

DECEMBER 2021 TERM  
CALDWELL, IDAHO DECEMBER 1, 2021

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

There were no meetings held this day. Commissioners Smith and Van Beek attended the 75<sup>th</sup> Annual Associated Taxpayers of Idaho Conference.

DECEMBER 2021 TERM  
CALDWELL, IDAHO DECEMBER 2, 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 579810 to 579849 in the amount of \$62,911.52

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Edu Business Solutions in the amount of \$1,870.20 for the Information Technology Department
- Manage Engine/Zoho Corp., in the amount of \$12,114.00 for the Information Technology Department
- Quadient, Inc., in the amount of \$2,636.08 for the Information Technology Department

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change forms for Nicole Ahlstrom, Benefits and Training Coordinator; Rich Soto, HR Investigator; Leah Kalk, Part-time Mental Health Clinician; Paula Rohde, Housekeeper; and William Moore, Interpretive Specialist.

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

The Board met today at 8:44 a.m. with the interim Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, IT Director Greg Rast, Interim Facilities Director Ricky Britton and Deputy Clerk Jenen Ross. Mr. Britton said that the concrete cutting was done this morning prior to the office opening and the BOCC office space is a dusty mess they are working to clean. Due to fumes and dust while the floor was being cut a couple of the maintenance staff felt light-headed so they were sent for an evaluation. Floor boxes will be installed and Mr. Britton is working with Director Rast on that portion. The hope is to have the floor portion done tomorrow and then they will begin work on the countertop and building up the desk. Completion for the facilities portion is anticipated at about 2 ½ weeks. Discussion ensued regarding the paneling behind the Commissioner' desk and the main office; consensus is to just sheetrock and paint at this time since it won't really be seen. It will only be a minor expense and can be changed in the future. Facilities will do as much as they can in anticipation of the AV equipment. Director Rast said the AV equipment has been ordered but there is a 14-week ETA on the equipment with 4-5 business days for installation although he is going to try to get it done over a weekend to minimize the amount of time the meeting room is out of commission. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

## 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: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2022-69, 2022-67 and 2022-68. Commissioner White made a motion to issue initial denials with written decisions on the cases as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously. Liens and lien releases were presented for Board signatures. The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

## MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-984

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2021-984. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Attorney Bryan Nickels on behalf of St. Alphonsus and Deputy Clerk Jenen Ross. The applicant did not appear. Following testimony provided by Mr. Nickels and Board discussion Commissioner Van Beek made a motion to deny the case. 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.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-764

The Board met today at 9:06 a.m. to conduct a medical indigency hearing for case no. 2021-764. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Attorney Bryan Nickels on behalf of St. Alphonsus, Applicant and spouse and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker, Commissioner Van Beek made a motion to approve the case. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:10 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:21 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to continue case no. 2021-828 to January 6, 2022 and case no. 2021-957 to February 1, 2022. The motion was seconded by Commissioner White and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve case no. 2021-899.

Neither the hospital nor the applicant appeared on case nos. 2021-888 and 2021-921 and they do not meet the eligibility criteria for county assistance. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to deny the cases as read into the record.

The meeting concluded at 9:24 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-847

The Board met today at 9:25 a.m. to conduct a medical indigency hearing for case no. 2021-847. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Applicant, Interpreter Laura Leavitt and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker, Commissioner Van Beek made a motion to approve the case with a written decision to be

issued within 30 days. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 10:03 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 10:04 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Controller Zach Wagoner, Elections Supervisor Haley Hicks and Elections Specialist Brandi Long. Commissioner White left the meeting at 10:20 a.m., Ms. Hicks and Ms. Long left at 10:44 a.m. and Controller Wagoner left at 10:49 a.m. The Executive Session concluded at 11:07 a.m. At the conclusion of the executive session Commissioner Van Beek made a motion to continue the executive session to 3:00 p.m. today. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 11:08 a.m. The executive session resumed at 3:24 p.m. Present were: Commissioners Smith and Van Beek, Ada County Commissioner Rod Beck, Controller Zach Wagoner, Elections Specialists Brandi Long and Robin Sneegas. The executive session concluded at 4:07 p.m.

DECEMBER 2021 TERM  
CALDWELL, IDAHO DECEMBER 3, 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 579890 to 579912 in the amount of \$19793.02

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial in the amount of \$2899.40 for Canyon County Sheriff

### EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 8:32 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 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, HR Director Kim Foster and HR Investigator Rich Soto. The Executive Session concluded at 9:25 a.m. At the conclusion of the executive session Commissioner Van Beek made a motion to continue the meeting to 1:00 p.m. today.

### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:30 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Sheriff Marv Dashiell (left at 9:33 a.m.), Deputy P.A. Doug Robertson (left at 9:33 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Open Proposals - Thermal Imaging Kiosk for Dale Haile Detention Center:*** Three bids were received as follows:

- Command Sourcing, Inc.  
Received December 2, 2021 at 11:25 a.m.
- Tek 84  
Received November 30, 2021
- Adani Systems  
Received December 1, 2021

All bids were received timely and the Sheriff's Office with the PA's Office will evaluate the criteria and make a recommendation to the Board at a later time.

***Consider new alcoholic beverage license for Casa Anejo LLC dba Casa Anejo:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign

the resolution granting a new alcoholic beverage license for Casa Anejo LLC dba Casa Anejo (see resolution no. 21-241).

The meeting concluded at 9:35 a.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION – CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE

Commissioner White made a motion to go into Executive Session at 9:35 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Director of DSD Steve Fultz and Economic Development Specialist Tammi Halcomb. The Executive Session concluded at 10:19 a.m. with no decision being called for in open session.

