the condition regarding the floodplain development permit. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR TWIN ISLANDS LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:32 a.m. to conduct a property tax assessment protest hearing for Twin Islands LLC, (Protest Nos. 21020, 21018 and 21019), Account Nos. 35336000 0, 04082000 0 and 31223011 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Chief Deputy Assessor Joe Cox, Commercial Appraiser Sam Stone, Greg Ruddell and Mike Band for Twin Islands LLC and Deputy Clerk Jenen Ross.

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

*Note for the record: As properly noticed the Board met today at 10:32 a.m. for a Board of Equalization hearing for Twin Islands LLC. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 10:39 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion 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, Appraisal Supervisor Greg Himes, Chief Deputy Assessor Joe Cox, Commercial Appraiser Sam Stone and Greg Ruddell and Mike Band for Twin Islands LLC. The Executive Session concluded at 11:31 a.m.



At the conclusion of the executive session Mr. Band gave a brief summary of their testimony and Mr. Ruddell offered comments on the protest. Sam Stone, Joe Cox and Greg Himes offered testimony on behalf of the Assessor's Office. After testimony, rebuttal and Board deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value on accounts 35336000 0, 04082000 0 and 31223011 0. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 12:14 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CITY DEVELOPMENT, INC.;  
AND U-SAVE STORAGE, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:41 p.m. to conduct a property tax assessment protest hearing for City Development, Inc., (Protest No. 21089), Account No. 07540500 0; and a property tax assessment protest hearing for U-Save Storage, LLC (Protest No. 21090), Account No. 24368000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Attorney Andrea Rosholt, Jake Smith, and Deputy Clerk Monica Reeves. Today's hearing was continued from July 7, 2021. Andrea Rosholt and Jake Smith offered testimony on behalf of the applicant and in support of the protest application. Sam Stone, Joe Cox and Greg Himes offered testimony on behalf of the Assessor's Office. The Board wanted to look at the sale information so it went into Executive Session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 2:28 p.m. pursuant to Idaho Code, Section 74-206(1) (d) 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, 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, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Attorney Andrea Rosholt, Jake Smith, and Deputy Clerk Monica Reeves. Chief Deputy PA Sam Laugheed and Deputy PA Doug Robertson arrived at 3:00 p.m. The Executive Session concluded at 3:22 p.m.

When the Board returned to open session discussion resumed. Commissioner Van Beek asked if there is there room for these two groups to negotiate and come together. Greg Himes said the Assessor's Office made an offer and increased the cap rate 2%. Discussion ensued with Ms. Rosholt offering additional testimony. Commissioner Smith said the Board should table this case until 4:00 p.m. Ms. Rosholt asked if the parties can agree on the record to treat U-Save Storage the same and combine the two cases. Joe Cox asked if the Board will uphold the value of the new adjustment that way Jake Smith can appeal and we can be done. Commissioner White made a motion to accept the adjusted value for City Development to include a 9% cap rate on the open

parking. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Smith noted for the record that the applicant waived additional testimony and rebuttal for the U-Save Storage case (Protest No. 21090). Commissioner Van Beek made a motion to accept the adjusted the value for U-Save Storage to include a 9% cap rate on the open storage area. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:30 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR LAFKY PROPERTIES, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:30 p.m. to conduct a property tax assessment protest hearing for Lafky Properties, (Protest Nos. 21091, 21092, 21093, and 21094), Account Nos. 31307000 0, 31308000 0, 31309000 0, and 31310000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Attorney Andrea Rosholt, and Deputy Clerk Monica Reeves. This case was continued from July 6, 2021. Andrea Rosholt wanted to go into Executive Session to review the applicant's information. The Board convened into Executive Session as follows to review financial information:

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

Commissioner Van Beek made a motion to go into Executive Session at 3:32 p.m. pursuant to Idaho Code, Section 74-206(1) (d) 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, 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, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Deputy PA Doug Robertson, Attorney Andrea Rosholt, and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:42 p.m.

When the Board returned to open session discussion resumed. Andrea Rosholt offered testimony on behalf of the applicant. Joe Cox gave testimony on behalf of the Assessor's Office and said based on the new information that was provided he would ask the Board to uphold the value and give us ample to review it and if an adjustment is warranted they will make it in good faith, and at the very minimum they will work with Ms. Rosholt on resolving the issue prior to the Board of Tax Appeals. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to uphold the values on Protest Nos. 21091, 21092, 21093, and 21094 to give the Assessor and the appellant time to evaluate new information that was introduced today on those four properties. The hearing concluded at 3:45 p.m. An audio recording of the open portion of this meeting is on file in the Commissioners' Office.

UPDATE FROM SHERIFF DONAHUE REGARDING FILM PROJECT PROMOTING CANYON COUNTY

The Board met today at 3:49 p.m. for an update from Sheriff Donahue regarding a film project promoting Canyon County. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy PA Sam Laugheed, PIO Joe Decker and Deputy Clerk Monica Reeves. Jay Pickett has written a screenplay that highlights the Treasure Valley, specifically Canyon County and it tells a story of redemption. They will film in Owyhee County on three separate ranches and at various locations in Canyon County. The Sheriff will allow them to use parts of the Canyon County Sheriff's Office and jail commencing August 1 and ending August 16, 2021. Sam Laugheed has reviewed the agreement which has insurance in place with a known production company that has the financial backing and professionalism and involvement on the part of the County to make sure our interests are protected. The film company indemnifies, defends, and holds harmless the County and its representatives and agents from anything associated with the development, production, and distribution of the film. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the Treasure Valley Film Location Agreement. (Agreement No. 21-054). The meeting concluded at 4:11 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2021 TERM

CALDWELL, IDAHO JULY 12, 2021

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

CONSIDER TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR JUNE 2021

The Board met today at 8:50 a.m. to consider Treasurer's tax charge adjustments by PIN for June 2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Treasurer Jennifer Mercado, other interested citizens, and Deputy Clerk Monica Reeves. Ms. Mercado said the adjustments include homeowner exemptions and a board of tax appeals settlement for Amalgamated Sugar Company. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the tax charge adjustments by PIN for June 2021. The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

## COMMUNITY INPUT MEETING

The Board met today at 9:01 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Mark and Tami Cron, Larry Stevenson, Sheila Ford, Darryl Ford, Ron Harriman, Steve Burton, John Maryon, Kim Deugan, and Deputy Clerk Monica Reeves. Comments were offered as follows:

Mark and Tami Cron offered comments about their continued concerns with the City of Star's annexation of property into Canyon County. The Crons live in an agricultural area and they want to remain in the County and they want the Board to fight for them. Commissioner Smith said the Board will meet on July 20<sup>th</sup> with the City of Star/Canyon County Area of Impact Committee regarding impact area negotiations to discuss the boundaries. Because the Middleton impact area boundary that goes to the County line was already negotiated and approved, this committee will have to push back to the City of Middleton and the City of Star to negotiate an agreed upon line. Star has been proceeding with annexation but the Board has asked them to stop annexations until an impact area agreement can be negotiated. Mr. Cron said the concern is that Star continues to piece large plots of land together and he's worried about high-density surrounding him. He's also concerned that the City of Star does not listen to the residents in the unincorporated area of Canyon County. Commissioner Smith spoke about the provisions in Idaho Code for de-annexation, and how there is a difference in opinion on it, but the Board cannot comment further on it, but it is going through the process. Commissioner White said perhaps it's time to talk to the Ada County Commissioners about this. Tami Cron spoke of her concern about forced annexation. Commissioner Smith said the city cannot force annex the Crons unless they are in their impact area. Discussion ensued on the impact area negotiation process.

Steve Burton asked how the City of Star was able to annex into Canyon County in 2007. Commissioner Smith said a hearing was held and they did a Category A annexation where the applicant asked for annexation and it went off the interpretation where they believe you don't have to be in an impact area. In 2007 the Board of Commissioners opted to sit silent and not get involved, but the current Board sent a letter to the City of Star asking them to stop annexing until we have an impact area agreement in place. There was discussion regarding the Willowbrook Development and the Northstar Monument Subdivision, as well as zoning issues and property rights.

Ron Harriman asked for a status update on the concerned citizens committee's request for impact fees for a jail. Commissioner Van Beek said impact fees for public safety cannot be used to address existing needs related to public safety, but only for system improvements for new growth. This means the fee structure could not include pricing that would help facilitate the construction of a new building as the need for a new building has been identified as an existing need. The County could use public safety impact fees to plan additional space requirements but the corresponding dollar amount for the fee may not generate sufficient revenue to be spent within the 8-year time constraint once the County starts collecting fees. She said the Board is having discussions with the other elected officials to figure out if there is a revenue stream to help toward that. There has to be a coordinated effort between a lot of elected people and then the institution of that fee has to be studied to ensure the collection of the fee, if it is not used in that timeframe, would have to be

refunded to taxpayers. An impact fee for public safety is not a dependable funding source to get the job done. Mr. Harriman and he is aware that and he's concerned about what happens in the future because we are missing a lot of impact fees on new construction and he wants to see impact fees in place. Commissioner Smith said at this time we don't have a group started to create an impact fee for the jail and she encouraged Mr. Harriman's group to help get that started. They have to consider the things we have heard from the Sheriff and the Prosecutor and weigh all of that. Commissioner Van Beek said with COVID there is a changing dynamic and they are doing a lot of negotiating between the PA, the PD, and the Courts. The County is contemplating creating a district within Caldwell that would expand and house more county functions. Commissioner White said the Board is in favor of impact fees.

Larry Stevenson offered comments on how government could be more transparent and save tax dollars. Recently he appeared before the board of equalization and disagreed with Commissioner White's position that he should let the Assessor into his home for a proper appraisal. According to Mr. Stevenson, that's not required by law and it would be time consuming for the Assessor's staff to go into every home and take pictures. Last year he suggested the Assessor's budget was overinflated and it could be cut by \$490,000. He said over a three-year period \$246,000 was given to the Assessor's Office in reimbursements from the Idaho Association of Counties to sue selected commercial county taxpayers, such as CTI-SSI; U-Save Storage; and Twin Islands/Republic Self-Storage. He believes it's wrong for the Assessor to receive IAC reimbursements to sue commercial taxpayers and the Board needs to stop the unfair practice. He said the PA and Assessor have supplemented their budgets to fund outside attorneys and professional witnesses to litigate against existing small commercial taxpayers while Commissioners were giving new commercial businesses 75% property tax reductions for a five-year period. He is opposed to Prosecutor Taylor and Assessor Stender's participation on the voting board of the litigation fund. He said there needs to be better utilization of tax dollars and valuation litigations need to be done in-house. The Assessor needs to try mediation and/or dispute resolution between parties. Additionally, Mr. Stevenson believes the Board is dragging its feet on impact fees.

Sheila Ford stated she agrees with Ron Harriman's comments regarding impact fees and said we need to start that immediately because it's not right to look to existing residents to cover growth.

The meeting concluded at 9:57 a.m. An audio recording is on file in the Commissioners' Office.

#### CLERK'S FISCAL YEAR 2022 SUGGESTED BUDGET

The Board met today at 10:03 am. to receive the Clerk's FY2022 suggested budget. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Civil Deputy PA Sam Laugheed, Chief Deputy Sheriff Marv Dashiell, Treasurer Tracie Lloyd, Assessor Brian Stender, PIO Joe Decker, PD Aaron Bazzoli, Ambulance District Director Michael Stowell, Julie Yamamoto, Kim Deugan, and Deputy Clerk Monica Reeves. Clerk Yamamoto gave a brief overview of the budget. In 2016 the Idaho legislature raised the homeowner's

exemption to \$100,000 and eliminated the residential indexing, and because of the rapidly rising values of residential and the flat commercial values, we have seen a major tax shift from commercial to residential where homeowners get to pick up that slack. Canyon County drafted a bill to reverse this shift in a small way and 48 legislators co-signed the legislation but it never got out of the revenue and tax drawer. In FY2021 Canyon County did not take the 3%, or the foregone amount, or new construction, and we lowered the budget and yet residential taxes went up based on the valuations. The FY2022 Clerk's suggested budget is a repeat of last year's budget and it has the same property tax request as 2021. This move is unprecedented. Citizens should expect excellent service at a reasonable cost. The County had a 10-year period with almost no salary increases and we fell far behind and we were the training ground for employees. Five years ago, we developed a compensation plan and although it was not perfect it did help. Now we find ourselves coming up short again. The dispatch center, which is already short-staffed, recently lost three dispatchers to another agency. The County provides constitutionally required services and it has become very difficult to manage this when losing experienced people and we have to hire from an insufficient work pool. This has to be brought back to a manageable level and that has been addressed in this budget.

Controller Wagoner reviewed the details of the budget as follows:

### **Suggested budget priorities**

#### Property tax relief:

- For the second straight year:
- No new construction increase
- Zero 3% increase taken
- Zero forgone increase requested
- No increase in the property tax budget

#### Quality Service Delivery

- \$5 million investment in current personnel
- Increased workforce including 35 new additional fulltime positions

The County's current total property tax budget is \$53,970,567.

House Bill 389 affords the County a property tax budget of \$61,214,718. This would increase the average owner-occupied residential county specific property tax by \$64.22 to \$579.66. The Clerk's suggested budget provides \$7.5 million in property tax relief decreasing the average owner-occupied residential county specific property tax bill to \$508.36.

The total suggested expenditure budget is \$17,008,095. \$6.6 million of that is allocated to culture and recreation; \$9.9 million is for public works with the majority for the landfill; \$48.6

million for public safety services; \$9.9 million for health, welfare and indigency; and \$41.8 million for general government services.

### **American Rescue Plan Act (ARPA) of 2021**

The ARPA provides that Coronavirus Local Fiscal Recovery Funds may be used for the provision of government services to the extent of the reduction in revenue due to COVID-19. Prior to COVID-19, Canyon County's general revenue growth rate was 10.5%. Had that growth rate continued our estimated general revenue would have been \$106,206,670. Due to COVID-19 disrupting our revenue stream the actual revenue was a little over \$100 million. Canyon County's revenue reduction, as a result of COVID-19, is \$6.1 million.

\$6.1 million of ARPA monies are available for the provision of government services so the Clerk's suggested budget includes the following government services paid for with ARPA monies:

- \$70,000 for the annual outside financial audit
- \$85,000 for architect fees – storage facility and possible juvenile detention center remodel
- \$255,000 for Jail Pod 5 roof replacement
- \$850,000 for the annual liability insurance premium
- \$501,000 for public safety police vehicles
- \$1,454,085 for the annual Pod 6 inmate housing lease payment
- \$895,000 for inmate food service
- \$1,888,960 for inmate medical service
- \$170,000 for the jail body scanner

### **Service Quality Investment**

Canyon County did not include a cost of living adjustment in the FY2021 budget. As of May 2021, the consumer price index has risen 5% over the last year. The Clerk's suggested budget includes a \$5 million investment in current personnel and positions. With a total salary and benefit budget of \$75 million a \$5 million investment is around 7.5%.

The Clerk's suggested budget includes \$2,767,920 for 35 new fulltime positions:

- Public Defender: 6 positions
- Facilities: 1 position
- Assessor's Reappraisal: 3 positions
- Trial Court Administrator: 2 positions
- Juvenile Detention: 1 position
- IT: 1 position
- Development Services: 2 positions
- Fair: 1 position
- Solid Waste: 4 positions

Court Clerks: 7 positions  
Recorder: 1 position  
Prosecuting Attorney: 6 positions

*21 of the positions are for attorneys or court-related functions tied to receiving three new judges at the start of the fiscal year.*

**Significant Capital Investments:**

\$8,000,000 for Fair Expo building  
\$2,000,000 for Fair site improvement project  
\$1,008,000 for general vehicles, police vehicles and trucks  
\$350,000 for a Landfill loader  
\$210,000 for a Landfill service truck  
\$1,454,085 for Pod 6 inmate housing lease  
\$2,50,000 for Landfill property acquisition  
\$175,000 for the Fleet carwash  
\$170,000 for the jail body scanner  
\$255,000 for Pod 5 roof replacement

Controller Wagoner reviewed the expenditure budgets by office/department for FY2021 (approved) and FY2022 (suggested). The total operating expenditure budget is \$117,008,095. Also included are the Melba Gopher District (no change), and the Pest Control District which includes salaries and benefits and the acquisition of a truck for FY2022.

The Board asked follow-up question of the Controller following his report. Additional budget meetings will be held where a “deeper dive” will be taken. No Board action was required or taken at this meeting which concluded at 10:46 a.m. An audio recording is on file in the Commissioners’ Office.

MEETING TO CONSIDER BOARD OF EQUALIZATION MATTERS

The Board met today at 1:36 p.m. to consider Board of Equalization matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender and Deputy Clerk Jenen Ross. Assessor Stender provided two documents outlining Assessor Adjustments to 2021 Certified Values - #2 which are adjustments made in their office and qualified homeowner’s exemptions; these adjustments did not come before the Board of Equalization. A brief review of some of the adjustments was provided to the Board. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign both documents identifying Assessor Adjustments to 2021 Certified Values #2. The meeting concluded at 1:41 pm. 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 1:48 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, Pam White and Leslie Van Beek, Director of DSD Steve Fultz and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution granting a refund to William Mason for a withdrawn building permit relocation fee:*** Director Fultz explained that an administrative land division was more appropriate for this situation and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to William Mason for a withdrawn building permit relocation fee (see resolution no. 21-161).

***Consider signing a resolution granting a refund to Lori Lovelace for a quasi-public temporary use permit:*** Director Fultz said that upon review this was already permitted under the current CUP and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to Lori Lovelace for a quasi-public temporary use permit (see resolution no. 21-162).

The following was discussed with Director Fultz:

Director Fultz said he has not yet had a chance to review the proposed code enforcement amendment. The Code Enforcement Office has been out of the office due to personal reasons and they've not had a chance to discuss this. Director Fultz is hoping he'll be back tomorrow giving them an opportunity to discuss. Commissioner Smith would like to evaluate staff cost prior to the fee schedule being established so that the fee and/or fines are able to cover the cost of the code enforcement division and to get to the point that there is enough staff to enforce the county ordinance. Commissioner Smith is also concerned about RVs being used as living quarters without the proper permitting or in places they should not be used as homesteads. Additionally, Director Fultz said his department recently met with Roger Batt and his group and they have agreed to assist in writing the ag portion of the comprehensive plan.

They will be adding two people to the P&Z Commission. Director Fultz's recommendations are Brian Sheets and Tanya Robinson; a brief background was provided on each candidate along with some concerns. Ms. Robinson is a real estate agent and due to that they may ask Scott Brock to step down as he is also a realtor. Commissioner Smith disclosed that she has a friendship with Ms. Robinson but feels she would do a good job as she loves ag land. Mr. Brock's term is up the end of the year and Rick Fried is up next year. The Board would like to do short meet and greet with both candidates.

An activity summary report was provided to the Board comparing June 2020 to June 2021.

Discussion ensued regarding the development of ag ground and city instituted moratoriums on building.

Director Fultz said his department has been working on an ordinance amendment to allow additional splits on land that is not economically viable farm ground, minimum one-acre residential up to 4 parcels. Once approved there would be no further administrative land divisions. They hope to have it to the P&Z Commission in August and then to the Board for further discussion. Commissioner Smith suggested changing original parcel dates. Director Fultz said he would talk with his staff in trying to determine a reasonable date.

They are working on their noticing to include an expanded area depending on the type of project.

In regard to the comprehensive plan they are meeting every Tuesday and Wednesday and he anticipates a draft being ready to go out to the public by the end of August.

The meeting concluded at 2:43 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS PLANNING OF GROUNDBREAKING CEREMONY FOR THE FAIR EXPO BUILDING

The Board met today at 2:49 p.m. to discuss planning of the groundbreaking ceremony for the Fair Expo building. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner, Facilities Director Paul Navarro, PIO Joe Decker and Deputy Clerk Jenen Ross. Discussion ensued regarding tasks to be completed, invitations, media notifications, and order of events. The meeting concluded at 3:07 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2021 TERM  
CALDWELL, IDAHO    JULY 13, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Rebecca Ramsey, Weed and Gopher Control Technician.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Boise Appliance & Refrigeration Co. in the amount of \$1,767.18 for Facilities Department
- Les Schwab in the amount of \$9,060.00 for Solid Waste

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Stewart & Christensen DBA Stewart's Bar & Grill to be used 7/31/21.

#### APPROVED APRIL 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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 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.

#### 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 Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell, Emergency Operations Manager Christine Wendelsdorf (left at 9:16 a.m.), Fair Director Diana Sinner (left at 9:06 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing parking lot rental agreement with Caldwell Bowling, Inc.:*** Director Sinner explained that every year the county enters into an agreement to use the Caldwell Bowling parking lot during fair. They are normally closed for maintenance during this time. The contract and cost are the same as previous years. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the parking lot rental agreement with Caldwell Bowling, Inc (see agreement no. 21-055).

***Consider signing a resolution approving award of officer's badge and duty weapon:*** Lt. Martineau has over 24 years with the agency and Chief Dashiell gave a review of his time with the Sheriff's Office. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board

voted unanimously to sign the resolution approving award of officer's badge and duty weapon to Lt. Martineau (see resolution no. 21-160).

***Consider signing Canyon County Idaho Multi-Jurisdiction All Hazard Mitigation Plan Promulgation of Adoption letter:*** Ms. Wendelsdorf explained that once the adoption letter is signed it will be forwarded to FEMA and in turn they will send back to the county the formal adoption letter along with the plan which will then be forwarded to the Board. This is the All Hazard Mitigation plan which incorporates all the different agencies within the county so that they are eligible to receive FEMA monies for mitigation projects within their district to address such things as water, sewer and wildfire prevention among other things. Currently there are 6 partners, Nampa and Middleton fire district are still working to complete their paperwork to join this plan. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Canyon County Idaho Multi-Jurisdiction All Hazard Mitigation Plan Promulgation of Adoption letter. A copy of the letter is on file with this day's minutes.

***Consider signing Idaho Office of Emergency Management 2017 subrecipient agreement for Canyon County 2017 Pre-Disaster Mitigation Program:*** Ms. Wendelsdorf said this is the grant that was awarded to the county in order to put the all hazard plan together. It is a 50/50 matching grant but due to an overmatch the county is due a refund of about \$54,000. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Idaho Office of Emergency Management 2017 subrecipient agreement for Canyon County 2017 Pre-Disaster Mitigation Program (see agreement no. 21-056).

***Consider signing notice of termination of IFB for Thermal Imaging Project:*** Mr. Robertson gave a brief background of this project. After the intent to award letter was sent there were a couple of objection letters received so at this time the recommendation is to reject all bids. A letter has been prepared notifying all bidders of the rejection. Chief Dashiell spoke about how he is supportive of slowing down the timeline of the project and evaluating the needs of the county in order to avoid litigation or liability. He said this has been budgeted for in the FY2022 budget. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of termination of IFB for Thermal Imaging Project. A copy of the letter is on file with this day's minutes.

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

PUBLIC HEARING – APPEAL BY PECKHAM ROAD TRUST FOR A CONDITIONAL USE PERMIT, CASE NO. CU2020-0001

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of an appeal by Peckham Road Trust of the P&Z Commission's decision which denied their request to modify a conditional use permit (CUP), Case No. CU2004-92, to allow the existing feedlot (CAFO) to expand from the approved 6,000 head of beef cattle to 12,000 head. The operation will be expanded from 9 parcels to 13 parcels, R36987010, R36987, R36988, R36989, R36991, R36991010, R36967,

R36968013, R36968012, R36975010, R36992, R36992010, & R36986. The facility is located at 27443 Peckham Road in Wilder. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, Todd Lakey, Dr. George Murgel, Dillon Wickel, John Hepton, James Pierce, Cameron Mulroney, Trey Hart, Mitch Anderson, Trey Roberts, Cari Berrett, Jared Gould, Pete Arritola, Burke Neely, Jody Moos, Todd Smith, Michael McHugh, John Peterson, Jess Painter, Jason Tindall, Ed Leavitt, Nathaniel Nesbitt, Sam Turner, Connie Brandau, Cesar Renteria, Leo Swensen, Donald "Levi" Masmeyer, Garrett Hodges, Kellsie Peterson, Sid Freeman, Adam Duckett, David Shenk, Michael Hackney, Ken Wynn, Lawrence Nixon, Russell, Laurson, Dave Crandall, Sheriff Kieran Donahue, Andy Bishop, Bill Doramus, Jon Mortensen, Eric Derr, Kortney Masmeyer, Todd Smith, Ken Wood, Debora Wynn, Dawn Shahan, Dallas Holton, Travis Allen, Halie Lambrecht, Wendy Hackney, Speelman Feeders, David Gomez, Taylor Funk, Chris Rueth, Robert Luna, Chris Landa, Andrea Gooding, Brock Obendorf, Josie Thurman, Darin Mann, Jim Lambrecht, Jodie Lambrecht, Darin Taylor, Art Rodriguez, Brenda Abbott, Cindy Foster, Sandra Smallwood, Merle Hammons, Kevin Anderson, Ken Gaines, Linda Dillon, Paul Bryson, Candis Abbott, Sherry Jetton, Kent Vaughters, Paul Schwedelson, and Deputy Clerk Monica Reeves. *\*In addition to the persons present for today's hearing there were also approximately 180+ people who registered online for the hearing to note their position on this case. The vast majority of the online registrations were people in support of the appeal; approximately 30 were in opposition and 2 were in a neutral position. The majority of those who signed-in online did not appear for today's hearing.*

Commissioner Smith disclosed that her uncle owns a feedlot but neither she nor he has any financial gain in this case. She has a lot of friends here today and a lot of people have called her about this case but she did not gather any testimony or information outside of the hearing. She was a former employee of DSD and is familiar with the subject property, both as a former planner and code enforcement officer, but that will not impede her decision-making moving forward. Commissioner White disclosed that she too knows several people in attendance at today's hearing but that will not impact her decision. Commissioner Van Beek disclosed that she and her husband have sold calves to Wilson Creek Cattle Feeders, the predecessor to Peckham Road Trust, but that should not impact her ability to make an unbiased decision.

Jennifer Almeida gave the oral staff report. The request is an appeal of the P&Z Commission's denial of a request to modify an existing CUP. The modification would allow the existing CAFO to expand from 6,000 head to 12,000, and the operation will be expanded to additional parcels. Ms. Almeida gave a report on the history of the property including previous hearings and siting team reviews. She gave a review of the subject property and the surrounding property. The area is primarily agriculture in nature and agriculturally zoned, however, there are numerous residences located in close proximity. Within one mile there are 13 platted subdivisions. Portions of the properties contained within this proposal are located within the City of Wilder impact area. The city designates the properties as residential, and the feedlot abuts Wilder's proposed future residential area which has potential for conflict. Staff did find there was criteria it did not meet. It has the potential to negatively impact the essential character of the area due to the increase in numbers, in truck traffic, the feedlot encroaching on the historic landfill, the nitrate priority area and existing wells that have tested high in nitrates, and as a result staff recommended denial at

the P&Z Commission level and that recommendation still stands at the Board level for the same reasons. The Department of Agriculture has indicated they were not in violation of any requirements. Ms. Almeida reviewed and summarized the exhibits were submitted. Following her report, she responded questions from the Board.

**The following people testified in support of the appeal:**

**Todd Lakey** testified this is an agricultural business in an agricultural zone in an agricultural County and it's an expansion and modernization of a compliant historic operation by a proven, responsible operator who takes environmental issues seriously and improves the facility from an environmental impact standpoint. They performed a site-specific analysis with individuals with expertise that shows their commitment to a responsible low-risk compliant operation and design. The comprehensive plan strongly supports agriculture; the right-to-farm act protects agriculture; the CAFO Ordinance protects agricultural uses; the decision on whether this is an appropriate site for a feedlot was made long ago as you have a responsible operator proposing to improve the compliant operation it merits protection. The operation significantly reduces risk. It's an environmentally responsible plan and operation to improve the facility. The owner will modernize the site with the expansion and there will be extensive re-leveling, berming to retain water and drainage onsite, and directing that water to retention areas that are lined for evaporation. The composting operation has been moved from the small six-acre site to the old landfill to the east portion off Rodeo Lane. They acknowledge the impacts of these kind of operations and they will continue using best management practices and enhance efforts to deal with manure, water, odor, dust and flies. A modern sprinkler system will be installed. There will be no trucks going west on Peckham Road or Fish Road. Most will travel on Peckham to the north either via Rodeo, Fargo or Batt Corner Road, and a little to the south to Stewart. Rodeo Lane will be the main access. Following testimony Mr. Lakey responded to questions from the Board.

**Dr. George Murgel, Ph.D.**, is a professional engineer who testified about the environmental uses associated with this project. He said contamination is not likely to occur. The site has been and will be designed to contain the runoff and any water that would fall on the site to prevent it from getting offsite and/or from percolating into soils. Following his testimony, Dr. Murgel responded to questions from the Board.

**John Hepton** testified he will rebuild the feedlot to the highest standards and the newest technology. For the last 26 years he has been consulting with feedlots. They have removed half of the pens at the facility but it's not just a matter of putting new pens on the same facility; it needs massive dirt work and a water system. He will spend \$3 million updating the feedlot and he estimates he will spend \$11 million a year on local feed around the Wilder area. There is nothing more sustainable for the future of food production than taking local feed, making high quality protein, composting that manure and putting it back onto farm fields. They always give back to the community by supporting F-H and FFA to encourage young people to get into agriculture, and by donating beef to Love, Inc., and to the Hope House, and to the food pantry in Wilder, and to the Idaho Feed Bank. The benefit for the cattle, the employees, and the neighbors is to totally redesign the operation with the newest technologies and make it up-to-date and that

will make for the best neighborhood for this agricultural area. Following his testimony, Mr. Hepton responded to questions from the Board.

**Burke Neely** is a livestock nutrition and management consultant with a degree in animal sciences and a degree in crop and soil science. He gave testimony about John Hepton being a responsible well-respected owner/operator and employer. He said the expansion will result in more efficiency and economic advantages and will stimulate the local ag economy.

Dillon Wickel, James Pierce, Cameron Mulroney, Trey Hart, Mitch Anderson, Trey Roberts, Cari Berrett, Jared Gould, Pete Arritola, Jody Moos, Todd Smith, Michael McHugh, John Peterson, Jess Painter, Jason Tindall, Ed Leavitt, Nathaniel Nesbitt, Sam Turner, Connie Brandau, Cesar Renteria, Leo Swensen, Donald "Levi" Masmeyer, Garrett Hodges, Kellsie Peterson, Sid Freeman, Adam Duckett, David Shenk and Bill Doramus offered testimony in favor of the appeal. The majority of the testimony in favor dealt with importance of the beef industry, job creation, economic impacts of agri-business, the owner's professional management practices and his efforts to help farmers buy local commodities, and how the feedlot will benefit the ag/market sales, and how the residences that came after the feedlot are a conflicting use.

**The following people testified in opposition:**

**Darin Taylor** was hired to represent a development (three projects) consisting of 174 lots located two miles east of the project property and adjacent to the Wilder city limits. He said no one is stopping Mr. Hepton from improving the site; the issue is with the addition of 6,000 head of cattle in two years. In recent months there have been relatively few animals on site even though it's permitted for 6,000. If we added 6,000 head it will startle the neighborhood and if we had 12,000 head it will stun the neighborhood and community. The County is charged with avoiding mixing incompatible land uses. Concentrated animals in a confined area is industrial; it's different from farming, it's not ranching it's industrial. Just because a 6,000 head concentrated animal operation is compatible with the area that does not mean 12,000 head is. A feedlot is not an allowed use, it's a special use permit. The geo-tech study found that Peckham Road is deficient in its sub-base, base, and surface. There are recommendations to reclaim Peckham Road, and in response the applicant routed traffic off Peckham Road and they are putting the trucks on the roads that are in decent shape rather than fix the deficient one. If the County approves this he strongly recommends the Board designated truck routes – one north, and one east and have the applicant repair Peckham Road where the trucks have been driving for 50-60 years rather than start using Stewart Lane. Mr. Taylor said they are not opposing the applicant, they want to focus on the subject. He said this will be a great contribution to the community and if there's a way to make it a compatible use either with numbers or timing or routes then let's be intellectually honest and not say it does not change the character of the area. Following his testimony, Mr. Taylor responded to questions from the Board.

**Art Rodriguez** lives across from the feedlot and has concerns about dust, flies, odor, and shallow water wells. He is opposed to the feedlot expansion because the operators have not met the obligations that go along with the CUP. The same problems exist today that existed in 1994.



**Brenda Abbott** testified that Canyon County law mandates the Board close the nonconforming feedlot based on the permit violations. She sent pictures of the violations many times over the last year but they were ignored. Peckham Road Trust has owned the property since 2015 and have had six years to comply with the conditions and make upgrades. They have no CAFO siting permit transfer permit from Peckham Road Trust as required by law which means the applicant has been operating a feedlot at this location without the legally required permit for six years and that is grounds to revoke the permit. They have violated almost every condition put on them and over 100 pictures have been submitted which show the violations, but neither the DSD Director nor the Board responded to any of the violations. An inspector was sent to the property and he sent a letter but it did not address the issues. Peckham Road Trust does not have a permit, the permit is for Grass Cattle Systems and based on records from the Secretary of State, they ceased to exist in 2009. The facility is a discharger into the Snake River and as a result of the 2003 EPA compliance guide they are required to have an NPDES permit, but they do not. There are no sprinklers at this site, and it has been required since 1994. The feedlot creates odors and toxic dust consisting of ammonia, hydrogen sulfide, methane, and particulate matter. They have cattle outside the feedlot and when they were denied expansion they began expanding onto land that is not included in the permit. Additional concerns include: the unlined pond and wastewater; encroachment onto her right-of-way; and the open canal and lagoon on the property. She said the engineer from the City of Wilder previously testified they are concerned this feedlot could contaminate the entire drinking water system for the City of Wilder. Following her testimony, Ms. Abbott responded to questions from the Board.

Jennifer Almeida responded to questions regarding ownership information submitted by the applicant. Commissioner Smith said she understood the DSD Director issued a letter to Ms. Abbott stating there was not sufficient evidence of a CUP violation. Ms. Almeida said that is part of the record as Exhibit #126. (The letter was in response to Ms. Abbott's letter to the County.) Ms. Abbott said the feedlot has violated every condition of the CUP, but the DSD Director and inspector did not address her complaints about the violations. Commissioner Smith said the Prosecutor's Office sent a letter to Ms. Abbott stating if she believes a County official committed a crime or if she felt Director Nilsson's determination was incorrect, there are options available to her. Discussion Ms. Abbott continued responding to questions from the Board.

**Cindy Foster** lives west of the subject property and she testified the property on the ridge is a French drain that consist of sand and boulders and which is brilliant for drainage but is a disaster for a stockyard, for the aquifer, for the Snake River, for the City of Wilder's well, and for all the residences around it. She questioned how close is it to the open pit and who will be held responsible if it breaks and goes into the old dump site. She believes it's a disaster waiting to happen. Ms. Foster also questioned why Mr. Hepton, who has owned the property for years, hasn't installed a sprinkler system.

**Sandra Smallwood** owns property across from the subject property and her family has lived in the area since 1948. There haven't been as many cattle on the property in recent months as there has been in the past so there hasn't been as much dust but she's worried about what it will



be like with 12,000 head. With 5,000 head they couldn't enjoy their backyard because of the dust, odor, and flies. She does not want the additional 6,000 head of cattle because it will dramatically change the area.

**Merle Hammons** lives on Peckham Road and he has not changed his opinion of the feedlot with the new owner. His concerns include: trucks that drive past his property blow debris, such as onions, onto his lawn and driveway; previous feedlot managers have not complied with the permits for several years; and the problem with starlings, flies, and odor making it so it cannot enjoy his backyard. He urged the Board to deny the feedlot.

During rebuttal testimony Todd Lakey said there has been testimony expressing broad support relating to the factors in the comprehensive plan from those who live in the immediate vicinity and from those in the industry. We have an existing compliant operation based on the Department of Agriculture's inspection and the County's code enforcement inspection. The plan is to do a lot of earth work and make improvements to the site. Dr. Murgel's has done a site-specific analysis and his testimony carries the most weight in analysis and credibility. Our requirement is to comply with the regulations and standards and we'll have to do that in design and moving forward in the future. They have added an additional intersection. People moved to the area after the CAFO operation was in place. It's a compliant operation and they are limited in their ability to complain about dust, noise, odor, flies, and manure. The CAFO ordinance requires it be completed in five (5) years, but the applicant's intent is to start the improvements this fall and complete it next year. They believe they are in compliance with the canal that runs through the property. The re-leveling of the site will be the major adjustment to most of the issues on site with the water draining to retention areas so there will be less liquid for flies to breed in so the enhancement and modernization will dramatically improve the fly situation. There was a purchase of the property by the Trust approximately 8 eight years ago but there was some litigation between the owner and the purchaser. Mr. Hepton advised they began operating the property as soon as they could which was two years ago.