#### REVIEW OF DEPARTMENT PRIORITIES

The Board met today at 10:20 a.m. for a review of department priorities. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Smith said this was related to a request from the PA's Office to identify priorities. Commissioner Smith indicated that she has not had a chance to review the spreadsheet that has been compiled. After discussion amongst the Board and instruction from Commissioner Smith to Commissioner Van Beek about what she'd like to see included in the spreadsheet the Board decided they will reschedule this meeting to another time. The meeting concluded at 10:23 a.m. An audio recording is on file in the Commissioners' Office.

#### CANVASS NOVEMBER 30, 2021 ELECTION - CANYON COUNTY ELECTIONS OFFICE

The Board canvassed election results for the November 30, 2021 runoff election. The official documents were presented by Elections staff and were signed in the Elections Office.

## MEETING TO FINALIZE DEATH FLOW CHART PROCESS AND CONSIDER AN ACTION ITEM

The Board met today at 11:04 a.m. to finalize the death flow chart process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Coroner Jennifer Crawford, Treasurer Tracie Lloyd, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Yvonne Baker and Deputy Clerk Jenen Ross. Discussion and the action item were as follows:

Commissioner Van Beek said that an updated document has been sent to everyone for review. Coroner Crawford, Treasurer Lloyd and Director Baker are supportive of the revised document. Coroner Crawford said she will work with Mr. Robertson on the application and Mr. Robertson spoke about how the process will work. There is a small formatting change to be made on the website. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution for policies and procedures for the cremation or burial of the indigent deceased in Canyon County, Idaho (see resolution no. 21-248). The meeting concluded at 11:12 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH LOCAL MAYORS TO DISCUSS COUNTY GROWTH

The Board met today at 11:50 a.m. for a meeting with local mayors to discuss County growth. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Greenleaf Mayor Brad Holton, DSD Director Steve Fultz, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, City of Star Mayor Trevor Chadwick who participated via Webex, and Deputy Clerk Monica Reeves. There was a small turnout for today's meeting so Commissioner Smith offered to send a personal invite with a detailed agenda for the next meeting in the hopes of having more participation from other mayors. Today's topics included:

### **Committee of Nine – Star Impact Area Negotiations**

Commissioner Smith said the Committee of Nine for the Star Impact Area completed its task and now the City of Star and Canyon County will potentially adopt those recommendations which will then cause overlapping boundaries, and then Star and Middleton will negotiate. Mayor Chadwick said the attorneys have worked out the details of the transportation component and he is awaiting the final document. Commissioner Smith said the County will get its document to the City of Star and will soon set a date.

### **Impact Area Agreements**

Commissioner Smith asked Mayor Holton if he has thought about the sizes of those impact areas and reducing the area so we can help protect residential growth in key agricultural areas. Mayor Holton said he has considered it and they are making progress on it.

### **Status of the Comprehensive Plan Update**

Director Fultz said after hosting workshops and open houses they have extended the timeline. There are a lot of different comments coming in, and most are people saying they didn't know

about the process, so they have extended the timeline and are hoping to have the Board review it by May 2022. Between now and February they will have open meetings, may have more open houses throughout the communities. In March they plan to have a joint workshop with the P&Z Commission and the Board for further discussion. In April they plan to present to the P&Z Commission for review and execution and then to the Board. It's been their plan to have a working living document that will be reviewed every year for adjustments. A flyer giving public notice about the comp plan update was mailed with 90,000 tax notices in the hopes of receiving more public comment, however, there have been very few responses have been received. Todd Lakey sent an email representing the Building Contractors Association which listed ideas, issues, and concerns as well as suggested adjustments. Director Fultz will meet with the Board of Realtors to get input, and he will reach out to the Farm Bureau, the Coalition for Ag's Future and others. Commissioner Smith said Senator Lodge wants to make sure the Sunnyslope area is protected, that the hillsides on the right-facing slopes not be included in the nonviable areas. On the flipside, Senator Lakey is very concerned about taking property rights away. Mayor Holton said it would be in a good format if DSD requests from all city and county P&Z Commissions to review and provide comment on the plan.

### **Impact Fees**

Commissioner Smith gave an update on the passing of the urban renewal district for Caldwell and how it ties into our next plan for impact fees. When she ran for office one of her platforms was public safety, but we have not made a lot of progress on the public safety front. We are never going to fund the jail with just one funding source, so she's been trying to creatively come up with ways to get different pieces of the pie and when she shared those ideas with other elected officials it was heavily criticized because it wouldn't be enough to fund the jail. She wants to take multiple pieces of that pie and put them together, and one of those pieces is the urban renewal district formation. It's in the area where the jail was planned and by bringing in infrastructure it improves that area, and it would create a mechanism for additional jobs in the area. There was discussion about the need to have an identified payment source. Commissioner Smith is waiting on a legal interpretation on whether we can include the jail trailers/pods as having met the overcrowding need. Since they were put in and COVID hit and they started managing the population differently we are fluctuating between 70%-79% so we have capacity and that's a good thing for impact fees because now we have a new baseline. The PA's Office is working on an RFP and she believes it will be the start to establish that new baseline of what is the need right now and then we can hire someone to work on the impact fee. Impact fees will never pay for a new jail it's only a portion as a funding source. One of the funding sources she wants to look at is the sunset of the Caldwell Urban Renewal where the current allocation area has a huge amount. She wants to look at how we are doing that so we don't have to ask for additional property tax to set aside, but then that money can be devoted to public safety. Commissioner Van Beek agrees. Commissioner White wants to look at the possibility of using the opioid settlement funds for anti-drug programs, or community needs for crisis centers, etc. Mayor Holton said every step counts and the impact fee isn't the solution but it's a base step that needs to be implemented. We need to take one bite at a time. Commissioner Van Beek spoke of how we need to do all we can to identify a source and have a dedicated account, and she referenced the millions spent on employee salaries. Mayor Holton spoke of the importance of having competent people who feel secure in their position to



do the job, and as leaders we must defend our staffing because we need quality employees. Commissioner White spoke about local option sales tax and how people travelling through the area contribute to that. There was discussion about looking at a bed tax and how Pocatello has seen incredible benefits from its bed tax. Commissioner Smith said we may not get the state to allow us to do local option tax, but with the Sunnyslope wine trail and the Ag venture trail and promoting that tourism that could be our funding mechanism, maybe half of one cent from the bed tax that funds agricultural endowment. Mayor Holton said there are two stipulations to make a use tax work: 1. you're a destination area like Sun Valley or McCall, or, 2. if you are a border county like we are where we are the first major fuel stop between here and Oregon, except for the Black Canyon area. The Board wants to look into the tax.

### **Road Safety**

Mayor Holton said there was an accident on Old Highway 30 and Highway 44 where the Middleton exit had cars backed up for miles with emergency vehicles trying to get there. It was a blockade in our planning and we have a throttle point where we are continuing to have Middleton and Star growth and it's a logistical safety nightmare we're contributing to so we have to figure out a way to get a different arterial past that exit.

The next meeting will be held after the new year with the following topics: a status report on comp plan with an update on where we're at with the Ag groups; follow-up discussion regarding the bed tax (Director Fultz will look into it); and Commissioner Smith will give another update on where we're at with the jail. The meeting concluded at 12:46 p.m. An audio recording is on file in the Commissioners' Office.

### **EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE**

At 1:03 p.m. the Board returned to Executive Session (as continued from earlier this morning) to discuss a personnel matter and records exempt from public disclosure, pursuant to Idaho Code, Section 74-206(1) (b) and (d). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster, and Deputy Clerk Monica Reeves. The Executive Session concluded at 2:06 p.m. with no decision being called for in open session.

DECEMBER 2021 TERM  
CALDWELL, IDAHO DECEMBER 6, 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:

- Miller Paint Co. in the amount of \$3181.63 for Facilities Department

COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Assessor Brian Stender, Norman Hunt, Dan Ledwic, Larry Olmsted and Sr. Admin Specialist Terri Salisbury.

The Commissioners provided feedback on the following topics that were discussed:

- Development of Blessinger Road in Star
- Gravel pit near Blessinger Road in Star
- Growth in Canyon County
- Jail and impact fees
- House Bill 389

The meeting concluded at 9:57 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:00 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, HR Director Kim Foster, Chief Deputy Sheriff Marv Dashiell (left at 10:03 a.m.), Director of Juvenile Detention Sean Brown and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing resolution declaring certain property as not necessary for County use and for the exchange of County property:*** Chief Dashiell said they would like to trade in older firearms for credit toward the purchase of new firearms. The purchase amount is \$17,944 with \$8,860 in trade-in credit. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution declaring certain property as not necessary for county use and for the exchange of county property (see resolution no. 21-240).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:05 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner 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, Prosecutor Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, HR Director Kim Foster and Director of Juvenile Detention Sean Brown. The Executive Session concluded at 12:17 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.

CONSIDER SIGNING DECEMBER 6, 2021 AGENDA ITEMS

The Board met today at 1:36 p.m. to consider signing the December 6, 2021 action items. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, Chief Deputy Sheriff Marv Dashiell, HR Generalist Ellen Cahalan, DSD Admin. Specialist Bonnie Puleo and Deputy Clerk Monica Reeves. Commissioner Keri Smith arrived at 1:39 p.m. The items were considered as follows:

**Consider resolution granting refund to Cody Stone for a withdrawn zoning ordinance amendment, comprehensive plan amendment and development agreement application:** Director Fultz said Mr. Stone is requesting a refund in the amount of \$3,735. He submitted an application and upon further review he realized it would be more applicable to apply for a nonviable land division. No significant staff time was spent on this. Upon the motion of Commissioner White and the second

by Commissioner Van Beek, the Board voted unanimously to grant the refund to Cody Stone. (Resolution No. 21-242.)

**Consider signing resolution granting refund to Legends Mechanical for a withdrawn application:** The applicant has withdrawn his application and is seeking a refund in the amount of \$345. No staff time was spent on this matter. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to grant the refund to Legends Mechanical. (Resolution No. 21-243.)

**Consider resolution approving title and job description change for position in the Sheriff's Office:** The request is to approve a title change and job description from a sergeant position to a forensic services supervisor position. Chief Dashiell worked with HR to develop a new job description for the forensic services supervisor. The supporting documentation is on file with this day's minute entry. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the title and job description change for a position in the Sheriff's Office. (Resolution No. 21-244.)

**Consider signing FCO's for Shady Rock Subdivision, Case no. SD2018-0025:**

Dan Lister reviewed the FCO's noting that staff added the waiver of the subdivision improvements as part of the consideration. Additionally, Condition #4 was modified to only consider the access requirements for fire and nothing else. Condition #11 was requested by the applicant for the existing driveway that they can only access the western boundary of the private road lot and not to the north. Condition #12 states the final plat shall include a note referencing IC Section 42-111(a) regarding the use of domestic wells for irrigation. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the FCO's for Shady Rock Subdivision.