Commissioner Smith said it's important to consider the testimony and make sure we come up with conditions the feedlot can follow, but not conditions that can be "picked on" constantly. The Board asked additional questions of John Hepton regarding the feedlot operation. Mr. Hepton said in 2019 they tore down half the corrals and were working on getting to the P&Z Commission, but COVID put it off by another year. If the expansion request is approved they will start work this fall and then they will shut down for the winter and finish it next year. One year from September it will be completed. Commissioner Smith asked if the Mr. Hepton will agree to a condition that would limit the CUP specifically to his organization's ownership. Mr. Hepton said he will not agree to that condition because the improvements he makes to the location will make a majority of the difference. If the facility is well built then someone else can follow in those footsteps and manage it appropriately. Commissioner Smith said the use goes with the land so the conditions of approval need to have those standards of what the operation would look like. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. (The Board entered the exhibits into the record.) Commissioner White said the previous owners have left a bad smell, but she feels good about today's discussion with

the owner about the business plan and the best management practices. She supports a continuance of the hearing. Commissioner Van Beek said there has been a lot of information, but the most credible testimony for groundwater and surface water is with the hydrologist who has a six-page distinguished resume. We have to craft conditions for the conditional use. Commissioner Smith said she finds support for expansion request from the evidence presented today. She doesn't want to be a County that just develops rooftops and changes who we are. Businesses like this have an unending effect for youth and the community that is something and if we don't allow an expansion here where do we allow it? She spoke about the importance of having industry support job creation. She wants to approve the CUP; however, we need to consider what those conditions of approval are to protect the operator and the constituents. She wants to allow the applicant and staff time to review conditions based on the testimony received and to hear mitigating factors we can consider for the constituents and to allow the owner to operate within the rules of the state and federal guidelines. Commissioners Van Beek and White support that. Commissioner White said there are certain areas she wants to make sure are covered in the conditions. Staff will work on conditions of approval and bring them back at the next hearing. Testimony will remain closed. Commissioner Van Beek made a motion to continue the hearing to July 27, 2021 at 2:30 pm. in order to consider approval with conditions. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 4:56 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 14, 2021

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

No meetings were held this day.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 15, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman - **OUT**

Commissioner Pam White – VIA TELECONFERENCE  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 575793 to 575796 in the amount of \$8,796.21

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:53 a.m. to consider matters related to medical indigency. Present were: Commissioner Keri Smith, Commissioner Pam White via teleconference, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-758, 2021-756, 2021-756, 2021-851, 2021-834 and 2021-764. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days.

Lien, lien releases and assignments were presented for Board signatures.

Director Baker said that all cases scheduled for hearings today have either been withdrawn or continued as follows:

Case nos. 2021-576 and 2021-451 have been withdrawn by the hospital and do not meet the eligibility criteria for county assistance. Commissioner White made a motion to issue final denial due to being withdrawn and not meeting the eligibility criteria. The motion was seconded by Commissioner Smith and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Smith case nos. 2021-573, 2021-577, 2021-487 and 2021-649 will be continued to August 19, 2021.

Commissioner White made a motion to continue case no. 2021-394 to October 7, 2021. The motion was seconded by Commissioner Smith and carried unanimously.

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

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*Note for the record: As properly noticed the Board met today at 10:00 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner White made a motion to go into Executive Session at 10:01 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 White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Smith, Commissioner Pam White via teleconference, Deputy P.A, Zach Wesley, Facilities Director Paul Navarro and HR Generalist Jennifer Allen. The Executive Session concluded at 10:06 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner White made a motion to continue the legal staff update to 1:15 p.m. today. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 10:07 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### PUBLIC HEARING – REQUEST BY RICHARD CHAMBERS FOR A REZONE, CASE NO. RZ2020-0026

The Board met today at 1:21 p.m. to conduct a public hearing in the matter of a request by Richard Chambers, represented by Tyler Bosier with Blast Properties for a rezone from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone, Case No. RZ2020-0026. Present were: Commissioners Keri Smith, Commissioner Pam White (participated via conference call), DSD Planner Jennifer Almeida, Tyler Bosier, Richard Chambers, Tim Bosier and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property is designated as residential on the Canyon County Future Land Use Map. The surrounding area contains both agricultural and residential uses. West of the property are parcels with homesites that range in size from 2.07 acres to 4.55 acres. The property is within the Nampa impact area and is designated as residential. There are 28 platted subdivisions within one mile of the site with a .91-acre average lot size. The property is within a nitrate priority area. Ms. Almeida reviewed the agency comments. The P&Z Commission recommended on April 15, 2021 and staff is also recommending approval finding this request complies with the comprehensive plan as well as the criteria for a rezone. Tyler Bosier testified they have done our homework with the agencies involved and they will comply with all recommendations and requirements. He said when the Chambers' purchased the property it was their intention to split the property upon retirement, and as the developer he will develop it into residential homesites that include fencing and irrigation. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner White said this is very straightforward case and she sees nothing that would cause her to be against this. Commissioner Smith agreed and noted that the neighboring property to the east was rezoned in 2019, there are quite a few subdivisions in the area, and the city is close. Upon the motion of Commissioner White and the second by Commissioner Smith to approve the zoning map amendment (rezone) of Parcel 29545 from “A” (Agricultural) to an “R-R” (Rural Residential) zone and to sign the FCO's and to sign the ordinance directing the map change.

(Ordinance No. 21-016.) The hearing concluded at 1:31 p.m. An audio recording is on file in the Commissioner's Office.

#### CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 1:44 p.m. for a continued meeting with county attorneys for a legal staff update. Present were: Commissioner Keri Smith, Commissioner Pam White via teleconference, Deputy P.A. Zach Wesley, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross.

Mr. Wesley spoke about Valley View Ranch Subdivision stating that there was a development agreement that was submitted by an attorney on behalf of applicants. This case went thru P&Z as a straight rezone and was noticed the same for the hearing before the Board. Mr. Wesley advised that for the hearing taking place on July 26<sup>th</sup> that the Board could consider the development agreement at that point and if the Board chooses to approve it, it could be approved with the conditions and development agreement. However, because that is a material change from the planning and zoning commission's recommendation there would need to be a second hearing. A second hearing would also allow this to be pushed out so that they could finish their preliminary plat that needed changes before it was signed. The preliminary plat and second hearing could happen at the same later date. The Board feels this is a good plan.

In regard to the hearing held July 13<sup>th</sup> for Peckham Rd. Trust, Ms. Almeida noted that she incorrectly stated a letter was from the previous DSD Director, Tricia Nilsson, when in fact it was from the Code Enforcement division at the direction of then Director Nilsson. Mr. Wesley feels that since the letter was presented as an exhibit it speaks for itself and there is no need to open the hearing to correct the record. If Ms. Brenda Abbott has further complaints about the erroneous statement it would be best for her to submit an email that Ms. Almeida could respond to, those emails could then be added to the record. The Board is supportive of this course of action.

The meeting concluded at 1:50 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2021 TERM

CALDWELL, IDAHO     JULY 16, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Linda Vanacore, Fair O'Connor Supervisor; Linda Ellis, Fair Admissions Supervisor; Debra Amyx, Fair Admissions Assistant.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$1,171.90 for Canyon County Sheriff
- Pro Vision in the amount of \$1,050.00 for Canyon County Sheriff
- BOE in the amount of \$3,390.00 for Information Technology Department
- Titan HQ in the amount of \$13,200.00 for Information Technology Department
- Elevate in the amount of \$11,564.60 for Information Technology Department

#### EXECUTIVE SESSION – PERSONNEL MATTER

*Note for the record: As properly noticed the Board met today at 1:06 p.m. for the HR hiring committee to discuss the hiring process. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 1:07 p.m. pursuant to Idaho Code, Section 74-206(1) (a) 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 and Leslie Van Beek, Commissioner Pam White participated via teleconference, Sheriff Kieran Donahue, Deputy P.A. Zach Wesley and HR Generalist Jennifer Allen. The Executive Session concluded at 2:14 p.m. with no decision being called for in open session.

#### CONSIDER SIGNING RESOLUTION TO TRANSFER ALCOHOL LICENSES FOR VARIOUS JACKSON BEVCO INC DBA TOBACCO CONNECTION

The Board met today at 2:15 p.m. to consider signing a resolution to transfer alcohol licenses for various Jackson Bevco dba Tobacco Connection nos. 1, 6, 12, 16, 22, 23, 32 & 37 and Big Smoke nos. 102, 109, 113 & 115. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the resolution of transfer alcohol licenses for Jackson Bevco dba Tobacco connection as read into the record (see resolution no. 21-163). The meeting concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2021 TERM  
CALDWELL, IDAHO JULY 19, 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:

- ACCO Engineered Systems in the amount of \$3,545.00 for Facilities Department
- Idaho Power Company in the amount of \$7,066.00 for Solid Waste Department

COMMISSIONERS OFFICE STAFF MEETING, FILE TREASURER'S MONTHLY REPORT, AND CONSIDER MAKING A REAPPOINTMENT TO THE CANYON COUNTY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES

The Board met today at 8:41 a.m. for an office staff meeting, and to file the Treasurer's monthly report for May, 2021, and to consider a reappointment resolution for the Canyon County Mosquito Abatement District Board of Trustees. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, and Deputy Clerk Monica Reeves. Chief Deputy Treasurer Jennifer Mercado arrived at 8:49 a.m. The items were considered as follows:

**File Treasurer's monthly report for May 2021** - Commissioner Van Beek said the report comes on a regular basis and she's asked if the beginning and ending balance represent the fund balance for each fund under the levy rate. Chief Deputy Treasurer Jennifer Mercado arrived at 8:49 and responded to questions from the Board and noted that the report is generated by the Auditor's Office. Discussion ensued about fund balance. Commissioner Van Beek said the Board needs a greater explanation and detail on this information on how to read and understand the report.

**Consider reappointing Tammy Dittenber to the Canyon County Mosquito Abatement District Board of Trustees** - The Board received a recommendation from the district to reappoint Ms Dittenber to the board of trustees. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reappoint Tammy Dittenber to the Canyon County Mosquito Abatement District Board of Trustees. (Resolution No. 21-164.)

The Board reviewed the upcoming schedule with staff. This afternoon Commissioner Smith will meet with Director Gary Spackman from the Idaho Department of Water Resources about farmers reaching out to her with concerns about full crop losses because of the shut off times the Boise Project Board of Control has set. She said they are asking the County to declare a disaster if they do that. The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

#### COMMISSIONERS TO REVIEW AND DISCUSS THE FY2022 SUGGESTED BUDGET

The Board met today at 9:08 a.m. for the Commissioners' to review and discuss the FY2022 suggested budget. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, Chief Deputy Sheriff Marv Dashiell, Director Misdemeanor Probation Jeff Breach, PIO Joe Decker, Canyon County Ambulance District Director Michael Stowell, Director David Loper (arrived at 9:45 a.m.), Deputy P.A. Alex Klempel (arrived at 9:56 a.m.) and Deputy Clerk Jenen Ross.

Commissioner White said she would like to see the requests for capital projects that weren't funded so they can be projected for future budgets. Commissioner Smith explained that the Board is thinking of sending an email to elected officials and department administrators asking for information on items that they requested but weren't included in the Clerk's suggested budget. Controller Wagoner said he can't think of anything that wasn't funded in regard to capital projects. The Assessor has dropped his request for an additional site based on the unknown situation with ITD. Controller Wagoner noted that the suggested budget detail is now in PowerPlan and there is a report within the software that will show line-by-line what was requested vs. what was suggested.

Commissioner Van Beek asked about salary changes for elected officials which Controller Wagoner explained are included in a separate compensation line item which is under the compensation program. At the request of Commissioner Van Beek, Mr. Wagoner said he can provide to the Board a spreadsheet detailing wages for each employee. No monies were allocated for equity pay this year.

Commissioner Van Beek spoke about a health insurance program she recently heard about and asked when the last time the County's plan was evaluated. Mr. Wagoner said that the County's health insurance program is regularly evaluated. The County is self-funded so it pays its own claims and the employees who utilize services do contribute by paying deductibles, etc. He feels that the plan the county is currently on is an appropriate plan that is in solid financial condition. Commissioner Smith feels that evaluation of a different health care plan might be something better left to an HR Director once someone is hired.

Discussion ensued regarding the outline provided in a previous document regarding the American Rescue Plan monies. Controller Wagoner explained that COVID interrupted the county revenue



stream so the \$6M is replacing what was lost in the economy at the time everything was shut down in 2020. Clerk Yamamoto clarified that proposed salary increases are not being supported with ARPA money. These funds will be subject to a single audit so from an auditing standpoint it is easier and cleaner if the funds are used for a few large items vs. many smaller items.

Commissioner Van Beek asked questions about the taking of new construction, capital improvement projects, long-range planning, funding of a public safety building, property acquisition, and the Treasurer's monthly report.

Clerk Yamamoto spoke about property taxes, changes made in the legislature and the impact it's had on taxpayers.

In regard to a question from Commissioner Van Beek about security needs, Controller Wagoner said there were requests from different offices and departments that were included in the budget.

A brief discussion was had about funding of the outside agencies, Commissioner Smith would like to see a breakdown comparison of the requested vs. funded amount. Controller Wagoner noted that the outside audit will be funded with ARPA monies, the Nampa Family Justice Center requested \$40,000 but have been allocated \$20,000 in previous year so was left at that amount and a new position was added to the Fair but funding of the County Extension office remains the same.

Commissioner Van Beek asked the Clerk and Controller about the unfunded liability for PERSI. Neither are sure the details of the question so Commissioner Van Beek said she would contact them later to clarify her request.

Recommended changes to the budget need to be to the Clerk's Office as soon as possible.

The county funds 3 full-time positions along with contributing to the university for the educators in the Extension office budget; these numbers remained similar to FY2021. Controller Wagoner said their contract has increased \$1000 from the prior year. Commissioner Smith explained that they took the money used for the Fair Aide position and applied it to the Master Gardner program. The three staff members funded by the county will no longer be handling Fair related tasks.

Controller Wagoner said that so far, the Western Idaho Community Crisis Center has not requested any additional funding.

Discussion ensued regarding costs for office renovations, furniture and software related to the 6 additional positions requested in the Prosecutor's Office. Commissioner Van Beek feels like additional questions may need to be asked of the Prosecutor for clarification.

Commissioner Smith would like to see the payroll report, spreadsheet showing all the organizations that requested funding and for the Board to have further conversation regarding the Agent's contract.

The Board will send an email to all Offices and departments to identify any unfunded items in the budget and the impact it will have to them.

Commissioner Van Beek made a motion to continue this meeting to tomorrow, July 20, 2021 at 11:00 a.m. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 10:04 a.m. An audio recording is on file in the Commissioners'

CONSIDER SIGNING NOTICE OF SOLE SOURCE PROCUREMENT OF JOHN DEERE 644 P WHEEL LOADER FROM COASTLINE EQUIPMENT COMPANY

The Board met today at 10:05 a.m. to consider signing a notice of sole source procurement of a John Deere 644P Wheel Loader from Coastline Equipment Company. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross. Director Loper explained that they looked at a couple of different loaders from John Deere and Caterpillar, both of which are on the Sourcewell government contract. The Sourcewell contract gives the county the opportunity to choose whichever machine works best but by providing notice of the intent to go sole source it makes the process more transparent. Further discussion ensued as to why the John Deere machine was chosen. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of sole source procurement of John Deere 644P Wheel Loader from Coastline Equipment Company. The meeting concluded at 10:16 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:36 a.m. for a monthly meeting 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, DSD Director Steve Fultz and Deputy P.A. Zach Wesley (arrived at 9:54 a.m.) and Deputy Clerk Jenen Ross.

Director Tolman updated the Board on the following:

- The recent vehicle auction went well and closed on July 15<sup>th</sup>. On some vehicles they doubled what they'd anticipated. Director Tolman anticipates running another auction in about a month.
- A patrol vehicle was recently totaled and discussion ensued regarding potential situations for retention or scrap of the vehicle.
- Director Tolman is working to collect information on the carwash build which is included in the FY2022 budget.
- A take home vehicle form will be coming before the Board soon for the new DSD inspector. Commissioner Smith requested a list of employees who have take home vehicles and the mileage they drive daily. If there is an employee that is no longer provided a take home vehicle Pam Freeman in auditing needs to be contacted so that taxing of the employee for this benefit can be discontinued. Further discussion ensued regarding the vehicle use policy, maintaining of the vehicle use policy, forms for take home vehicles and de minimis mileage. Commissioner Van Beek will work with Director Tolman to compile information

for an updated policy, procedure and drug testing policy. Once they have a solid foundation they will ask for input from legal so that they don't have to start from scratch.

The meeting concluded at 11:04 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 11:05 a.m. for a weekly meeting 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 Steve Fultz, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

Commissioner Smith has had 2 meetings with Chief Timinsky regarding removal of conditions for fire sprinklers on plats. She let him know that the Board's position is that fire sprinklers are not always required, there are exceptions to the rules and that the county doesn't want to mandate fire sprinklers. Chief Timinsky expressed his concern about his firefighters going into homes in subdivisions without water sources or sprinkler systems. She believes one thing that would help constituents is an ordinance that addresses some of the standards for safety and try to standardize some of the requirements across the board to ensure DSD would only have to enforce county standards. Mr. Wesley said that highway and fire districts do have their own originating authority in Idaho law. The State adopts a fire code and that the fire districts, thru the State's authority, have the authority to site people for violations of the fire code and he believes it goes as far as declaring a building unsafe. Commissioner Smith is proposing no longer having a carte blanche approval from the highway and fire district, she wants there to be standards in place that could be enforced. Zach Wesley explained this way the county could clearly identify what's being looked for and could approve without a bunch of additional conditions. It still reserves the highway and fire district's authority, independent of the county.

**Code enforcement updates:** there are currently 59 open and active cases for 2021 and 42 pending complaints that require inspections. The part-time code enforcement person recently resigned but they are actively working to get additional help in place. Commissioner Smith informed Director Fultz that she knows of a previous DSD employee who may be able to help train a new administrative person for the code enforcement division. Both Commissioners Smith and Van Beek are supportive of the added payroll expense to assist in training as Mr. Arthur doesn't have time to do that. Discussion ensued regarding requested positions for DSD including a full-time Economic Development position and looking at eliminating the part-time Code Enforcement position in favor of a full-time administrative position for the code enforcement division. Director Fultz said he would continue to work with Mr. Wesley regarding the ordinance and fee structure. A review of office space revisions and personnel movement was given.

**Comprehensive plan meetings:** internal weekly meetings are being held for updates on the comprehensive plan. They are currently 70-75% done with the draft and will have it to the Board by the end of the month. Anticipating public meetings to start again at the end of August for community input.

**Tom Daniels training:** this will be a 2-day event being held August 10<sup>th</sup> and 11<sup>th</sup>. The 1<sup>st</sup> day will be a training session for DSD staff and the second day will include invited community members. Director Fultz hopes to video the presentation so it can be shared later.

The Planners are tracking ordinances that continue to come up as issues as they are looking to do some rewrites. The ordinance for non-productive farm ground is currently being worked on.