**Consider signing FCO's for LTD Stro, LLC, Case Nos. OR2021-0015/RZ2021-0032:**

On November 15, 2021, a public hearing was held on the request by LTD Stro, LLC, for a comprehensive plan map amendment to change the designation of Parcel No. R30395 from Agriculture to Residential. As well as a request for a rezone to the parcel from Agricultural to Single Family Residential. The Board approved both requests and staff was requested to prepare a revised finding to acknowledge the area of city impact. Today the Board reviewed the documents provided by staff. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the FCO's for Case Nos. OR2021-0015/RZ2021-0032. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the ordinance directing amendments to the zoning map. Due to an error, neither the ordinance nor the resolution associated with the comprehensive plan map amendment were included on today's agenda and therefore could not be considered today. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to withdraw the approval of the ordinance so that it could be re-noticed and placed on the Board's agenda at a later date. The meeting concluded at 1:54 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(B) AND (D)

The Board met today at 2:00 p.m. for an Executive Session to consider a personnel matter. Commissioner White made a motion to go into Executive Session at 2:01 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d). The motion was seconded by Commissioner Van Beek. 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, HR Director Kim Foster, HR Investigator Rich Soto, Deputy PA Alex Klempel, Deputy PA Doug Robertson, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:45 p.m. While in open session Commissioner Smith noted that no decisions were made; however, there is additional business and she requested today's Executive Session be continued to December 7<sup>th</sup> at 2:15 p.m. for a personnel matter related to Idaho Code, Section 74-206 (1)(b) and (d), as well as continue the Executive Session pursuant to Idaho Code, Section 74-206 (1)(b), (d), and (f) to December 8<sup>th</sup> at 9:00 a.m. Today's Executive Session was continued to the identified dates as requested by Commissioner Smith and upon the motion of Commissioner White and the second by Commissioner Van Beek. The motion carried unanimously. An audio recording of the open portion of this meeting is on file in the Commissioners' Office.

DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 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 579948 to 579985 in the amount of \$71,485.17
- The Board has approved claim 580150 in the amount of \$1,956.09
- The Board has approved claims 580087 to 580111 in the amount of \$17,961.01
- The Board has approved claims 580034 to 580072 in the amount of \$75,664.26
- The Board has approved claims 579986 to 580033 in the amount of \$161,618.05
- The Board has approved claims 579913 to 579947 in the amount of \$48,326.47
- The Board has approved claims 579850 to 579889 in the amount of \$199,744.36

### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Command Sourcing, Inc., in the amount of \$11,994.00 for the Sheriff's Office

### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Ricky Britton, Director of Facilities and Maintenance; and Santiago Ramos, Juvenile Detention Officer

### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:48 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White, 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 Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-70; 2022-81; 2022-152 and 2022-82.

Case no. 2022-72 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with a written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Smith and carried unanimously.

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.

### PUBLIC HEARING TO CONSIDER A REQUEST BY MATT WILKE REPRESENTING KELLEY FAMILY REVOCABLE LIVING TRUST FOR A CONDITIONAL REZONE; CASE NO. RZ2021-0018

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Matt Wilke, representing Kelley Family Revocable Living Trust, for a conditional rezone of parcel R37527011 from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single Family Residential). The request includes a development agreement limiting future development to no more than 26 residential lots that will be irrigated by a pressurized system and include landscaping requirements. The property is located at 25683 Duff Lane, Middleton. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Matt Wilke, Alan Mills, Spencer Kofoed, Deputy Clerk Monica Reeves, and interested citizens. Dan Lister

gave the oral staff report. The Board previously heard this case on September 30, 2021 as a straight rezone and tabled the item to allow the applicant time to submit a development agreement that limits the number to a median lot size of 1.69 acres which Commissioner Smith found acceptable. Commissioner Van Beek found the 1.45 average lot size to be acceptable. The applicant has amended the application to include a development agreement which includes a conceptual site plan limiting development to no more than 26 residential lots which is a 1.43-acre gross average lot size, or 1.15 with improvements. They will provide agricultural disclosures to all future homeowners, and landscaping that is commensurate with Thoroughbred Estates which is east of the subject property. All lots will have pressurized irrigation. Staff still recommends denial of the application and has provided an analysis showing a rural residential zone is more commensurate with this area; however, the P&Z Commission approved the request without a development agreement. Staff has provided FCO's based on the recommendation of the P&Z Commission with the added development agreement and conditions. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Matt Wilke testified in favor of the request. The average lot size is 1.43 acres (gross acreage not including the roads). The landscaping will include a low-profile berm and the project will mirror the landscape plan for Thoroughbred Estates. The rezone includes 37.41 acres. The driveway coming into the development was going to curve but it's been adjusted to be straight after adjusting a neighboring boundary. There are 15 nearby subdivisions that have similar or smaller lots to the proposed development. The developer met with the City of Middleton and they told him they aren't interested in this site because it sits too low and it will be difficult to get sewer and water to that hole. He spoke of the soil types and the test holes that have been dug on the property, and the nutrient pathogen study shows they can have 26 lots.

Spencer Kofoed testified about the project design. He was the developer of Thoroughbred Estates and was asked to help develop this and make it a future phase of Thoroughbred Estates. This property does not fit in the City of Middleton's future plans for water and sewer. He will do a landscape plan and is willing to do berms for a buffer. The plan is to have smaller lots up front and gradually go back to larger lots to make sure the Wagner Farm has a buffer. City services will come halfway between Purple Sage Road and Galloway on the edge of Middleton Road.

Alan Mills testified the project will have agricultural disclosures and there will be a note on the plat with the right-to-farm and it will be included in the CC&Rs. This will be a compatible use; there are higher density projects in the area than what this proposal will consist of. We should strive for diversity and variety of housing types. The density fits the area really well and there is further high density coming from the west. Hobby farms surround the property, but there are not any bonafide agricultural operations that are going to be affected and he doesn't see a real need for buffering.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek likes the development as presented and finds it to be appropriate and commensurate with what's going in the area. She

likes Spencer Kofoed's track record and his quality of product. They have done what the Board asked which was to have a development agreement and limit the number of lots. She believes the one-acre lot size is a well-suited fit. Commissioner White likes it because we have seen the product the developer offers and they are working to be a good neighbor. It is being modeled after Thoroughbred Estates and will have its own look and feel. Commissioner Smith agrees with staff's findings and she believes rural residential is more appropriate. The letters that were provided state they want a one to two-acre lot size, but this is a 1.1-acre request. The average lot size of platted subdivisions in the area is 2.7 acres and so at a rural residential average of 2.0 acres that is still less of a density than the surrounding area. The average lot size of the lots within the notification is 1.6 acres. She would be supportive of a request that had the average lot size at not less than 1.5 acres, but also at the current density it's hard to have a horse on a one-acre parcel in that zone. Compatibility is an issue for her and for those reasons rural residential is much more commensurate with the area. Commissioner Van Beek made a motion to approve the request by Matt Wilke representing Kelley Family Revocable Living Trust, for a conditional rezone for Case No. RZ2021-0018 and to sign the FCO's, the development agreement and the ordinance. The motion was seconded by Commissioner White. Commissioner Smith was opposed to the motion to approve. The motion carried by two-to-one split vote. (Agreement No. 21- 127 and Ordinance No. 21-039.) The hearing concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING- REQUEST BY MASON & ASSOCIATES INC., REPRESENTING GENE AND JOANN MONAGHAN FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE, CASE NOS. OR2021-0016/CR2021-0004

The Board met today at 10:20 a.m. to conduct a public hearing in the matter of a request by Mason & Associates Inc., representing Gene and Joann Monaghan, for a comprehensive plan map amendment (Case OR2021-0016) to a 25.89-acre parcel (R29997) to amend the future land use designation from Agriculture to Residential. The request includes a conditional rezone (Case CR2021-0004) with a development agreement to amend the zoning map from an "A" (Agricultural) zone to an "R-1" (Residential Single Family) zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, Danny Schuster, Gene Monaghan, Will Mason, Claudia Haynes, Kim Yanecko, Dave Hargreaves, Ashley Beverage, Chad Beverage, Carla Zechanelli, Dave Karen, Eric Lauritzen, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that Mr. Hargreaves was the vice principal when she was in middle school.

Elizabeth Allen gave the oral staff report. The property is located at 15303 Lakeshore Drive in Caldwell and is a portion of the original parcel known as Lot 4, of Government Lot 6 of Shilo Ranch. In 1996 an administrative lot division created four parcels. The applicant requested an approval of an irrigation plan, waivers of sidewalks, streetlights, curb and gutter, and fire hydrants at the time and requested that the water allotment for the irrigation from Highline Canal be discontinued and the water for five acres be turned back to the district. The County does not have any formal



records indicating when the remaining water rights were removed besides notes in appraisal documents. In 1997 approval of a transfer of development rights was completed and it transferred two building permits from an adjacent property onto the property. It was owned at the time by Saxton Fruit Farms. In 2002 a record of survey was completed using those two building permits that were relocated to create the smaller parcels, and the remaining parcel, which is the subject property, was left as an undevelopable agricultural lot. There is an existing structure on the site that was constructed in the early 1990's, and it appears there is a residential structure on site. The applicant lives on the property and based on historical documents the original structure is a shell utility building that was in poor condition as of 2009. Ms. Allen reviewed the staff analysis. The property is zoned agriculture as are the properties in the immediate vicinity. There is one platted subdivision located within one mile of the subject property. She provided a review of the agency comments. On September 16, 2021 the P&Z Commission recommended approval of the comprehensive plan map amendment. On October 7, 2021 the P&Z Commission recommended denial of the conditional rezone. Staff recommends the Board deny the requested comprehensive plan map amendment and conditional rezone as provided in the FCO's. Following her report, Ms. Allen responded to questions from the Board.

The following people testified in favor of the request:

Danny Schuster testified that for over a year they tried to sell the property but no farmers would look at it after researching it and finding there were no irrigation rights and that it hasn't been farmed in over years. The applicant tried to farm the land but it never worked for him because it is not good viable ground. This is a unique piece of property the highest and best use is residential; it has no water rights and therefore is not compatible with agriculture. He spoke with the Wilder Irrigation District who said there are people who have been waiting since the 1980s to get their water rights back. When the applicant gave up water rights 18 years ago the intent was not to turn it residential. Individual wells and septic systems will be used for the development. They have hired SPF Water Engineering to show that the water draw will be minimal. There are 21 homes on 1 to 1.5 acre lots that are not being farmed and the trends indicate there is a need for change in the designation. According to Mr. Schuster they will build beautiful homes on the property.

Will Mason gave testimony regarding groundwater and the study performed by SPF Engineering in September of 2011. The groundwater is ten feet below the ground surface.

Gene Monaghan testified that he was raised on a 2,300-acre cattle and wheat ranch in Oregon and has lived here for nearly 40 years. He purchased the land from a church in Boise to raise horses and for family members and friends to live on. He had irrigation rights. He installed a new weir and bought irrigation equipment. He buried an irrigation main line the full length of the property and he ran irrigated test plots and seeded some of the plots to orchard grass, but it was hopeless. It's alkaline ground, and watering alkaline ground doesn't make it agriculture. He released the water rights back to the irrigation district – he did not sell them. He was told the previous owners hadn't grown crops in more than 40 years. He said a study by the County rated its potential agricultural use as only 3% as prime useable ground, and NRCS rated it to sustain 1.5 animals. They hired SPF Engineering to do a water use study on how the drawdown of wells would

affect the water table and it shows that leaving all the pumps running on every well for 24 hours a day for an entire year would only lower the water table two feet within a 500-foot radius, and at a mile radius it would be 9/10 of a foot and that would be temporary. His taxes doubled from last year and are going up based on comparisons with neighboring land that is income-producing. How can land value double in a single year when it's worthless and cannot sustain its own tax base? Without house lots the land has no value. He is not creating a subdivision on farm land, he is adding lots to a 20+ home subdivision that already exists and it does not change any farmland.