There was an offer made to someone for the Sr. Administrative Specialist position but had to rescind the offer due personal issues. They are continuing to look for the right person to fit with the team.

Director Fultz spoke to Commissioner Smith's request about resetting original parcel dates to 2010. He and his staff will continue the conversation once several staff members return from vacation.

PI score is down to 20.

A draft copy of the hearing examiner contract was forwarded to Mr. Eggleston, he had a couple of concerns which legal was able to resolve quickly. They are looking to have him start in August.

There is concern about the number of subdivision applications coming in; 7 applications came in just last week. Director Fultz may still want to talk more with the Board about bringing an engineer in-house.

Commissioner Smith would like to host a meeting between the Board, DSD and the Mayors and planning directors of each city to have a conversation about growth in Canyon County. Commissioner Van Beek is supportive of this idea. The Board will create an itinerary for a roundtable discussion during a working lunch/afternoon. Discussion ensued as to what it would look like and the impacts of limiting residential growth. Commissioner White expressed she is also in favor of this type of meeting but would like to have some more specific details.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 11:57 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner 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, DSD Director Steve Fultz and Zach Wesley. The Executive Session concluded at 12:09 p.m. with no decision being called for in open session.

The meeting concluded at 12:10 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 20, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Larry Haney, Interpretive Specialist.

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Fuerte LLC dba Goodwood Barbecue Company to be used 8/6/21 and 8/14/21.

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

The Board met today at 9:04 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, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, IT Director Greg Rast (left at 9:08 a.m.), Fair Director Diana Sinner (left at 9:11 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing authorization letter to .Gov Domain Registration:*** Director Rast explained that this letter applying to the GSA is the first step in changing the county domain from .org to .gov. All changes to new email addresses will happen behind the scenes. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the authorization letter to .Gov Domain Registration. A copy of the letter is on file with this day's minutes.

**Consider signing 2021 Canyon County Fair contract with Banda Machos and FM Entertainment:** Mr. Wesley said the only difference between this contract and others recently signed is the force majeure clause in that the county will still be responsible for payment if there is a cancellation for any reason. There are several strikethroughs within the contract which Mr. Wesley said need to be initialed by the Chairman or designee. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the 2021 Canyon County Fair contract with Banda Machos and FM Entertainment (see agreement no. 21-057).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:12 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner 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, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 10:49 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.

CONTINUED BOARD DISCUSSION REGARDING FY2022 CLERK'S SUGGESTED BUDGET

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*Note for the record: As properly noticed the Board met today at 11:05 a.m. for continued Board discussion regarding the FY2022 Clerk's suggested budget. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 11:06 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 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. The Executive Session concluded at 12:56 p.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said no decisions were made and no further action is required. However, there is an email from Commissioner Van Beek with

requested budget information from the Clerk. Commissioners Smith and White will reply to that email and then forward it to the Clerk.

The meeting concluded at 12:57 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO REVIEW AMERICAN RESCUE PLAN FUNDS FOR THE PURPOSE OF REVIEWING ALLOWABLE EXPENSES

The Board met today at 1:40 pm. to review the American Rescue Plan Act (ARPA) funds for the purpose of reviewing allowable expenses. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Civil Deputy PA Sam Laugheed, Chief Deputy Sheriff Marv Dashiell, Assessor Brian Stender, PIO Joe Decker, and Deputy Clerk Monica Reeves. The Board previously met on this topic on June 18, 2021 and had a roundtable discussion about how to utilize the funds and further discussion ensued today. Below are the highlights of the discussion:

The County received nearly \$45 million in ARPA funds and is continuing discussions about how to utilize those funds.

There was a review of the new version of the FAQ's from the Treasury regarding use of the ARPA funds which will be subject to auditing. There is broad latitude; you cannot the funds to pay interest or principal on outstanding debt, or use it to replenish rainy day funds or to pay settlements or judgments, but it is generally okay to use it for services that are provided to citizens.

There were brief comments about a proposal to have a courthouse district or a County urban renewal agency, but the topic warrants further discussion down the road.

Commissioner Smith suggested a onetime bonus/premium pay to eligible workers who showed up to work and performed essential work during the health emergency. Chief Dashiell said those who lost their jobs during COVID should get that incentive, but he has issues with paying additional monies to people who worked and received a salary. There was discussion about who would determine the metrics for a bonus payment and the questions and concerns that could arise if the money was used for that purpose. Commissioners White and Van Beek are not supportive of the bonus pay idea. Sam Laugheed said if we are using monies out of ARPA we run into interpretive problems about what is an essential employee and what percentage of their work is devoted to getting rid of COVID, etc. On the backend he is concerned about making it through an audit with using that portion of the monies. With regard to the monies that are part of the revenue reduction, he said we could make up our own program as long as it's for the provision of government services. Commissioner Smith wants to do that. Controller Wagoner said if the Board wants to go that route they need to use the revenue reduction monies to invest in raising starting wages and investing in our current personnel because that would be a more efficient use of cash rather than a onetime lump sum payment. Commissioner Van Beek supports that argument.

Commissioner Smith said we need to make a choice as leaders to say our people worked hard and we appreciated those showed up every day. By saying no to the idea, it says let's keep finding ways to pay people who choose not to work. Clerk Yamamoto wants to finalize what's within the list for the budget related to the ARPA funds. Commissioner Van Beek said if it's been calculated and vetted she has no problem using it that way.

Commissioner Smith wants to add the Celebration Park addition capital improvement project (roughly \$30,000) and the fleet carwash (\$170,000). Controller Wagoner said the thought process is to try to limit the activity to larger purposes so it's easier to audit. Mr. Laugheed said it's still possible some capital projects throughout the year could be funded by ARPA monies. We are committing the \$6.1 million because it's the easiest/safest amount to identify. Commissioner Van Beek likes what's been put together and is in favor of supporting it with the information that's been provided on Page 6 of the suggested budget.

Assessor Stender asked if we will be able to open the budget if we want to commit some ARPA funds to expanding into a second DMV location, or, does he have to wait for another budget cycle? Controller Wagoner said there will still be \$39 million available and at the end of this calendar year we will roll through the calculator again and determine a new revenue reduction number. We have latitude as long as those monies are used to provide government services. The critical calculation will be January/February of 2022. We have time for how those monies can be spent.

Commissioner Smith asked if there's a way to tie in the escalating costs of the fair building that were caused by delays due to COVID. Commissioner Van Beek said you could also say there was a loss of revenue totaling \$365,000 because the fair didn't go forward in 2020. Controller Wagoner said the fair is already included and the \$6 million is strictly revenue loss. Sam Laugheed asked if there are things on the list under \$6.2 million that could qualify, such as the jail scanner? We can make an argument that it's directly related to COVID. Commissioner Smith said there is still a huge pot of money to spend and we have to decide how we want to spend it and it will require accounting and some level of risk. Mr. Laugheed said if there are projects the Board or another elected official identifies we have to run it through the budget officers for auditing compliance and the legal risk issues and then we can reopen the budget and treat it as unanticipated revenue. We don't have to make those decisions right now. Clerk Yamamoto said it's an open book and we just want to get a start and get a budget that makes sense and this is an integral part of the budget because it fits the first and most important category. Commissioner Smith agrees, but would like to get other items into the other pile so that it opens up more room. Mr. Laugheed said using revenue reduction money for the body scanner arguably opens the money in the justice fund for something else that allows us to not take it out of property tax. Commissioner Smith asked Assessor Stender and Chief Dashiell to think of some projects. The meeting concluded 2:29 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE CITY OF STAR/CANYON COUNTY AREA OF IMPACT COMMITTEE REGARDING IMPACT AREA NEGOTIATIONS



The Board met today 2:40 p.m. with the City of Star/Canyon County Area of Impact Committee regarding impact area negotiations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Deputy PA Zach Wesley, Star Mayor Trevor Chadwick, Star City Council Members Michael Keyes and Kevin Wheelock, Richard Edgar, Spencer Kofoed, Middleton Mayor Steve Rule, Middleton City Clerk Becky Crofts, Assessor Brian Stender, PIO Joe Decker, Rachel Spacek with the Idaho Statesman, other interested citizens, and Deputy Clerk Monica Reeves.

Deputy PA Zach Wesley gave a summary of what the impact area negotiations look like. Idaho Code provides for the county and the city to negotiate an area of impact agreement, and it provides for a committee of nine (9) to be formed to format recommendations for the area of impact. The Commissioners fill three of those seats, and there are three elected representatives from the City of Star, and three citizens. By majority vote this committee has 180 days, from the date the members were selected, to make a recommendation to the City of Star and Canyon County on the area of impact. Following that recommendation, the city and county have 60 days to go through their respective processes to adopt the recommendations or not. Mr. Wesley envisions that at some point the committee of 9 will have some room to talk to the City of Middleton representatives and get their input and bring them into the discussion and try to get ahead of any potential conflict. We could engage Middleton with Star and figure out where the boundaries are going to lie and get rid of any overlap.

Trevor Chadwick asked if it allows the Board of Commissioners to invoke the committee of 9 with Middleton to do negotiations after that, or is that just if there was no impact area to begin with. Mr. Wesley said the County wouldn't invoke the committee of 9 with Middleton because we already have the existing area of impact agreement. At issue would be the overlap with the City of Star. There is a process for negotiating those agreements, but the process does not have the same committee of 9. Spencer Kofoed asked how the City of Star was able to cross the county border and start annexing without an agreement in place. Mr. Wesley said the bigger answer to the question is that annexation is different than the area of impact boundary and so the area of impact boundary is intended as a guide and it has some legal implications on how lands can be annexed, but they are separate. There is a provision for cities to annex outside of the area of impact boundaries. Mayor Chadwick said that would be only the Category A annexations. Category B and C annexations, that is what the area of impact is for and if the city forces an annexation they have to be within an area of impact. Commissioner Smith said that is the city's interpretation. The County issued a letter saying we do not agree with that interpretation and we asked the city to stop annexing until we have an agreement. Mayor Chadwick said if we're going to go down the legal rat hole we need to table the meeting so his attorney can attend. Mr. Wesley said the goal of this meeting is to accomplish the goals of the committee of 9. Mayor Chadwick said the City of Star has had an overlapping area of impact with the Cities of Meridian and Eagle for many years. At one point, Eagle and Star's impact areas did overlap with the agreements in place with Ada County. Commissioner Smith asked if there is any opposition to Middleton being at the table to negotiate a line that doesn't overlap because we do not want to ask our planners to enforce two areas of impact and two sets of ordinances. Mayor Chadwick said he has objection

to the Middleton providing input, but it just needs to be the committee of 9 that creates the area of impact. Discussion ensued. Kevin Wheelock said if everyone is not willing to negotiate we are wasting our time. We want to make a recommendation that matters as opposed to two sides arguing for a future court case. Mayor Chadwick said we have to look at the entire area of impact for Star on the Canyon County side, not just Middleton, and if we're going to talk about that we need to make sure the City of Nampa is involved in the discussions because they have an overlapping area between what Star wants and what Nampa wants between the river and Chinden Blvd. Discussion ensued regarding Star Sewer and Water capacity.

Mayor Chadwick said there are differing opinions regarding Category A annexations that are contiguous to Star outside of impact area. If you have landowners that want to come into the City of Star regardless of the impact area that's created if we have a different opinion than the county has it's still going to happen under Category A annexations. Commissioner Van Beek said some of those constituents are lobbying to remain in the rural county and so three things are happening: the area of impact for Star, the area of impact for Middleton, and the remaining county. Mayor Chadwick said the only annexations coming to Star are the ones the landowners are bringing in themselves. Since he has been in office the City of Star has never done a Category B or C annexation. Spencer Kofoed said the concern he hears from residents and business partners is about density and does the desired density in that area for the county residents match what Star wants. The density allowed in that area is a big concern to those residents who live along the river in the area of impact. Commissioner Smith said typically when you have area of impact agreements we are agreeing that we will develop any subdivisions in that area according to their subdivision standards or ours; is there any reciprocal behavior we can ask for on agreements? If you are annexing into agriculturally viable areas are you looking at that for the county and are we looking at how the city wants the subdivisions to be developed so you can annex them in the future. Kevin Wheelock wants the landowner to have a choice and if someone doesn't like the density they should buy the property. Why does a neighbor have a right to decide what someone does with their land? Commissioner Smith said we need zoning for controlled growth so you don't have incompatible uses next to one another. Michael Keyes said the process for doing that would be for the county to request Star to change its comprehensive plan. The legislature charged cities with managing urbanization and the way they plan that is partly for zoning, which is driven in large part by the comprehensive plan, and they are open to input to modify what the plan might look like in different areas. They are going through the final stages of master planning the area between the Boise River and Chinden Blvd., and they have budgeted to master plan the West Star Plan, the area between the river and the foothills, Kingsbury and the county line. When they do that that would be the perfect time to have the county get involved. Commissioner Van Beek said as the county changes there is a need for a coordinated effort between mayors, planners and the Board. Commissioner Smith wants to come up with a plan that meets in the middle on density.

Michael Keyes said Star has been a city for 25 years and it's been politically immature for a long time and they are trying to establish things that should have been in place a long time ago. They want to be good partners with Canyon County. Commissioner Smith suggested perhaps the planners from Middleton, Star and the County should meet and see if they can come up with a

recommendation. Mayor Steve Rule said that sounds reasonable, but he needs to consult with legal counsel about it.

Richard Edgar asked if there is a master plan to take care of roads? Mayor Chadwick said the developments will be paying impact fees to help with the improvements of roadways. Star has an agreement with ITD to collect a portion to be used on the state highways, and they are working to do some widening from Can-Ada to Star Road to help move traffic. The group reviewed a map showing the Nampa overlap area.

Commissioner Smith asked if we can get consensus to get the planners from Nampa, Middleton, Star, and Canyon County and have one meeting with the planners and have them bring back a recommendation on planning areas based off of sewer and water capacity availability and general planning and see if they can come up with an agreed upon area. The committee has until November 28, 2021 to come up with the recommendation. Commissioner Van Beek said in the interim it would be a good idea for those nine cities to meet with the Board as a separate meeting and communicate about what impact areas will look like. Commissioner Smith that's a separate meeting. The County will host a meeting regarding growth in the County and managing it with the high influx of people that are coming and how to handle that growth. One of the discussions is that the impact areas are too big and we cannot handle that, and keeping areas smaller is important so you don't have sprawl occurring in ag areas. We want to have a discussion with mayors and ask them to pull back their impact areas so we can concentrate growth near the city and protect agriculture.

The City of Star presented a graph containing population data and area of impact miles. There are 12 miles of existing established area of impact lines; it does not include what Star is looking to add to its impact area.

The planners will be asked to set their own meeting. The committee of 9 will meet again on Friday, August 20<sup>th</sup> from 12:00 noon to 1:00 p.m. The meeting concluded at 3:48 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2021 TERM

CALDWELL, IDAHO JULY 21, 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 575765 to 575792 in the amount of \$96,740.21
- The Board has approved claims 575797 to 575831 in the amount of \$65,255.82
- The Board has approved claims 575832 to 575855 in the amount of \$36,120.38
- The Board has approved claims 575883 to 575914 in the amount of \$56,566.87
- The Board has approved claims 575915 to 575949 in the amount of \$112,699.24
- The Board has approved claims 575950 to 575981 in the amount of \$52,697.48
- The Board has approved claims 575982 to 576006 in the amount of \$23,126.94
- The Board has approved claims 576104 to 576130 in the amount of \$22,929.65
- The Board has approved claims 576205 to 576230 in the amount of \$32,451.02
- The Board has approved claims 576153 to 576204 in the amount of \$28,783.07
- The Board has approved claims 576062 to 576103 in the amount of \$79,489.02
- The Board has approved claims 576131 to 576152 in the amount of \$21,143.49
- The Board has approved claims 576007 to 576061 in the amount of \$67,415.24
- The Board has approved claims 576231 to 576247 in the amount of \$51,214.83
- The Board has approved claims 575856 to 575882 in the amount of \$30,064.80

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mountain Home Auto Ranch in the amount of \$56,018.00 for Fleet Department
- SHI in the amount of \$272,688.94 for Information Technology Department
- Intermountain Wood Products and Flooring in the amount of \$19,092.40 for Trial Court Administrator

### MEETING TO PREPARE FY2022 BUDGET FOR PUBLICATION

The Board met today at 9:00 a.m. to prepare the FY2022 budget for publication. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Assessor Brian Stender, Controller Zach Wagoner, PIO Joe Decker, Ambulance District Director Michael Stowell, Director of Misdemeanor Probation Jeff Breach, DSD Director Steve Fultz and Planner Dan Lister (arrived at 9:50 a.m.) and Deputy Clerk Jenen Ross.

Assessor Stender spoke about an email he sent, he is tentatively okay with his reappraisal budget but there is uncertainty with ITD so he is waiting to move forward with some plans on the DMV side. Some requested positions were removed but at this point he is okay until they know what the workload with ITD will look like; he may need to reassess at a later time. There was a wage increase of 7.5%, however without a compensation plan it may be difficult to address any low or high points. At the request of Commissioner Smith, Assessor Stender provided an example of

positions that may need to be addressed. For comparison purposes, the Customer Service Specialist positions at DMV were compared to the Recording/Passport Specialist positions in the Clerk's Office. Mr. Wagoner said that by the compensation plan all Customer Service Specialists throughout the county have the same pay range. Assessor Stender feels that it's an optics situation, both the Customer Service Specialists at DMV and the Recording Specialists are frontline to the general public. In response to Commissioner White's comments, there was discussion regarding topics addressed in an executive session meeting yesterday. Mr. Wagoner spoke about how there is no increased revenue in the motor vehicle collections. The county has invested in additional personnel and transactions are up but revenues are not. Assessor Stender said some of that is due to COVID and part is due to people renewing for multiple years at one time. He said that he and his staff are in the process of reviewing the numbers. Additionally, he noted that once the budget is approved they will be addressing the admin fee to maintain the service level.

Discussion ensued regarding the importance of providing salaries to both attract and retain quality employees looking for longevity with the county. Commissioner Van Beek expressed her concerns about nothing being added to capital improvements and that long-term capital needs aren't being addressed.

Commissioner Smith said there were some positions cut from DSD and she would like to see to those added back in - a full-time Economic Development position, one full-time and one part-time Code Enforcement position. DSD is not able to meet the level of service that constituents deserve. Mr. Wagoner said an Economic Development position, an additional Code Enforcement position and a part-time Administrative Specialist position have all been included in the budget. He said he recently met with Director Fultz who discussed changing the part-time admin position to a full-time admin position which is not funded, however, it wouldn't be much of a budget change since two full-time positions were already budgeted for.

In response to a question from Commissioner White, Controller Wagoner said that \$27,650 is included in the WAED budget. Commissioner Smith would like to see that amount pulled back to the minimum request of \$15,000 in order to help cover costs for some of the new positions. Commissioner Van Beek concurred with Commissioner Smith.