The following people testified in opposition to the request:

Claudia Haynes provided testimony on behalf of the Canyon County Alliance for Responsible Growth. She spoke of how adequate water supply is essential for fire protection for any residential development and said whether the land has water availability is not a question. Agriculture and residential development do not work together. Neighbors have reported several accidents in the area involving vehicles and farming equipment. There is a dirt road that accesses eight houses and the road is not paved, although a section of the road has been paved it's only wide enough for one car. There are four gravel pits, a large dairy, and large agricultural operations in the area. The County has approved over 450 houses in the area that have not yet been built and she is concerned about the impacts on traffic and wells at this time. Ms. Haynes spoke about the Amens who have a crop dusting business and they fly over 5,500 acres and because there are no setbacks this development would be a problem for their business. She spoke of how the staff report notes 26 policies and goals of the comprehensive plan that do not comply with this request.

Dave Hargreaves is a neighbor who has lived in the area for 46 years and he owns five acres and has raised cattle on his property. He enjoys living in a rural atmosphere and is concerned the development will have negative impacts on traffic and irrigation water. When he purchased his land in 1975 he needed five acres in order to obtain a building permit in that area. He testified the applicant has already subdivided land in the area and gave up his water rights which caused problems with acquiring water for properties around him. He asked the Board to consider the other members of the neighborhood and deny this crowded rural subdivision.

Ashley Beverage testified she has lived in the area for 14 years and is concerned the development will drastically change the community. She spoke of the previous splits by Mr. Monaghan which has resulted in a total of 21 homes (including the latest proposal). Ms. Beverage said the land in the area is drought tolerant and has adapted to areas with sagebrush, and how even with the relinquishment of the water rights there is still the ability to water and create greater yields in pasture. She said a general study was done to help determine how many cows per acre the land could support - this was not a specific study as was suggested by the applicant - and the study found that 20 acres will support 11 cows, not 1.2 or 1.5 as was stated today. We must protect agriculture and not set an expectation that if you give up your water rights you get to develop your land.

Chad Beverage testified that he is a licensed waste water treatment operator (Class 3) and has a lot of experience with the EPA and DEQ regulations. He reviewed the SPF memorandum from 2011

and said the data is outdated and is not representative of the current situation. There are concerns about nutrient loads and toxicities in the area. The last study for the nitrate priority level was in 2014 – the loading can change year to year, and it enters the ground in three ways: through irrigation; through land application of fertilizers, or also septic systems. He said decisions are being based off old data and it's going to create health concerns for the new residents coming in. He spoke of the health dangers associated with arsenic in the water. There are no regulations on single domestic wells, all users do so at their own risk and many have no idea what's in their drinking water. Residents are left to pay for the impact to the roads, utility expansion, and increased property taxes, and future health issues due to poor planning and negligence when homes are sold without proper drinking water treatment systems and no warning of continued monitoring. If the request is approved, the Board should require a community well treatment and fire suppression systems and require annual maintenance and testing.

Carla Zechanelli is concerned about the wildlife in the area being displaced by the rezoning of the property and how development will push rodents to seek a new area. She asked if the soil has been tested for fungus and spoke of how Valley Fever which is a fungal lung infection that can be devastating and it's caused by a fungus that lives in soil.

Dave Karen testified about flood plain problems and how there are drainage problems on his property. He asked if the proposed entrance, which infringes on Farner Road, has been corrected because if approved it will unknowingly allow a second unapproved access road to this project. The applicant has said he will widen and pave the existing lane but what's to stop him from putting asphalt in the drainage ditch and creating a two-lane second entrance? The development would create a need for service and delivery trucks to use our lane. The objections are many: rights-of-ways, wells going dry, infrastructure, and farmers rights. Mr. Karen said if his well goes dry he cannot to put in a new well. We need to preserve the heritage of farmland and mini-farms and open spaces on the south side of the lake.

Eric Lauritzen gave testimony regarding the safety to the infrastructure on the south side of Lake Lowell, and he spoke about the heavy truck traffic in the area and the resulting traffic concerns. The area is served by the Marsing volunteer fire department. He believes the request should be denied until infrastructure can be improved for the added safety of rural community living.

Kim Yanecko gave testimony regarding well and water information. She attended a community meeting where IDWR appeared, and as part of her testimony today she referenced information and graphs from that meeting. IDWR appears to only report about how the aquifer is recharging at the end of every season but if you look at the drawdown it's quite a significant drop. They are not reporting on the bottom line. In the height of irrigation, it's dropping probably 10-50 feet and up to 100 feet depending on which area you are looking at. Some residents have wells between 50-150 feet so during the summer when IDWR is not reporting on those numbers there are people who have a cone of depression that could potentially be expanded greatly when you only have that short area for their well. We are talking about a very small area of irrigation where the canal is irrigating the area and clearly, they don't have canal rights so there is no irrigation that's contributing back to the aquifer. IDWR cannot give a number on the proximity and how far down

that drawdown is because the variables are so great, but you can see that if you put three homes together you have a very large drawdown that expands in width and depth. IDWR has a map showing the well history in the area, but she's not sure how any studies can be done if information was pulled from IDWR because they do not have accurate numbers wells listed for developments that have already been approved and we don't know what the impact of the other homes is going to be and we're talking about 600 homes. She said Taylor Jene was pulling water the other day from a well driller. They provided the data after the irrigation season and those shallow wells will be impacted quickly when you add in another small subdivision with one-acre homes. Ms. Yanecko spoke of a resident in the area who has detectable arsenic in her body. She said there are a lot of unanswered questions as to the guarantee of water, guarantee of safety in the soil and the water, and the impact on our environment and wildlife.