Controller Wagoner confirmed that full-time Marshals are included in the proposed 7.5% COLA. Full-time positions are included in the compensation plan; however, part-time positions are not included.

Commissioner Smith requested \$10,145.05 be added to the budget for an additional private BOCC entrance for safety purposes. Commissioner Van Beek is supportive of this and has a not-to-exceed bid amount provided by Director Navarro. The Board spoke about some of their safety concerns and wondered if perhaps COVID monies could be used. Funds have also been included in the budget for renovations to the BOCC meeting room.

In response to a question from Commissioner Smith, Controller Wagoner spoke about what it would take to account for funding to replace the roof on the animal shelter. The last projection on

roof cost was \$1.5M. Controller Wagoner suggested waiting until early 2022 to see if there is ARPA monies available. When 2021 ends there will be a recalculation of lost revenue and then that will be available for government service which is a wide range of uses. The Board is supportive of waiting to see the availability of ARPA monies.

Clerk Yamamoto responded to a comment from Commissioner Smith about the potential of a Procurement Officer position similar to Ada County. He said several years ago he proposed a procurement office but it was rejected at that time. He does feel that the county is operating at a good level the way things are right now. Commissioner Smith would like to look at why there are large discrepancies in Directors prior to the compensation plan being completed although it may be a compensation plan discussion.

Director Fultz joined the meeting at 9:50 a.m. and confirmed the positions that were discussed earlier – the addition of one full-time Code Enforcement Officer, one full-time Admin for code enforcement and one full-time Economic Development position.

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

PUBLIC HEARING TO CONSIDER A REQUEST BY GINO AND SUSI GUIDI FOR A REZONE, CASE NO. RZ2021-0006

The Board met today at 10:09 a.m. for a public hearing to consider a request by Gino and Susi Guidi for a rezone, case no. RZ2021-0006. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Gino and Susan Guidi, Dalece Sardina and Deputy Clerk Jenen Ross.

Dan Lister gave the staff report stating that this is a rezone from agricultural to rural residential which is an average 2-acre minimum lot size. The parcel was created in 1990 and per the county code at that time there was no land division application process in place, it was created by deed. It includes a 28' easement that goes thru the parcel adjacent to the south which connects to Breezy Lane. The property is surrounded by other larger lands. The requested RR zone would allow their 10-acre lot to be divided into an average minimum lot size of 2-acres, which would result in approximately 4 lots when accounting for the private road. On the zoning map the area is primarily zoned agricultural, however, there are a lot of divisions within the area that serve residential uses. The two nearest similar zones were approved in 2013 and 2019, one is a 20-acre lot to the west and to the east is a 10-acre lot that has already been divided thru the rezone process. The future land use map designates the parcel as residential. There are 6 subdivisions within a one-mile radius that have an average lot size of 3.37 acres. The soils in this location range from 3 to 6 which is considered moderate to least suited soil probably due to the topography in the area and lack of irrigation. It is outside of a nitrate priority area. Future development of the area would require individual wells and septic. There is no irrigation in the area so a domestic well would have to serve for irrigation. There is access to the property via Breezy Lane. They have the option of developing 3 lots thru the land division process or 4 thru the platting process. If they choose to do the 4 lots they will need to dedicate right-of-way and do some road improvements to Breezy Lane. The

applicants are aware of this and do not seem to be opposed to the improvements. Staff believes the findings can be made and any issues regarding access, traffic, road improvements, water well or septic can be addressed at the platting or land division stage. Staff is recommending approval of this application which is commensurate with the Planning and Zoning Commission's recommendation on May 20<sup>th</sup>.

Commissioner Van Beek asked about the adjacent property belonging to Governor Little and confirmed that this development would have no impact to the dry grazing done there.

Commissioner Smith stated that the average in the area is 3.3-acres for platted and for non-platted is 10-acres. Mr. Lister said that at the P&Z hearing there were concerns from the neighbors regarding roads which could be addressed at the land division or platting stage. One neighbor at that hearing also felt that a 2 to 2.5 lot size was not in character with the area.

In response to a question from Commissioner Van Beek about some of the smaller lots developed south of the subject property, Mr. Lister said many of them are from Lansing Estates which was developed in the 1970s. Many of them were larger lots that were split thru a land division process.

Mr. Guidi provided testimony in favor of the application stating that IDWR did grant them a water permit for the property. Dalece Sardina also offered comment stating that she assisted in the well application process and there will be a domestic and an irrigation well. Mr. Guidi explained they just wanted this piece of property for them and their kids. He stated that he did speak with the highway district and with an administrative split they may just need to do improvements to the west approach which is the easement where the road stops and there may need to be a maintenance agreement between himself and any future residents that will be using that road.

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

Exhibit 7 was entered into the record.

Commissioner Van Beek stated she is in support of this application given that the comprehensive plan includes this as rural residential and she feels the applicant has done due diligence in trying to gain information from IDWR, they are not in a nitrate priority area and staff has reported that there is a rezone that could potentially mirror these lot sizes. She has testimony that Mr. Guidi wants to do this for his family and is making a good faith effort. She does not have a problem with this and thinks that staff has done a good job providing support for the analysis on the zoning amendment.

Commissioner White said she has no issues with this request.

Commissioner Smith doesn't think it fits the character. She understands that the comprehensive plan identifies it as a rural residential area, she thinks if it was a conditional rezone where the number of lots could be limited she could support it.



Commissioner White made a motion to grant the request for rezone and sign the findings of fact and conclusions of law and order and ordinance (see ordinance no. 21-017). The motion was seconded by Commissioner Van Beek. A vote was taken on the motion with Commissioners White and Van Beek voting in favor and Commissioner Smith voting in opposition. The motion carried in a 2-to-1 split vote.

The hearing concluded at 10:38 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY GREG SCHATZEL FOR A REZONE FROM AGRICULTURE TO SINGLE-FAMILY RESIDENTIAL, CASE NO. RZ2020-0027

The Board met today at 1:21 p.m. to conduct a public hearing in the matter of a request by Greg Schatzel for a rezone from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone, Case No. RZ2020-0027. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Alan Mills, Nancy Farnsworth, Terri Slay, Priscilla Anderson, and Deputy Clerk Monica Reeves. The Board met on May 5, 2021 and again on June 2, 2021 and approved the request by Greg Schatzel for a rezone and because the approval was a material change to the P&Z Commission's recommendation of denial, a new hearing was required. Dan Lister gave the oral staff report and summarized the property history. It was slated to be divided into 17 lots in 2006, and 2007 they applied for a subdivision but the conditional use permit and subdivision expired and so this rezone process is to bring back the development. On March 18, 2021 the P&Z Commission recommended. The area is zoned agricultural and the staff report and findings show there is a number of approved rezones for R-1 zoning. It's within an area that has many subdivisions within a one-mile radius. The future land use map shows this as residential and is commensurate with the City of Middleton's future land use plan which also shows it to be residential. The parcel has best to moderately suited soils and is surrounded by residential uses. There was a review of agency comments. The City of Middleton was opposed to the request and wanted a pre-annexation agreement and connection to city services; however, in looking at the impact area agreement with Middleton the County's comprehensive plan is the plan that's applied in area of city impacts. Staff found the request is consistent with the comprehensive plan, and there are no issues with SWDH where city services would need to be brought in. The property can be served by individual septic systems and wells. The neighbors in Whisper Creek believe this is commensurate with their neighborhood. Staff recommends approval. Following his report, Mr. Lister responded to questions from the Board. Alan Mills gave testimony on behalf of the applicant. He agrees with the eight (8) points the Board has to consider and he agrees with staff's report. They understand the ramifications of the road issue and they will have to request a variance and potentially come back. There will be major improvements to the irrigation system and by putting in a good system they will make it better for everyone because they are currently losing a lot of water through gopher holes. Following his testimony, Mr. Mills responded to questions from the Board. Terri Slay testified her previous concerns dealt with the street going through alongside Whisper Creek and said if the road is opened to traffic it will disrupt the way of



life. Upon the motion of Commissioner White and the second by Commissioner Van Beek to close public testimony. Commissioner Van Beek said given the fact the property is surrounded by other development and there are assurances by Mr. Mills she supports approval. Commissioner White said her concerns have been addressed and she supports approval. Commissioner Smith said the Board covered a lot and asked the developer to work with the neighbors and agencies. She believes the request is in keeping with the area. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the rezone for Greg Schatzel, Case No. RZ2020-0027 and sign the FCO's and the Ordinance (No. 21-018.) The hearing concluded at 1:43 p.m. An audio recording is on file in the Commissioners' Office.

## JULY 2021 TERM

CALDWELL, IDAHO JULY 22, 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:

- Pluralsight in the amount of \$9,264.00 for Information Technology Department
- HP Inc in the amount of \$5,454.60 for Information Technology Department
- Sunbelt Controls in the amount of \$2,950.00 for Facilities Department

### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:48 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; Customer Service Specialist Kelly Galloway 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 and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-856; 2021-802; 2021-778; 2021-849; 2021-789; 2021-791; 2021-775; 2021-766.

Liens and lien releases were presented for Board signatures.

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

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:11 a.m. with county attorneys for a legal staff update. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

Commissioner Van Beek referenced an email received from Director Fultz regarding a property that was discussed last week. She noted that the email indicated that the case has been referred to the Prosecutor's Office and that written notice has been provided to the property owner regarding abatement of debris. Commissioner Van Beek would like to provide written notice to a nearby property owner letting them know that there is now a timeframe for clean-up which should be resolved by mid-August. Mr. Wesley confirmed it would be okay to provide that information.

Mr. Wesley said there was an email from the Facilities Director about an employee who needs to travel out of the county for bereavement purposes. The county policy in the personnel manual is to allow some amount of bereavement time but not to this extent. However, if the employee has sick and/or vacation time available those may be applicable. Additionally, if the employee needs unpaid time off there is a procedure in place for those situations.

The meeting concluded at 9:18 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING - SUBDIVISION MAKER LLC, REPRESENTING RUBIX LAND HOLDING LLC, IS REQUESTING PRELIMINARY PLAT APPROVAL FOR LAKE VISTA ESTATES SUBDIVISION, CASE NO. SD2020-0043

The Board met today at 9:36 a.m. to conduct a public hearing in the matter of a request by Subdivision Maker LLC, representing Rubix Land Holdings LLC, for approval of a preliminary plat (with drainage, grading and irrigation plan) for Lake Vista Estates Subdivision which proposes 13 residential lots. Present were: Commissioners Leslie Van Beek and Pam White, Planning Official Dan Lister, Darin Taylor, Sean Conner, Kim Yanecko, Daniel Lowry, Holly Thomas-Mowery and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 10:20 a.m. Dan Lister gave the oral staff report and reviewed agency comments. The property is zoned "R-R" (Rural Residential). The 30.34-acre property is located southeast from the intersection of Pump Road and Locust Lane (Parcel R29982010). The project will have 13 residential lots with an average lot size of 2.03 acres, and it will be served by public internal roads: Waterfront Court and Lowell Peak Place. A late exhibit was submitted noting concerns with individual wells for this project, and the weeds on the property. On May 20, 2021, the P&Z Commission recommended approval of the request subject to conditions of approval. Staff is recommending approval subject to eight conditions. Darin

Taylor gave testimony on behalf of Rubix Land Holdings, LLC, stating this was a straight rezone because it's shown on the future land use map as rural residential. The lots meet the County's size and frontage requirements. He testified about the irrigation, drainage, access, and mitigation efforts that will occur during construction. The weeds on the property can be mitigated in the next 30 days. Following his testimony Mr. Taylor responded to questions from the Board. Sean Conner is a partner with Rubix Land Holdings, LLC, and he testified they have been working on the project for two years to design a quality subdivision. All homes will be built a Larry Richardson, who is a custom home builder. They will remove the weeds down upon construction. Kim Yanecko testified in a neutral position and said the Board is relying on HOA's to manage water usage and irrigation as well as maintenance of community lands, but she's concerned about putting a lot of responsibility onto an HOA when you have a people who are not necessarily qualified to serve. Ms. Yanecko has four neighbors whose wells went dry and she is concerned with the water shortage, the availability of water, and the lack of awareness about possible water issues. If you have irrigation rights to a canal there is no limitation to the amount of water you can pull. Regarding the open ditch on the property, she recommends there be a condition that says the ditch should never be concreted because that helps to recharge the soil when it's an open ditch vs. a concrete ditch. Daniel Lowery gave testimony regarding the following concerns: Construction noise and dust, and construction vehicles are entering the property from Locust Lane which is not a proper access onto the property; they should be entering from Pump Road. The neighbor to the west is having problems with their well and with irrigation being cut off early he questions how people will water their lawns.

Deputy PA Zach Wesley arrived at 10:20 a.m., at which time Commissioner Van Beek requested the Board go into Executive Session so she could ask a question of legal counsel.

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

Commissioner White made a motion to go into Executive Session at 10:22 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Leslie Van Beek and Pam White, Deputy PA Zach Wesley, Planning Official Dan Lister and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:43 a.m. with no decision being called for in open session.

The hearing resumed at 10:44 a.m. with Darin Taylor offering rebuttal testimony. Road construction is anticipated to take about four weeks and a water truck will be onsite for that period. The issue of water is worked about between the contractor and the irrigation/drainage company. Water companies have said they don't want to deal with multiple people, they want to deal with one contact. We have low water this year and next year we may or may not and so it's

better to not make a condition of approval, or a restriction based on one water year. A longer-term perspective taking averages, showing trends and patterns is a better basis for making decisions. They recognize this year is a low volume irrigation water year and most people comply with the law and are mindful of their ½ acre water rights. There are a lot of reasons why wells can have reduced/no flow and we need to look at those on an individual basis. Mr. Taylor spoke about the process for recording final plats and CC&R's. The code allows 12 months to record a final plat so it might be better to require recording the CC&R's consecutive with the final plat. Regarding Mr. Lowery's concern about access, Mr. Taylor said the vehicles accessing from the south will change as soon as they get an approach cut in from Pump Road. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White said most of the questions have been answered; she struggled with the plat note regarding CC&R's but said it will be settled at the final plat stage. Commissioner Van Beek asked about adding pressurized irrigation to the plat notes as the applicant has outlined it will be pressurized to each site. Commissioner White asked for staff's input. Mr. Lister said it's up to the Board if it wants a plat note saying the homeowners have to have a pressurized system, but there is one established at the valve on each point. Mr. Taylor said it wouldn't be a plat note, it would be a condition of approval on the preliminary plat. Commissioner Van Beek has no problem with that. She referenced plat note #16 regarding stormwater retention, and plat note #17 regarding construction Locust Lane will not be a point of access. Commissioner White would like it addressed that through a condition of approval. Commissioner Van Beek said we should include the correction on plat note #19 regarding the condition of approval for the pressurized irrigation. Commissioner White made a motion to approve the preliminary plat for Lake Vista Estates Subdivision, Case No. SD2020-0043, with the changed plat note #19 correcting the street address and adding pressurized irrigation to each lot as a condition of approval. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING - REQUEST BY SKINNER LAND SURVEY, REPRESENTING GENE KING, FOR A SHORT PLAT AT MARLIA SUBDIVISION, CASE NO. SD2021-001

Commissioner White went on the record today at 1:20 p.m. to reschedule the public hearing in the matter of a request by Skinner Land Survey, representing Gene King, for a short plat for Marlia Subdivision, Case No. SD2021-001. Present were: Commissioner Pam White and Deputy Clerk Monica Reeves. Due to a lack of a quorum the hearing had to be rescheduled. The case will be rescheduled to tomorrow, July 23, 2021 at 9:30 a.m. The proceeding concluded at 1:20 p.m. An audio recording is on file in the Commissioners' Office.

CALDWELL, IDAHO JULY 23, 2021

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

APPROVED CLAIMS

- The Board has approved claims 576248 to 576252 in the amount of \$194,375.00
- The Board has approved claims 576253 to 576256 in the amount of \$2,980.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Holt Services Inc in the amount of \$16,995.00 for Solid Waste Department
- Cellebrite in the amount of \$9,300.00 for Prosecuting Attorney's Department
- Cellebrite in the amount of \$1,994.99 for Prosecuting Attorney's Department

RESCHEDULE PUBLIC HEARING - APPEAL BY SAMUAL CLAGG OF DIRECTOR'S DECISION FOR CASE NO. RD2021-0007

The Board went on the record today at 9:01 a.m. to reschedule the public hearing in the matter of an appeal by Samuel Clagg of the Director's decision, Case No. RD2021-0007. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, 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 July 26, 2021 at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING 2021 CANYON COUNTY FAIR MAIN STAGE ENTERTAINMENT AGREEMENT AND CANYON COUNTY FAIR ENTERTAINMENT CONTRACTS

The Board met today at 9:05 a.m. to consider signing the 2021 Canyon County Fair Main Stage Entertainment Agreement and the Canyon County Fair Entertainment Contracts. Present were: Commissioners Leslie Van Beek and Pam White, Fair Director Diana Sinner, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The items were considered as follows:

- **2021 Canyon County Fair Main Stage Entertainment Agreement with Neal McCoy** - Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the agreement with Neal McCoy. (Agreement No. 21-058.)
- **Canyon County Fair Entertainment Contract with Pedro Solorio** - Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the contract with Pedro Solorio. (Agreement No. 21-060.)
- **Canyon County Fair Entertainment Contract with Aztec Dancers** - Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the contract with Aztec Dancers. (Agreement No. 21-059.)

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

PUBLIC HEARING - A REQUEST BY SKINNER LAND SURVEY, REPRESENTING GENE KING, FOR APPROVAL OF MARLIA SUBDIVISION, CASE NO. SD2021-001

The Board met today at 9:00 a.m. to conduct a public hearing in the matter of a request by Skinner Land Survey, representing Gene King, for a short plat for Marlia Subdivision, Case No. SD2021-001. Present were: Commissioners Leslie Van Beek and Pam White, Planning Official Dan Lister, DSD Planner Elizabeth Allen, TJ Wellard, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request is for approval of a preliminary plat and final plat for Marlia Subdivision which consists of one (1) residential lot. The subject property, Parcel No. R36132011A, is located adjacent to 21758 Van Slyke Road, Wilder. The property consists of 7.83 acres and was approved by a conditional rezone subject to a development agreement. On May 6, 2021, the Planning and Zoning Commission recommend approval subject to the recommended conditions of approval. Staff is also recommending approval. Following his report, Mr. Lister responded to questions from the Board. TJ Wellard offered comments in support the request and answered from the Board. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the short plat for Marlia Subdivision and to sign the final plat. The hearing concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

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

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:51 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Marv Dashiell (left at 8:54 a.m.), Lt. Ray Talbot (left at 8:54 a.m.) and Deputy Clerk Jenen Ross.