Rebuttal testimony was offered by Danny Schuster. As far as water with SPF, Will Mason had shown him something that said it was up-to-date with the information on the wells, and not just back to the 1960's. Mr. Monaghan did not subdivide or administratively split the small lots, that was someone else. As far as the releasing of water, it did not affect the existing homes, it only affected his 26 acres. Regarding the study by the NRCS report saying the land would support 1.2 cows, that was with no irrigation. There are people who have waited 40 years to get their water rights back. Mr. Monaghan did not give up his water rights to develop; he tried to farm, but it was hopeless and so there was no need for him to have the water so he released it to somebody else who could use it. Regarding nitrate levels, Mr. Schuster said SWDH does not consider this a high nitrate priority area. From the soils tests they have seen in this area it has not shown fungus in the soil, but they would move forward and do more when they are creating the subdivision and doing the lots. As far as drainage, once there are approvals, they can address drainage and move forward with that. They will deal with the highway district as the approvals go forward. They will not be entering this subdivision through the existing road; they will create a road as it shows on the plat to the east part of the property. They have nothing to do with the existing access; anything northwest of the Donaldson Drain will not be part of this subdivision, it will remain as a large 8-acre lot with an agricultural exemption.

Will Mason was asked to answer technical questions from the Board. The well drillers logs are to base the soil types. They looked at IDWR's monitoring wells in the area and did a hydrograph, and if you look at the SPF report on page 6 they talk about the hydrographs from the monitoring wells and they have taken those monitoring well data points from the late 1960s to the 2011 range. The closest well is located two miles from the subject property, and the farthest well is four miles out. They did three monitoring wells and the recommendation for the wells was to go to a depth between 100 feet and 150 feet. He has not seen the information Ms. Yanecko referenced from Dennis Owsley with IDWR, but said she provided a document showing the wells in the adjacent properties were not shown in the report they gave but according to Mr. Mason the report they gave was not to itemize every well. They talked about the drawdown within 500 feet of the center of the proposed development and one mile out so that would cover the wells shown in that area.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek doesn't find a path forward

given the information the Board continues to accumulate in working with the local mayors, particularly in Nampa where the ongoing studies for this area and the area of impact are under scrutiny. She appreciates that the owner has interest in maximizing the highest and best use for this, however, adding homes in an area that is predominately agriculture with tenured agriculturists would eventually change the nature and character of this area particularly since there are a number of homes slated for development. The questions on water that would need to be answered would stand in prioritization of the order received and so she appreciates Kim Yanecko bringing the information and she would need to evaluate it at a deeper level. Where this had code enforcement issues it would be difficult to move forward with additional development given the condition of the property. Land becomes less viable when you voluntarily give up water rights. She is deeply concerned about the development on the north side of the lake – there are projects going in and it adds to the cumulative effects. She does not have a feel on the load for individual wells and septic and what that looks like out there and is probably not in support of this application. Commissioner Smith agrees with staff's findings and the P&Z Commission's recommendation because the character of the area is not predominately single family residential; it is predominately agricultural. The uses for the lake are also not compatible with an R-1 zone in that area. The Board recently directed staff to consider amendments to the zoning ordinance that would allow for nonviable farm ground to be split again. If this land hasn't been divided since 1996 it could be eligible, with a future amendment, and so the Monaghans should watch for that. If they do make application for that, the neighbors will be notified to comment – although it won't have a public hearing process, but they could comment and it would not be at the density that is being requested currently, but it would allow for some additional splits on the property. As for what the applicant can do for future approval, she said it's a timing issue for the city to get closer to this development, or other transitional zoning options, and to explore nonviable splits as the ordinance permits in the future. She has no changes to staff's FCO's. Commissioner White agrees with staff's findings, but struggles because of personal property rights and it bothers her that someone cannot profit from their land. She sees where this property is going and how it's moving, but she is not comfortable saying it would be compatible with the area. She does not support the proposal. Commissioner Van Beek made a motion to follow the recommendation by DSD staff to deny the comprehensive plan map amendment and conditional rezone request for Case Nos. OR2021-0016 and CR2021-0004. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith said the applicant has the right, per Idaho Code, to ask the Board to reconsider its case and once that is complete, they also have the right to appeal to District Court. The hearing concluded at 12:20 p.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

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

Commissioner Van Beek made a motion to go into Executive Session at 2:22 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public

disclosure. The motion was seconded by Commissioner 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. Alex Klempel and Director of Weed and Pest AJ Mondor. The Executive Session concluded at 2:45 p.m. with no decision being called for in open session.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 8, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 580112 to 580143 in the amount of \$30661.00
- The Board has approved claim 580151 in the amount of \$62.56
- The Board has approved claims 580073 to 580086 in the amount of \$7771.00
- The Board has approved claims 580144 to 580149 in the amount of \$1451.67
- The Board has approved claims 580112 to 580143 in the amount of \$30661.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- MRSA-UV in the amount of \$123276.65 for Emergency Management
- Portside Land Surveying in the amount of \$2300.00 for Facilities Department
- Apex Integrated Security Solutions in the amount of \$41499.77 for Facilities Department
- Dell in the amount of \$17058.56 for Information Technology Department
- Nemo-Q Inc. in the amount of \$7479.00 for Information Technology Department

#### EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206 (1)(B), (D) AND (F)

The Board met today at 9:02 a.m. for an Executive Session, which was continued from December 6, 2021. Commissioner White made a motion to go into Executive Session pursuant to Idaho Code,

Section 74-206(1) (b), (d) and (f) to discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Smith and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Deputy PA Zach Wesley, Deputy PA Alex Klempel, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. Commissioner Leslie Van Beek arrived at 9:05 a.m. Prosecutor Taylor, Clerk Yamamoto, and Controller Wagoner left at 9:55 a.m. The Executive Session concluded at 10:03 a.m. with no decision being called for in open session.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) FOR CANDIDATE INTERVIEWS FOR P&Z COMMISSION

The Board met today at 10:08 a.m. for an Executive Session to interview and evaluate candidates for the Planning and Zoning Commission. Commissioner Van Beek made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (a) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Steve Burton, and Deputy Clerk Monica Reeves. Mr. Burton left at 10:40 a.m. Harold Nevill arrived at 10:55 a.m. and left at 11:35 a.m. Commissioner Smith left at 10:56 a.m. The Executive Session concluded at 11:40 a.m. While in open session Commissioner Van Beek said the discussion will resume on December 13, 2021 at a meeting with Director Fultz. An audio recording of the open portion of this meeting is on file in the Commissioners' Office.

DECEMBER 2021 TERM  
CALDWELL, IDAHO DECEMBER 9, 2021

PRESENT: Commissioner Keri K. Smith, Chair - **Attending IAC training in Weiser**  
Commissioner Leslie Van Beek, Vice Chairman - **Attending IAC training in Weiser**  
Commissioner Pam White  
Deputy Clerks Monica Reeves

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Idaho Correctional Industries in the amount of \$10,283.00 for the Sheriff's Office

CONSIDER SIGNING NOTICE OF INTENT TO AWARD CONTRACT FOR THERMAL IMAGING KIOSK FOR DALE HAILE DETENTION CENTER

The Board met today at 9:01 a.m. to consider signing a notice of intent to award contract for the thermal imaging kiosk for the Dale Haile Detention Center. Present were: Commissioner Pam White, Commissioners Keri Smith and Leslie Van Beek via conference call, Sheriff Kieran Donahue, Captain Harold Patchett, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. (Commissioners Smith and Van Beek were attending the "Idaho Open Meeting Law Training" hosted by the Idaho Association of Counties in Weiser.) Proposals for the County's thermal imaging kiosk RFP project were received from: ADANI Systems, Inc.; Command Sourcing, Inc.; and Tek84, Inc. The proposals were reviewed by the Sheriff's Office and they prepared grade sheets and decided the proposal that best meets the County's needs while complying with procedures and meeting specifications is Tek84. The letter says it is the County's intent to contract with them and it will go out to all proposers, and there is a comment period where they have a chance to make comments or objections, or ask questions. After that time, we will start the contracting process with Tek84. Commissioner Smith reviewed the information provided by the Sheriff's Office and she supports the recommendation. Commissioner Van Beek agreed. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the notice of intent to award the contract to Tek84 for the thermal imaging kiosk for the Dale Haile Detention Center. The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2021 TERM

CALDWELL, IDAHO    DECEMBER 10, 2021

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

APPROVED CLAIMS

- The Board has approved claims 580193 to 580231 in the amount of \$613857.54
- The Board has approved claims 580152 to 580192 in the amount of \$83602.33

There were no meetings this day.



DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 13, 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:

- R&H Wholesale Supply Inc. in the amount of \$1041.05 for Misdemeanor Probation

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Chief Deputy Sheriff Marv Dashiell (left at 9:07 a.m.), Facilities Director Rick Britton, HR Director Kim Foster, Controller Zach Wagoner, Landfill Director David Loper (arrived at 9:16 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing dispatch services agreement with City of Caldwell/Canyon County:*** Chief Dashiell explained this is a renewal on an existing agreement for dispatch fees with the City of Caldwell. The annual cost is \$300K which will be in place for the next two years. Ms. Klempel said there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the dispatch services agreement between the City of Caldwell and Canyon County (see agreement no. 21-128).

***Consider signing change order with Motorola Solutions related to project Canyon County Microwave and MPLS upgrade:*** Chief Dashiell said there was a contract entered into 2 years ago to upgrade radio towers. It was originally thought the project would be done this year but due to supply issues it has gone longer; money was allocated in the FY2022 budget to finish the project. There is no change to costs just to the timeline; anticipated completion is quarter 2 or 3 of the new year. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the change order with Motorola Solutions related to project Canyon County Microwave and MPLS upgrade.

***Consider signing letter of intent to lease space located at 525 Main Street, Caldwell between JJJ Properties, LLC and Canyon County:*** Mr. Robertson explained this letter is non-binding on the county, it is simply stating the county's intent. Director Britton is currently working to collect information on what it will take and the cost to retrofit the space. He explained that it is Director

Fultz's desire to have individual, walled offices however, that significantly increases the cost specifically in regard to HVAC and sprinklers. Funds would need to be included in the FY2023 budget for the renovation but Controller Wagoner has indicated there is money available this year. Mr. Robertson recommends not signing the letter as he feels it is still too early in the process. Director Britton indicated he would like to get more defined numbers. Commissioner Smith thinks that perhaps Director Fultz needs some additional direction on wants vs. needs in a new office space and requested Director Britton work with Director Fultz. Commissioner Van Beek thinks there needs to be more information. The letter of intent was not signed by the Board at this time.

***Consider signing ordinance and resolution for LTD Stro; Case Nos. OR2021-0015/RZ2021-0032:***

Commissioner Smith said she has reviewed the documents and they appear to match the approvals and what was requested at the hearing. Commissioner Van Beek said she has not had a chance to review the documents. This action item will be taken up again at 11:00 a.m.

***Consider new alcoholic beverage license for Montucky Brewing LLC dba White Dog Brewing Co.:***

Commissioner Smith noted this license is for the new location on Indian Creek Plaza to serve beer and wine, no hard alcohol will be served. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the new alcoholic beverage license for Montucky Brewing LLC dba White Dog Brewing Co. (see resolution no. 21-247).

***Consider transfer alcoholic beverage license for JTT Enterprises