***Consider signing Memorandum of Understanding between City of Nampa and Canyon County – 2021 Byrne Justice Assistance Grant (JAG) Program:*** Lt. Talbot explained this is a yearly grant to assist in buying equipment, this year the funds will be used to buy tasers. The amount awarded to Canyon County is \$19,222 which will be managed by the City of Nampa. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Memorandum of Understanding between the City of Nampa and Canyon County for the 2021 Byrne Justice Assistance Grant (JAG) Program (see agreement no. 21-061).

***Consider signing resolution granting a transfer alcoholic beverage license to Beer Guys Caldwell LLC DBA Beer Guys Saloon:*** Commissioner Smith said this business is in the previous Dutch Goose location. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a transfer alcoholic beverage license to Beer Guys Caldwell LLC dba Beer Guys Saloon (see resolution no. 21-165).

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

#### PREPARE FY2022 BUDGET FOR PUBLICATION

The Board met today at 9:04 a.m. to prepare the FY2022 budget for publication. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Judge Southworth (left at 9:26 a.m.), Chief Deputy Sheriff Marv Dashiell, TCA Jamie Robb, Administrative Supervisor Tara Hill (left at 9:26 a.m.), Assistant TCA Benita Miller (left at 9:26 a.m.), County Agent Jerry Neufeld, DSD Director Steve Fultz, Treasurer Tracie Lloyd, Public Defender Aaron Bazzoli, Parks Director Nicki Schwend, Director of Misdemeanor Probation Jeff Breach, Facilities Director Paul Navarro, Fair Director Diana Sinner, Deputy P.A. Alex Klempel, Solid Waste Director David Loper, PIO Joe Decker, IT Director Greg Rast, Coroner Jennifer Crawford, Sr. System Analyst Steve Onofrei (left at 9:22 a.m.), Fleet Director Mark Tolman and Deputy Clerk Jenen Ross.

Commissioner Van Beek asked about compensation comparisons between Canyon County and Ada County specifically for Chief Deputies, Directors and Elected Officials. Mr. Wagoner said he has provided all the information he has in regard to this. Commissioner Van Beek noted that she submitted a public records request to Ada County Friday but has not yet received the information requested. Per Commissioner Van Beek, Ada County and the City of Caldwell are each providing 2% COLAs this year, the City of Caldwell may have an additional 1% based on performance. In response to Commissioner Van Beek, Mr. Wagoner said no levy rate has been set at this time, that will not be determined until the amount of property tax dollars the county is going to request and the final taxable value is known.

Commissioner Van Beek asked about a proposed 9 items to be paid from ARPA funds but she feels in order to make that a true property tax relief it would need to be backed out of the budget because in essence it's being accounted for twice. Mr. Wagoner said the \$6M is replacing revenue that was lost due to COVID-19 so those expenditures have been moved to a new ARPA fund. The ARPA money will be its own fund and expenditures will come from the ARPA fund with ARPA replacement revenue dollars.

Judge Southworth said that for the most part their requests were included in the budget. There was discussion regarding Coordinator positions in the Treatment Courts fund. Currently there are 2 full-time positions and 1 part-time position but in FY2022 the part-time position will be changed to a full-time position. There will be no other changes besides the change from part-time to full-time.

Courts budget seems to be in line with what was requested. The position of Eviction Coordinator is still included in the District Court fund. A brief discussion ensued regarding wage increases for the part-time Marshals. Ms. Miller said that the part-time Marshals are paid \$20/hour but doesn't believe there has been an increase since the position was established approximately 5 years ago.

Mr. Neufeld said the County Agent's office is happy with their suggested budget. Commissioner Smith requested to know more about the programming they currently offer and increased programming they intend to offer this year. Mr. Neufeld said an email could be sent outlining future plans for programming.

Director Fultz said that Development Services is happy with their budget. Commissioner Van Beek asked about the Economic Development position and if there would be enough workload for someone. Mr. Fultz explained that a workplan has been drafted which he can forward to the Board. They are starting to work with the smaller cities as to what DSD can do to help them and some of the larger cities regarding tracks of land within their impact areas. He anticipated there will be more than enough work.

Director Sinner doesn't have any questions or concerns regarding her budget but expressed her appreciation for funding of the Expo Building and the position added to her department.

In regard to new positions in the Public Defender's department, 3 positions were granted thru the Public Defense Commission for workload compliance. The Board had originally approved 6



positions for the Public Defender but that number has been reduced five, 4 attorneys and 1 staff. Mr. Wagoner explained that roughly two of the positions will be funded by PDC grant money, the other three will be funded by general county dollars. Mr. Bazzoli feels there is parity between his department and the criminal side of the Prosecutor's Office.

Commissioner Smith said that she did speak with Mayor Nanacolas this morning and there is some concern about such a large COLA and fulfillment of the compensation plan being considered by the County. He noted that the city is currently down 40 positions and there are major employers in the area that are down significant numbers. However, with that being said, this is a competitive market and she is grateful that the Clerk and Controller found a way to fund employees that puts the county at a competitive advantage without increasing property taxes. She doesn't believe they would have done that if there wasn't a sustainable path forward. Although she doesn't fully understand the compensation plan adjustments she is in favor of continuing forward with the plan. Discussion ensued about the options for implementing increases for part-time employees and at the conclusion of the discussion Commissioner Smith requested that any department administrator or Elected Official with part-time/seasonal employees they feel need an increase work with the Clerk and Controller prior to the meeting on Wednesday afternoon.

Clerk Yamamoto said that the Clerk's Suggested Budget has some significant increases, mainly in the 'A' budget, but also things like the Fair building so to come in with a budget that is a little less property tax money, he considers that property tax relief. The county is growing at a rapid rate, the county hasn't had to increase positions and it's been done by asking for a little bit less money than was requested last year.

The meeting concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING - APPEAL BY SAMUAL CLAGG OF DIRECTOR'S DECISION FOR CASE NO. RD2021-0007

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of an appeal by Samuel Clagg of the Director's decision in Case RD2021-0007 regarding the naming of the private road to Catfish Lane. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, DSD Planning Official Dan Lister, GIS Analyst Tony Almeida, James Stone, Nina Clagg, Samuel Clagg, Twila Clagg, other interested citizens, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. The private road is located approximately 1,205 feet south of Peckham Road and begins at approximately 1,435 feet on Gravelly Lane in Wilder, and it serves multiple parcels (R36963030, R36963030A, R36963030B, and R36963030C). On February 4, 2021 DSD received an application for a residential building permit for a manufactured home on parcel R36963030C. The submittal of a residential building permit created a third residence served by a shared access which required the access to meet private road requirements. A private road name application was submitted and the DSD Director approved the road name of Catfish Lane. An appeal was filed by Samuel Clagg who owns parcel R36963030B and listed several

concerns, which do not pertain to the road naming issue. Some of the concerns are a civil issue. Staff recommends the Board uphold the Director's decision and deny the appeal. Following her report, Ms. Allen responded to questions from the Board.

**The following people testified in support of the appeal:**

Nina Clagg testified that her opposition is because as an affected property owner she did not receive pertinent information regarding the road name change and she wants an opportunity to provide input on the private road name. She also has concerns that are of a civil matter. Ms Clagg testified that the owners of Parcels 1, 3, and 4 choose the following road name choices over Catfish Lane:

- Riverpoint Lane
- Quail Valley Lane
- Chimney Rock Lane

James Stone testified the first 8 feet of the road belong to the US Army Depot, who was not notified of the application, and approximately 75 feet belongs to Ginger DeMeyer, who did not give approval to do improvements on her property. According to Mr. Stone, there is a lot going on with this case beyond the road name change. The applicant, Twila Clagg, has applied for a building permit which has invoked the ordinance, however, there is no good faith towards building. She must obtain approval from the health department for a septic system, and improve the entire road with four inches of gravel, but she has yet to do any of that so why would the ordinance kick in and require the Claggs and the Stones to change their addresses. The ordinance should not go into effect until the certificate of occupancy has been issued. Mr. Stone gave a background of the property, citing claims of fraudulent documents, lack of notification, the fact there is a broken-down trailer on the property which borders his parcel, and threats by the applicant to rent the property to someone who would rob from him. Commissioner Smith asked Mr. Stone to focus his testimony to the road name issue, and not the civil issues. Mr. Stone said he is asking for the following:

1. Asking for the road name to be changed to Riverpoint Lane
2. Asking for the ordinance not be in effect until the certificate of occupancy is issued
3. County should require an engineer to look at Parcel 2 about where they can/cannot build.
4. Concerns about due process breaking down and he wants the process to start over to notify all four parcels and allow parcel 2 to start the building permit process over.

He said there could be civil action against the County if they approve the building permit.

Testimony in opposition to the appeal was offered by Twila Clagg. Her husband Donald Clagg helped pay for the property in 1969 and she testified about the process she followed to inform the neighbors about the road name change. She is not set on the name of Catfish Lane and has no opposition to the neighbors' top three road name choices. She spoke about how she has tried

to work with neighbors, but the tension involved has made it difficult to reach a resolution. She does not want to sell the property but feels she has no other choice. She believes the neighbors are upset about the having another house, rather than the road name itself. She said a doublewide was placed on the property because of the neighbors. The cement has been put in at the top for the apron, and she said the neighbors have spent thousands of dollars to improve the road. Following her testimony Ms. Clagg responded to questions from the Board. Rebuttal testimony was offered by Nina Clagg. She said the costs incurred for the road were due to weather damage and there needs to be a significant amount of improvement to the road to make it safe for emergency vehicles. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Smith wants to add modify the decision since three property owners have asked for a name change to Riverpoint Lane, and the applicant has agreed to that name. She said the Board has issues to discuss with the DSD Director related to the ordinance but right now we need to move forward with a name change. Commissioner Van Beek supports the road name change to Riverpoint Lane and she made a motion to modify the appeal and direct staff to make findings of fact to support the decision for the name change. Commissioner White seconded the motion which carried unanimously. The FCO's will be brought back at a later date. (If Riverpoint Lane is not available, another name will be chosen from the list of names provided.) The hearing concluded at 10:57 a.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 1:36 p.m. for a monthly meeting 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.

Mr. Decker updated the Board on the following:

- Chris McPete with CBS2 News would like to do a story on the landfill expansion. Director Loper thinks it's a good opportunity to have one of the Board members also speak on behalf of the landfill. The Board is supportive of this idea so Mr. Decker will work with Commissioner staff to coordinate a time for the interview. Commissioner Van Beek thought it may also be a good time to speak about the transfer station and how the county will be collecting community input at a future time on this project.
- Groundbreaking announcement for the Fair Expo building has been sent to the media.
- He has been working in the project management software but there is a learning curve for inputting time regularly.
- The KBOI interview that was missed last week will just be skipped for July and get back on schedule in August.

- Commissioner Smith requested that Mr. Decker do as much social media regarding the Fair as possible to get the word out.

The meeting concluded at 1:44 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY TAYLOR JENE HOMES, INC. AND VALLEY VIEW RANCH  
SUBDIVISION NO. 4 FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019/SD2020-0035

The Board met today at 2:04 p.m. for a continued hearing in the matter of a request by Taylor Jene Homes, Inc., and Valley View Ranch Subdivision No. 4 for a rezone of 122.51 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential zone). Also requested is approval of a preliminary plat (including a grading/drainage plan) for Valley View Ranch Subdivision No. 4. The subject properties, R30113010 & R30101011C are located on the east side of Sky Ranch Road, approximately 1565 ft. north of the intersection of Deer Flat Road & Sky Ranch Road. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Mike Woodworth, Jackson Morris, Chris Fagan, Casey Ames, Randy Haverfiled, Mark Hilty, Rebekah Hames, Bonnie Layton, Matt Munger, Nick Miller, Shelley Keen, Rhonda Haub, Kim Yanecko, Angela Bratcher, Rick Haub, Cole Ryden, Michael Sparrell, Ken Yanecko, Claudia Haynes, Maureen Angerman, Wes Weidner, Olga Cavazos, Randall Ryden, Amy Weidner, Manuel Cavazos, Rene Bine, John O'Hare, Raymond Eide, Deborah Kane, Shannon Shope, Donna Sparrell, Tim Petrucci, Michael Chenope, Cindy Petrucci, Sheila McCully, Frank McCully, and Deputy Clerk Monica Reeves. Commissioner Smith opened the hearing and reviewed the hearing procedures/process. Commissioner Van Beek disclosed that she overheard conversations about the short water year and the conversation turned toward this area and she indicated she could not continue the discussion because this case which is pending before the Board. It will not impact her ability to make an unbiased decision. Commissioner White disclosed that she too heard a conversation about water issues and she told the person she could not discuss the topic. Commissioner Smith disclosed that she met with Director Spackman at the Idaho Dept of Water Resources (IDWR) and they talked about water shortages related to irrigation, not this case. She asked the Director to encourage Nick Miller to attend today's hearing. She was soliciting additional information to come to the Board. Today's hearing was continued from June 28, 2021 where the Board asked for more information regarding:

- The HOA managing the ½-acre maximum irrigated area, and their review of the landscaping plans that would include the amount of land drawing from the aquifer for the irrigation.
- Allow time for staff to contact the Boise Project Board of Control regarding Commissioner Smith's plan for dust mitigation strategies.
- Have staff review the new letter from the Upper Deer Flat Fire District and obtain information on the number of community wells in the area and the quality of those,
- Obtain additional information on water rights.

- Commissioner Smith asked the parties to start thinking about what the conditions would look like to help mitigate the concerns discussed today. She noted that approval is not guaranteed.

Jennifer Almeida presented the updated summary and late exhibits. There were no changes to the staff report, however, there are additional exhibits since the last hearing held on June 28, 2021. At the last hearing the Board seemed to be leaning toward having a development agreement tied to this application, and if the Board goes that direction it would be a material change to the P&Z Commission recommendation and it would require a second public hearing. Commissioner Van Beek wanted to submit information from Nate Runyon with the City of Nampa regarding the Treasure Valley Aquifer System Groundwater Flow Model and she wants it included in the record. Mr. Runyon is interested in partnering with the County to evaluate the compounded growth and looking at the offer for a system in that area. It's related to sufficiency in groundwater for future population growth in the County. Commissioner Smith said it does not have specific information and therefore she doesn't see how it helps the case today.

Neutral testimony was offered by Nick Miller from the Idaho Department of Water Resources (IDWR) who gave testimony regarding the department's role and the information submitted so far. Mr. Miller explained that a groundwater management area is a statutory designation for an area the department has determined is approaching the characteristics of a critical groundwater area, it's an area they have determined where the existing and probable near future withdrawals from the aquifer exceed the rate of natural recharge resulting in there not being a reliable source of water for existing and expected future uses. When they have knowledge that the groundwater supply isn't sufficient for existing and uses that are coming up, that's a critical groundwater area. When they have information that an area is approaching that state but hasn't reached it yet they can designate it as a groundwater management area which is identified by long-term declines in groundwater levels, perhaps water budget studies. Most of the areas designated this way were designated several decades ago, some earlier in Eastern Idaho but he hasn't been involved in how those have been designated. He is not aware of any that have been designated in the Treasure Valley. In this area south of Lake Lowell they have not designed a groundwater management area or a critical groundwater area or issued any kind of moratorium on new groundwater appropriations. According to Mr. Miller, the department has been in communication with the residents about their wells that are either failing or not producing water. When asked to summarize a report prepared by Dennis Owsley, Mr. Miller said it's normal for the hydrologists to prepare reports from time to time when there's a need to, but whether it was in response to this application he would say yes, he thinks the report was written in response to a request by DSD staff. He responded to questions from the Board regarding the types of things that can cause a well to go dry. In looking at the hydrographs overall the general trend for water level appears to be fairly stable or rising. Neither a groundwater management area or critical groundwater area has been designated for this area and he doesn't know if IDWR has done a study specifically for that purpose. He would gather from Dennis Owsley's report that if the long-term trends in the monitoring are that the groundwater supply is currently sufficient for the uses, he doesn't think they would find that it warrants a groundwater management area. They have had concerns about the groundwater supply in this area for quite a long time and that's why they have a monitoring

network out there that's been monitored since the early 1990's because they know it's an area where there isn't a lot of surface recharge.

**Testimony in support of the request was as follows:**

**Bonnie Layton** gave a summary of the revisions they made based on comments provided at the previous hearing. Initially the northeast corner was part of an older project, and in the revised plat they have left those 8 lots and looked at revising number of lots on the west side. They are now presenting a revised plan for 35 residential lots with 8 lots on the east side and 27 on the west side of the canal. Only 26 lots will take access off the new drive, and one lot will take access off an existing cul de sac. Ms. Layton reached out to Boise Project Board of Control and they told her they do not require fencing along canals and they want fencing kept outside their easement. When she inquired about dust abatement measures, they said they do not permit any third party to mitigate for that. Their ditch rider drives it once a day and it will remain that way. The average lot size is 3.14 acres, initially the project was at 2.42 acres. Following her testimony, Ms. Layton responded to questions from the Board.

**Mike Woodworth** gave testimony related to Nick Miller's testimony regarding failing wells and nonproductive wells. (Referring to Ex. #97 which are well logs from the IDWR database.) In summary it does not appear there is a groundwater decline in the area. Following his testimony, Mr. Woodworth responded to questions from the Board.

**Casey Ames** testified they eliminated lots, moved lot lines over, and moved the road to give more surface area. He will not interfere with the neighbors' views. They removed a cul de sac and enlarged the lots so there are fewer houses. Mr. Ames said hours of testimony have been heard and a lot of the data has been overshadowed by commentary that goes on and on. Following his testimony, Mr. Ames responded to questions from the Board. He indicated he is willing to explore a community well, but it's not at the top of his priority list.

**Randy Haverfield** is the project architect and he spoke about the importance of smart growth, as well as his experience with the developer who builds nice homes. Following his comments Mr. Haverfield responded to questions from the Board.

**Mark Hilty**, the attorney representing the developer, testified the modifications made to the preliminary plat were done in response to concerns by the Board and by the neighbors. The project density has decreased which will decrease traffic and the number of wells and it provides greater space. Building envelopes can be pinned down and getting them off hillside slopes. This is the right development in the right location. Water issues aside, when looking at the criteria for evaluation this application it is consistent with the plan and on point with the character of the area. It's an infill development that plays into smart growth. Regarding water, the Board is hearing conflicting evidence and testimony, but based on what it heard from IDWR today it's clear there is not a problem in the area with a depleting groundwater level. It is not a groundwater management area nor is it a critical area, and IDWR has a monitoring network they are looking at. The water level is consistent or increasing over a 20-year period. There may be problems with

other wells and they may have various causes for those problems, but this development should not cause a problem for neighboring properties based on the evidence.

**Testimony in opposition was as follows:**

Commissioner Smith asked the audience to give non-repetitive testimony and advised that people would not be allowed to give their time to other speakers.

**Claudia Haynes** is a member of Canyon County Alliance for Responsible Growth and has well drillers information that the water level has dropped 65 feet in the last years, and 10 wells have gone dry in a short period of time. Her well was drilled 20 years ago and has gone dry leaving her without water for the past week. She said Davis Well put in 90% of the wells in the Deer Sky Ranch Subdivision and in 20 years not one of the wells has been replaced or pulled for sand, screen, or low water issues. This is the first year that has occurred. She knew water was an issue because of Artie Schmidt's report from several years ago. It is not just the volume of water that's there, it's the type of dirt, rock, soil, sand, etc., and IDWR knows this has been a problem for more than 20 years. She has met with IDWR for years and their website has shown a decline in water, but now it's showing an increase which she believes is erroneous. Following her testimony Ms. Haynes responded to questions from the Board. There was discussion between Commissioner Smith and Ms. Haynes regarding the 2021 report from Dennis Owsley from IDWR which includes a table that shows positive water level increases since 2005. Ms. Haynes believes the numbers in the graph reflect one day of measurement. Commissioner Smith questioned if there was a misunderstanding because there isn't anything in the report that shows the water is decreasing in fact the conclusion states it is increasing. Further discussion ensued.

**Kim Yanecko** clarified previous questions that were raised regarding community well issues and the problems experienced with the Huter well. She referenced communication from Dennis Owsley regarding wells and the aquifer, and referred to information from 2015 which shows the area is red, as referenced in an exhibit from one of the memos from Mr. Owsley. She spoke of the developments, overlapping of wells, the cones of depression, and how when you have a lot of people drawing water it is problematic. It is not acceptable to expect homeowners to turn off their water every time a cone of depression occurs. She said the rural residential designations have been granted the ability, through a development agreement, that almost gives developers the ability to build whenever they want. IDWR says the current use is good but what they aren't referencing are the homes that could be built, and we have no historical data to show the suck on the aquifer. She asked the Board to refrain from approving developments until we have data to go forward and have responsible growth. She also said DSD is aware there are water issues in this area. Ms. Yanecko said Mark Hilty said the neighbors did not argue anything but water, but that is inaccurate because she argued traffic, increased population, water concerns, crime, etc. She requested the Board afford the opportunity for the neighbors to bring in counsel.

**Rhonda Haub** said if the request is approved the developer should put in hardscape (rock and boulders) in the areas where there won't be any water usage.



**Randall Ryden** testified about his concerns with setting a precedent and questioned what will happen after this development approved. He said the Board needs to be careful of assumptive reasoning and read the report the way it was intended. He has experience as home inspector and said it's a farce that all custom homes lead to quality building techniques. Mr. Ryden also spoke about how community wells get overused.

**Amy Weidner** stated there have been water/well experts who said the well failures could be caused by mechanical or water quantity issues, but they really don't know for certain. She is concerned about the cumulative effect hundreds of homes coming to the area will have on her property. She is also concerned about the potential for state employees to falsify documents and she questions who will take responsibility when there is no water.

**Rene Bine** is the President of the Canyon County Alliance for Responsible Growth and he said the problem with this development is the issues with water, availability, and the impact on local farming. They have heard the water level is stable but if wells are failing it seems unlikely the water supply is stable.

**Sheila McCully** gave testimony regarding the problems the Hutters and the McCullys have had with their wells going dry. She does not know why they are having a water problem.

**Frank McCully** testified he moved to the area 6 ½ years ago and the person he purchased the home from said there was plenty of water. The fire hydrants in the area are not workable, and the farmers found out there wasn't enough water to farm so they turned it over to a developer. They have had little to no problem with water up until now. They still have two farmer's wells and they will have to replace both because they only use them for fire protection and taking care of the common area.

**Shannon Shope** hopes some kind of consideration is given for the education system because an influx of homes coming in without addressing the issue is going to exacerbate the problem.

**Jeannie Amen** offered testimony as a neighboring resident and as the manager of Frankie's Aerial Application business. She said the evidence presented by IDWR and others is not current evidence. She has 49 acres of legitimate high priority water rights and she has a concern of overallocation because there are acreages all around her property that do not have water rights. She is concerned that people are selling off water rights and she may not be able to access what is legitimately hers. She is down to 10 minutes of full open water without it sucking air and her well is 550 feet deep with no option of going deeper. The developer has no water rights and he should be made to purchase water rights to sufficiently supply the project he is proposing. She wants the Board to deny the request because it is injurious to the area. Ms. Amen gave testimony regarding the aerial applicator business and how they have lost revenue. The density has increased and they lost their air pathway and this project will seal the deal to where they can't even put fertilizer on it. She estimates they have lost \$42,000 this year because a subdivision has interfered with their flight path. Past developments have hindered their ability to fly and the proposed subdivision will eliminate any path they have to fly the nearby farms. Ms. Amen believes



agriculture has been kicked to the curb. In 1961 Alan Noble was instrumental in making the land farm ground and he recognized the water problem in the area, and she wants to get his entity involved to help defend agriculture.

Rebuttal testimony was offered by Mike Woodworth. Without a doubt 200-400 houses would have a significant impact on the aquifer, but we are talking about 35 houses, 8 of which will not be using wells for irrigation. In-home use is fairly negligible compared to irrigation use, and with conservative assumptions it would be a relatively negligible impact for a half-mile away. The density is three acres or greater so they can space the wells out so they don't have the influence and the cone of depression impacts. Following Mr. Woodworth's testimony, he responded to questions from the Board.

**Mark Hilty** addressed some of the agricultural and residential conflicts in the area based on Jeannie Amen's testimony. The residential development has previously caused that conflict and that is a result of the decision made years ago with respect to the comprehensive planning of this area to move it away from agriculture to rural residential and that will be the future of this as long as that remains the comprehensive plan designation. By making this area available for rural residential it likely protects other areas in the County for agricultural use.

(The exhibits for this case were entered 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 White is not ready to decide as she wants time to review the information including the development agreement. Commissioner Smith said if the Board chooses to approve a conditional rezone and development agreement, a full second hearing will be held to hash out the requirements. Commissioner Van Beek agreed and said there is a lot of conflicting information within IDWR, and she cannot approve a request that might render someone without water. She cannot approve a straight rezone. Commissioner Smith spoke about the amount of information that has been submitted and noted there is some doubt in the new evidence that was provided by IDWR that gives a one-day snapshot. It would be interesting to see additional information from IDWR that shows more than one snapshot, specifically why there are issues being reported in the immediate vicinity and another snapshot when the canals go dry. Did IDWR identify this as a study area and do they have evidence of why they lifted that critical groundwater area. Commissioner White wants information on the monitoring system and when was the last time they walked the property and talked to people. Commissioner Smith said we can either continue the hearing for additional information, or deny the request and give things the applicant could pursue for approval in the future which would give them what to work on between now and the next hearing. A denial today does not mean a denial at the next hearing. You can approve it with conditions. You can request to table it for time to review the documents. Commissioner White made a motion to continue the deliberations, based on the evidence received to this point, to Monday, August 2<sup>nd</sup> at 3:00 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Smith said testimony is closed and the Board will not review additional information. She told the audience to hold additional information because it sounds like the Board could be leading toward a decision

that will require a second hearing so citizens were advised to save their information for a future hearing. The hearing concluded at 5:52 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 27, 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 claim 576341 in the amount of \$91.50
- The Board has approved claims 576342 to 576342 in the amount of \$4,500.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial in the amount of \$2,899.40 for Canyon County Sheriff
- Western Building Supply in the amount of \$2,226.35 for Facilities
- Timberlake Construction in the amount of \$35,930.00 for Facilities
- Big Ass Fans in the amount of \$57,017.28 for Facilities
- Platt Electrical Supply in the amount of \$45,314.18 for Facilities
- Consolidated Supply Co. in the amount of \$33,501.36 for Facilities
- Tran Supply in the amount of \$2,207.06 for Facilities

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Tom R. Crosby

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Moad LLC DBA O'Michael's Pub & Grill to be used 7/30/21 for Mceachern memorial service; 8/28/21 for Diaz wedding; 8/28/21 for Brown wedding

## MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Facilities Director Paul Navarro (left at 9:08 a.m.), DSD Director Steve Fultz (left at 9:18 a.m.), Elections Supervisor Haley Hicks (left at 9:11 a.m.), Election Technician Kylie Marks (left at 9:11 a.m.) and Deputy Clerk Jenen Ross.

***Consider signing a resolution designating surplus personal property with nominal value and authorizing sale by auction:*** Ms. Hicks explained these are cases for voting machines that are no longer used but believe they may be of interest to the public. If there are any cases that do not sell the elections office will request a resolution for destruction. Total value of the cases is of nominal value. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating surplus personal property with nominal value and authorizing sale by auction (see resolution no. 21-167).

***Consider signing a resolution designating polling locations for the August 31, 2021 Election:*** Mr. Robertson said this is for a school district election that bridges counties. Statute states that the two counties are to coordinate in facilitating the election. The election will be held in Homedale (Owyhee County) and card notifications will be sent to eligible voters. The location meets ADA requirements. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign a resolution designating polling locations for the August 31, 2021 election (see resolution no. 21-166)

***Consider signing independent contractor agreement with Bruce Eggleston for Hearing Examiner Services:*** Mr. Fultz said that Mr. Eggleston is the hearing examiner for the City of Caldwell. There was one error found in section 13D regarding compensation - mileage rate needs to be changed to \$.52/mile. Mr. Eggleston will be paid \$110/hearing, \$140/PUD and \$30/administrative cases which is based on the amount paid by the city. Work will begin on the 3<sup>rd</sup> Thursday of August with at least 2 cases to be reviewed. Ms. Klempel suggested a strikethrough to make the correction to mileage which will need to be initialed by both the Board and Mr. Eggleston. Term expiration to be one year from today's date. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreement with Bruce Eggleston for Hearing Examiner Services (see agreement no. 21-062).

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

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

The Board met today at 9:33 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

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

*Note for the record: As properly noticed the Board met today at 9:33 a.m. for a monthly meeting with the Fair Director. A request was made to go into Executive Session as follows: Commissioner White made a motion to go into Executive Session at 9:34 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. 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 and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek and Fair Director Diana Sinner. The Executive Session concluded at 9:50 a.m. with no decision being called for in open session.*

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

- Fair opens in 2 days; concert ticket revue has exceeded historic high
- Shows are going well, animals are moving in, fair vendors and carnival are being set up
- Groundbreaking is tomorrow at 10:00 a.m.

The meeting concluded at 9:54 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:00 a.m. to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Planning Official Dan Lister and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider approving final plat for Pony Meadow Subdivision, Case no. SD2020-0046:*** Mr. Lister said this is minor replat which the code says can be decided by the Director providing 120 days from approval to gain Board signatures. The applicant is asking to amend the findings to change lot 2 to 3.3 acres (was 1.8 acres) and reducing lot 1 to 5.9 acres (was 7.4 acres). Mr. Lister stated for the record that the applicant had issues receiving signatures from SWDH just due to their current workload so an extension of the 120 days was granted; all requirements of the final plat have been met and it meets with Director approval. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the final plat for Pony Meadow Subdivision, Case no. SD2020-0046.

***Consider approving final plat for Lake Shore Subdivision No. 1 (SD2021-0035):*** Mr. Lister explained that the highway district requested one note be added to the plat which will require another signature. Additional time has been requested for this to be completed and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to continue this meeting to Thursday, July 29, 2021 at 9:30 a.m. the motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING – APPEAL BY PECKHAM ROAD TRUST FOR A CONDITIONAL USE PERMIT, CASE NO. CU2020-0001

The Board met today at 2:36 p.m. for a continued hearing in the matter of an appeal by Peckham Road Trust of the P&Z Commission's decision which denied their request to modify a conditional use permit, Case No. CU2020-0001. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Todd Lakey, Darin Taylor, Brenda Abbott, Art Rodriguez, Assessor Brian Stender, other interested citizens, and Deputy Clerk Monica Reeves. The Board previously met on July 13, 2021 where, after several hours of testimony, it decided to continue the hearing to today's date in order to allow staff and the applicant to review potential conditions of approval.

Jennifer Almeida reviewed the 17 proposed conditions of approval and requested the Findings of Fact, Conclusions of Law and Order (FCO's) for this case be based on today's deliberation and review of conditions so it will help staff incorporate the discussion into the proposed FCO's, which will be considered and signed at a later date. A copy of the proposed conditions is on file with this day's minute entry. There were a total of 17 conditions separated into the following categories: General; Site Obscuring Trees (existing); Dust/Odor/Fly Control; Drainage; Access; and Dump Site/Landfill.

The Board had questions regarding the following topics: The timeline for compliance with setback requirements; who will do inspections and enforcement, the applicant shall submit the inspections by December 31 of each year; the construction of and size of lagoons and their distance to wells; disposal of dead animals; should be a section for a condition regarding downward facing lights; specify what animal waste systems mean; regarding the number of head of cattle allowed, if the applicant owns land around the property they are allowed to graze within those animal units that are defined within our ordinance; there shall be a conditional that addresses dust/odor/fly/rodent control by utilizing the applicant's plan to improve the site quality.

The Board reviewed the conclusions of law and comments were as follows:

With regard to whether the use be injurious or change essential character of the area, Commissioner Smith said a response for that conclusion could be that with the conditions of approval it will improve the immediate vicinity by improving the feedlot; the current condition is

dilapidated and improvements will allow a greater number of cattle to be ran at a level that is sustainable and with improved conditions. Commissioner Van Beek said if complaints are issued by neighbors the County would look at providing notification and pursuing abatement, which would be tied to a tax bill. She believes the feedlot will change and improve the character of the area for the better, and that standard needs to be the same for surrounding property owners. The junkyards in the area need to be cleaned and managed. If people complain they should be held to a higher standard of compliance for nuisance in the county whether it's weeds, junk cars, or trash. Commissioner Smith noted in the staff report that Finding No. 4 references moderate risk factors in the siting team report regarding the percentage of wells over 5 milligrams within a five-mile radius. It appears the word *nitrates* is missing in that sentence. She wonders if there is a mitigating condition. Ms Almeida said the language was taken out of siting team report as something that may be injurious due to wells in the area that tested high in nitrates. It may go back to management of the site as well. (Refers to Exhibit #99.) Commissioner Smith said we have a nitrate problem in Canyon County and any opportunity we have to improve those conditions with site management is a win. Making the improvements to the feedlot should help and although it's not their job to improve it, she hopes it at least sustains it. Ms. Almeida said we could add the management that's proposed by the applicant, and we could note some of the conditions of approval that will help improve the site.

Commissioner Smith said the findings shall be related to access, not travel paths. Ms. Almeida said Conclusion No. 7 shall be updated to reflect Condition No. 16 that requires the applicant, prior to expansion, to meet highway district requirements.

There shall be no animal burial on site. Staff was directed to include language about the removal of dead cows from the site. There was discussion regarding environmental regulations and the lining of the lagoons. (This can be added to the verbiage on Condition #5.) Commissioner Van Beek said this is not a dairy feedlot, it's a confined feeding operation and there is a section of code under IDAPA that deals specifically with lagoons for feedlots.

Regarding site setbacks, staff was directed to reference the conditions of approval for that conclusion.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to August 2, 2021 at 1:45 p.m. to allow staff time to develop the FCO's, along with conditions of approval, according to today's deliberation. The hearing concluded at 3:33 p.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED CLAIMS ORDER NO. 2122

- The Board of Commissioners approved payment of County claims in the amount of \$1,726,337.60 for a County payroll.

APPROVED CLAIMS

- The Board has approved claim 576257 in the amount of \$1,485.45
- The Board has approved claim 576377 in the amount of \$7,066.00

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Hutching ENT.LLC DBA H&M Meats & Catering to be used 8/5/21 for Baldwin Celebration

GROUNDBREAKING CEREMONY FOR THE CANYON COUNTY FAIR EXPO BUILDING

The Board attended a groundbreaking ceremony for Canyon County Fair Expo Building located at 110 County Fair Avenue in Caldwell, Idaho.

PUBLIC HEARING – REZONE HEARING FOR ESSEX HOLDINGS VI, LLC, AND PRELIMINARY PLAT FOR GENEVA ESTATES SUBDIVISION, CASE NOS. RZ2020-0023 AND SD2020-0042

The Board met today at 1:23 p.m. to conduct a public hearing in the matter of a request by Mason & Associates representing Essex Holdings VI LLC, for a rezone of Parcels R32989 and R32989010 from an “A” Zone (Agricultural) to an “R-1” Zone (Single Family Residential). The request also includes a preliminary plat with irrigation and drainage plan for Geneva Estates Subdivision, a 28-lot residential subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Angie Cuellar from Mason & Associates, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The 40.43-acre property is located at 12064 Lone Star Road and is within a one-mile radius of 35 subdivisions, most of are located in Nampa’s impact area or city jurisdiction. The County comprehensive plan designates the property as residential on the future land use map. The property is located adjacent to the Nampa impact area which designates the property as medium-density residential. It is in a nitrate priority area, but does not exceed DEQ’s requirements for nitrates in water. Mr. Lister gave a review of agency comments. The City of Nampa finds the proposal to be inconsistent with their plan because it does not support the density they want in that location. At the very least the city is recommending

city landscaping buffers be added and it has been conditioned as part of this request. Nampa is looking to increase its impact area and it's likely this property will be annexed. Neighbors submitted letters of concern regarding added traffic, impacts to the agricultural uses in the area, and they would prefer to see this project connected to city services. The property is surrounded by large agricultural properties with an average lot size of 30 acres. City services are located ½ mile away. Nampa is working to increase their impact area and this is one of the areas they are looking at. Following his report Mr. Lister responded to questions from the Board regarding landscaping improvements, and concerns about the nitrate priority area and whether its safe to keep drilling wells and septic systems in this area. On June 3, 2021, the P&Z Commission recommended approval of both requests. Staff is recommending approval as well. Angie Cuellar testified that plans include a sidewalk along Lone Star Road and Midway Road as part of the road improvements which includes a landscaping strip the city requested. City water services are located a ½ mile and sewer services are located at Flamingo Road and Midway Road. She said the City of Nampa wants a lot of density and if they have sewer and water there could be eight lots per acre. The property is within a high nitrate priority area and the NP study is in progress and SWDH will meet on site to do further testing in August. It's a lower nitrate level, and when the NP study is done they will know what the numbers are for sure. IDWR does not list this as a priority site. Pressurized irrigation will be provided and will supply the entire area. They looked at annexing the property into the city but they could not find a path to annexation at this time. The developer wants to move ahead with the one-acre lots which is less than the city would desire, but Ms. Cuellar thinks the lower density would make the neighbors happier. The developer does not know what he wants to do with the property to the north although he has talked about working with the City of Nampa. Per the conditions of approval, they need a water users' maintenance agreement so everybody knows who's taking care of the pump. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek has the following concerns: 1. this is outside the impact area; 2. the property is prime agricultural farm ground; and 3. it does not conform with the size of the surrounding lots. The Board is engaging with the cities to understand what the vision is and they are in the middle of negotiating with citizens for an agricultural group on understanding how the County will go forward with an agricultural component. She objects because of the lack of a coordinated vision and developers are in a land grab driving up prices. Commissioner Smith said it's very unfortunate it's already been developed, and it is outside the impact area, however, it is adjacent to it. The density that could be there will have a worse impact on roads and services. There is something to be said for this being a quality development with one-acre lots. She also spoke about how aerial sprayers cannot go into these areas any longer because of the development that's occurred. Commissioner Van Beek said the cities need to scale back their impact areas so there is room for agriculture and we need to pause putting in subdivisions. We have the ability to plan and prepare and somebody has to regulate and manage the growth and determine the future of Canyon County and what it's going to look like. Dan Lister said staff had a difficult time making a recommendation because the property is near existing development, however, it's a huge portion of agriculture that has best suited soils. Commissioner White said the property is up against the impact area and they should connect to city services. Commissioner Van Beek said it's a usurp of authority to have cities override the Board's decisions on county property. There appears to be missing information and so perhaps the Board should reach out to



the city to get additional information. Commissioner Van Beek made a motion to deny the rezone request by Essex Holdings VI, LLC, Case Nos. RZ2020-0023 and SD2020-0042. Staff was directed to take the comments made during this deliberation and incorporate them into the findings of fact, conclusions of law, and order (FCO's). Commissioner White likes the idea of one-acre lots, but she wants the development to connect to city services. Commissioner Smith likes the idea of city services or community services that monitors for nitrates. As to how to gain approval in the future, she said it's about timing and until the property is in the Nampa impact area and until development touches more than two sides. Commissioner Van Beek would like to add this to her motion: "The developer must connect to city services or have a community system." Commissioner White said the lot on the northern portion bothers her because it's on the wrong side of the canal and she doesn't like it just sitting there and so before a rezone is approved they need to address what to do with that lot. Commissioner Smith said she's on the fence with this case because the current comprehensive plan shows it as a residential area but it's adjacent to an impact area which is transitional. There are a lot of subdivisions in platting in this area, but it is beautiful farm ground. Commissioner White said it's positioned nicely as far as the area and accessibility, and she likes one-acre lots but she wants them to consider city services. Commissioner Smith likes one-acre lots as well, but said if the developer connects to city services they are not doing one-acre lots. Commissioner Van Beek wants to engage in discussions with the City of Nampa about what their intent is with their impact area. Commissioner Smith said the mayors have said they did not anticipate that change in legislation to the tax revenues and they will have a hard time keeping up with growth with that limitation on the taxes due to HB389. The motion to deny was seconded by Commissioner White. The motion carried unanimously. Because the rezone was denied the preliminary plat was automatically denied. Staff will update the FCO's in support of the Board's deliberation and will indicate how the applicant can gain approval in the future which would be to connect to city services or a community system, also taking into account the proximity and timing based on development around the property, or being included in the impact area. The hearing concluded at 2:49 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD MEETING TO DISCUSS GENERAL ISSUES

The Board met today at 2:59 p.m. to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The following topics were discussed:

Commissioner Smith said that yesterday the SWDH Board approved an amendment to their FY21/22 budget. They had originally approved a 2% merit increase but due to recruiting and retention problems everyone is facing they decided to include a 3% COLA in addition to the 2% merit. There will be an increase to the district's request to the counties in subsequent years to cover those on-going costs.

Another issue SWDH is working thru is their solid waste plan. There are an increased number of people living in RVs who are dumping into open holes which is a huge health safety hazard. It is

unsafe for both the occupants of the RV and the neighbors when raw sewage is being dumped directly into the ground. Commissioner Smith would like to join with SWDH in messaging which will cross county lines in order to let the community know of the health safety issues, additionally, living in an RV for an extended period of time is not allowed per the county ordinance. In response to a question from Commissioner White about where people are supposed to go, Commissioner Smith said a lot of the problem is created from people selling their homes in this market but not having other housing available. She said the county needs to encourage people to stay in their homes. Commissioner Van Beek is supportive of the county getting messaging out to the community. Commissioner Smith indicated that it is her understanding that the majority of area RV parks have switched to long-term and are no longer offering short-term. The county ordinance states that RV parks are only short-term. If they want to be long-term that would require going thru the subdivision process and for services to be provided. Commissioner Smith would also like to give direction to the Code Enforcement Officer to send letters to the park managers notifying them of the ordinance. Commissioner Van Beek wonders how to ensure as a county slums are not created whether they're short-term or long-term occupancy. Commissioner White doesn't want to inadvertently create overnight policing issues by having RVs parked in more places they shouldn't be. Commissioner Smith said that it was discussed at the SWDH Board meeting and they are going to do an inventory of ordinances to see what each county requires and then the plan is to put together a public service announcement letting the community know that staying in your RV is not allowed, outline the rules and explain why it is not safe for them or their neighbors to be living in an RV. One of the other issues discussed among the SWDH Board is the lack of dumping stations in Canyon County. Commissioner Smith wants to talk with Director Fultz at his next meeting about giving direction to the Code Enforcement Officer about how to handle. The Board is supportive of Commissioner Smith letting SWDH know that Canyon County is in favor of the public service announcement.

Commissioner Smith was approached about a training program called Talent Depot that works to keep kids local and match them with area businesses vs. them going out of state for college or careers. They also do evaluation of staff and she feels this could be beneficial and used with several different departments in the county. The organizer is wanting to use COVID recovery monies and has prepared a proposal he's asked Commissioner Smith to share with the other Board members. He is hoping that Caldwell and/or Nampa could be the first Talent Depot cities to offer this program. The Board is supportive of having a presentation meeting.

#### EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL

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

Commissioner Van Beek made a motion to go into Executive Session at 3:22 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters pertaining to named personnel. 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. The Executive Session concluded at 3:35 p.m. with no decision being called for in open session.

The meeting concluded at 3:35 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

### PREPARE FY2022 BUDGET FOR PUBLICATION

The Board met today at 3:41 p.m. to prepare the FY2022 budget for publication. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Probation Elda Catalano, CCSO Financial Manager David Ivers, Chief Deputy Sheriff Marv Dashiell, Director of Canyon County Ambulance District Michael Stowell, TCA Jamie Robb, TCA Admin. Supervisor Tara Hill and Deputy Clerk Jenen Ross.

Controller Wagoner gave a summary of changes from the suggested budget and the budget process. The changes noted are as follows:

- Development Services – reduction in PT budget, was changed to FT Administrative Specialist position.
- Western Alliance for Economic Development – reduced to \$15,000 from \$27,000.
- \$10,145 was added for private BOCC entrance.
- Treatment courts – an Assistant Coordinator position was changed to a Coordinator position.
- There is a camera project in process which is funded by federal grant monies. The project was included in the FY2021 budget but it will not be completed by the end of the fiscal year. Recommendation is to roll that project forward into FY2022. There is no cost to taxpayers, it is being paid for with grant funds.
- A radio tower project in process is funded by E911 monies will not be completed by the end of the fiscal year so \$125,000 will need to be rolled forward to FY2022 to finish the project. No property tax dollars are affected, it is entirely funded with E911 money.
- A few changes have been made to the compensation plan based on filled or vacated positions, it is as current as possible.

Commissioner Van Beek has concerns about some department administrators, specifically the IT Director, falling below the 80% of the Ada County rate. She would like to see him brought to the 80% in FY2022. She would like to see the other directors' salaries evaluated to make sure they are within that margin.

Commissioner White asked if there is a way to divide up the increase between COLA and merit increases in order to provide some leeway in how increases are assigned, perhaps a 5% COLA and 2.5% merit in order to give some incentive. Commissioner Smith said she like the idea of dividing up increases that could be managed by the director/elected official. Controller Wagoner explained that the compensation plan is two pieces. The 7.5% COLA applies to the pay range. He feels this is

important so that county wages are competitive. In addition to that there is the possibility of a step increase with one additional year of experience, this increase is not automatic or guaranteed – the Elected Official or department administrator can request that be held back. Commissioner Smith would like to stick to the 7.5% COLA but put together a plan, not just release the step program. It will be funded but a plan will be put together that the Commissioners and possibly the compensation committee can evaluate how to release that program. In response to a question from the Controller as to what that plan might look like, Commissioner Smith said they have made employee evaluations mandatory for their department heads and hope the other elected officials will do the same. She feels that if Board employees are being held to that standard she would like to see all County employees held to the same standard.

Commissioner Van Beek asked Controller Wagoner if he has information regarding the number of employees still employed since the inception of the compensation plan and asked about some employees who've received fairly substantial increases. Commissioner Van Beek proposes that the cost of living be evaluated within the county. She has concerns about the funding source keeping up the 7.5% increase when the average increase of county citizens (based on retired citizens) is only about 2% yearly or \$1044. Controller Wagoner explained that last year there was zero increase in property tax, there was no 3% increase, no new construction increases and no foregone was taken. For two years in a row the property tax dollar request is the same and even slightly decreased. That is an action to provide real property tax relief to Canyon County residents.

Discussion ensued regarding the use of ARPA funds. Commissioner Smith said her understanding is that those funds are being used for capital improvement projects and those projects will be done so there could be a property tax adjustment that could be higher in the future to cover capital improvement projects but right now those projects will be gone and we're not anticipating that volume of projects in the future. Commissioner van Beek said she is still concerned about how the increased salaries will be funded into the future. Commissioner Smith explained that is something that will have to be figured out but she is grateful for the balanced budget and what the county is able to do with the ARPA funds. Property taxpayers need tax relief and the Clerk was able to do that. This year there were large assessed value changes which could have resulted in large increases but this budget gives property tax relief. Clerk Yamamoto and Commissioner Smith spoke about steep increase in both fuel and home/rental costs. Clerk Yamamoto said that since the meeting last week he has lost three more employees and they are trying to juggle things around just to keep services moving. Additionally, he's seeing area businesses advertising \$20/hourly rates and large signing bonus which is part of what the county is competing with for employees. It is a two-part issue – first you have to get people in the door and then you have to retain them. Commissioner Van Beek would still like to see a set amount vs. a percentage amount provided as COLAs and wonders if there is an amount that would be equitable to all employees. Clerk Yamamoto said he is all for merit, however, there is little of it in government and what is done is done poorly, which is the history seen in Canyon County in his opinion. If there is a way to provide merit that is equitable and makes sense he'd be all for it but there needs to be better guidelines in place. He feels that if it's a problem with those most highly paid receiving the largest increase due it being based on percentages that you start with cutting off the EO salaries and work down. Commissioner Van Beek clarified that she is not unsympathetic, she is just asking what the

compromise is between a sliding scale and a flat amount. Clerk Yamamoto spoke to some of the challenges that might be faced in trying to determine the cutoff point and who gets what. He also noted that even with this increase the county will still not be competitive and is having trouble attracting and retaining good candidates so something needs to be done. Commissioner Smith thinks that perhaps Commissioner Van Beek has identified areas in the compensation plan where it's not working and needs to be evaluated.

Commissioner Smith asked Commissioner Van Beek to speak more about her plan for a flat rate increase. Her feeling is that everyone in the area has incurred the same increase for general goods and services such as rental rates and gas. Commissioner Smith noted that everyone's jobs are different, levels of training and certifications are different and those factors need to be considered.

Clerk Yamamoto said that this year the county is building a \$6M Fair building, increasing salaries to attract and retain employees, adding 3 judges and support staff – the net affect of all that is a decrease to the taxpayers. As long as the economy continues the county will continue to see the same kinds of revenues; if that changes the whole economy will have to change.

Commissioner Van Beek spoke about a suggestion by Commissioner White at an earlier budget meeting about security at the Administration Building. Commissioner Van Beek compiled budget numbers which include a magnetometer, package x-ray machine, kiosk for the lobby and on-going personnel costs for a total cost of \$143,575. Clerk Yamamoto has indicated that he does not want a magnetometer at that building nor does he think it would do a lot of good. There are a lot of factors to take into consideration such as entry/exit, ADA accessibility, the Public Defender's separate entrance among other things. In his opinion a presence is what he'd really like to see in the building. Commissioner Van Beek suggested a meeting to discuss the use of Marshals in that building as was done during COVID. However, many of the Marshals are back to work in their intended capacity overseeing court safety.

Discussion ensued regarding the delayed response to the panic button being pushed in the Commissioners' front office and possible solutions.

In response to a question from Commissioner Van Beek, TCA Robb said that even with the addition of 4 part-time Marshals they are still understaffed and unable to cover the necessary courtrooms.

Controller Wagoner spoke about contingency within the budget, there is a line item within the current expense fund of \$150,000. Clerk Yamamoto feels that there has been a well-balanced budget put together and he doesn't see the need to change anything at this point.

The meeting concluded at 4:50 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2021 TERM  
CALDWELL, IDAHO JULY 29, 2021

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

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:50 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Customer Service Specialist Kelly Galloway 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 and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-804; 2021-757.

Case no. 2021-902 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue initial approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

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

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

*Note for the record: As properly noticed the Board met today at 9:01 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner White made a motion to go into Executive Session at 9:02 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson and Deputy P.A. Alex Klempel. The Executive Session concluded at 9:16 a.m. with no decision being called for in open session.

CONSIDER APPROVING THE FINAL PLAT FOR LAKE SHORE SUBDIVISION NO. 1, CASE NO. SD2021-0035

The Board met today at 9:31 a.m. to consider approving the final plat for Lake Shore Subdivision no. 1, case no. SD2021-0035. Present were: Commissioners Pam White and Leslie Van Beek, Planner Jennifer Almeida, Mike Greiner and Deputy Clerk Jenen Ross. Jennifer Almeida gave a brief summary of the project stating that this is a one lot subdivision. Currently the property contains a mini-storage facility and is zoned CR-M1 which is a conditional rezone/light industrial. Individual septic systems and wells are proposed for this site as well as subsequent phases of this project which is noted on plat note no. 4. The preliminary plat for this project was approved by the Board on April 15<sup>th</sup> of this year. Keller and Associates have reviewed phase 1 of this project and recommend that it be approved. The structures are already on site therefore there are no additional improvements required. Included in the summary are the conditions of approval and how they've met each of the conditions. Ms. Almeida noted that in regard to condition no. 7 she has had correspondence with Nampa/Meridian Irrigation District and they do not want to transfer the rights off the property and cited a statute in Idaho code as their reasoning. The intent of the condition was to have the ability to transfer the right to a farmer in the area if they weren't going to be utilized by this project. Based on the irrigation district's stance on transferring the rights off the property the surface water rights will remain but not be utilized. The rights will remain utilized by users within that district. Staff maintains the intent of the condition was met as the water will remain as part of the district and utilized by many users within their district. Staff is recommending signing of the final plat. Discussion ensued as to what it would take for conditions 6 and 7 to be removed from the plat note. Ms. Almeida explained that to eliminate the notes entirely the development agreement would have to be modified but she feels that for today's action the intent of the condition has been met but she would recommend to the applicant that before they start on phase 2 to have that condition removed for the remainder of the project.

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

Mr. Greiner spoke about the condition, stating that these are commercial lots and there really isn't a need for a lot of irrigation. Well water could be used for the small amount of necessary irrigation. In response to a question from Commissioner White, Ms. Almeida spoke about Exhibit D which is an email chain she and P&Z Commissioner John Carpenter had with Nampa/Meridian Irrigation District which notes their reasons for not wanting to transfer off the water rights. At this point it is kind of at a standstill with that particular condition. Commissioner Van Beek said she would like to have that note removed without inhibiting Mr. Greiner's ability to move forward. She feels that when things are left on plat they can be confusing and she believes in cleaning it up on the front-end instead of the back-end. She would like to see approval of the final plat be provided with the stipulation that conditions 6 and 7 be removed. Ms. Almeida said that those conditions can be removed but for today's action the intent of those conditions have been met. For subsequent phases conditions 6 and 7 should be removed. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to close public testimony.

Commissioner White made a motion to authorize the chair to sign the final plat with the changes as noted moving forward with this project. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 9:47 a.m. An audio recording is on file in the Commissioners' Office.

TAX DEED HEARING

The Board met today at 10:01 a.m. to consider the issuance of tax deeds and consider an action item. Present were: Commissioners Leslie Van Beek and Pam White, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Deputy PA Doug Robertson, Interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek opened the hearing and noted who was in attendance. Treasurer Lloyd said this is a procedural matter and she explained the process which was started in August of 2020 where she mailed courtesy reminders on 632 accounts. In January of 2021 she mailed courtesy reminders again on 214 remaining accounts, and in April of 2021 she sent the pending issue of tax deed certified mailings and 633 notices were mailed to all taxpayers and parties in interest on the remaining 44 accounts. On June 24, 2021 the first publication appeared in the Idaho Press-Tribune on 24 accounts for four consecutive weeks. Last week she filed affidavits of compliance on 14 accounts, and today she is here to file tax deed on the 7 remaining accounts that have not paid taxes.

<b>Owner(s):</b>	<b>PIN:</b>	<b>Total Due:</b>
Lori Hutchings, Robert Bravo	01954000 0	\$1,029.06
John Crew	03831000 0	\$1,876.82
PCM Investments, LLC	14285665 0	\$ 540.64
PR Investments, LLC	27860500 0	\$4,683.69
McEvoy Family Trust, Dorothy McEvoy Trustee, and John McEvoy Trustee	34085000 0	\$5,709.54
Catherine Carver, Raymond Carver	36097000 0	\$ 956.00
EJP, LLC	37976010 0	<u>\$ 444.87</u>
		<b>\$15,240.62</b>

Commissioner Van Beek asked the Treasurer to explain the process to those in the audience on what happens next. Treasurer Lloyd said the tax deeds will be filed and citizens are given a redemption period, and a tax sale is set for November where taxpayers or parties in interest can redeem the properties. When they redeem they have to pay all five years' taxes in order to get it back in their name. Commissioner White made a motion to sign the findings of fact and conclusions of law for the tax deed hearing. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 10:15 a.m. An audio recording is on file in the Commissioners' Office.



JULY 2021 TERM

CALDWELL, IDAHO JULY 30, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Richelle Kiyabu, Sr. Administrative Specialist

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Pantera Market & Mexican Restaurant #2 LLC DBA Pantera Market #2 to be used 8/14/21 for Vega Quinceanera

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Fargo Technologies in the amount of \$5,035.00 for Canyon County Sheriff

DETENTION CENTER INSPECTION CONDUCTED

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

THE MINUTES OF THE FISCAL TERM OF JULY 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 4<sup>th</sup> day of November, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

Leslie Van Beek

Keri K. Smith

Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk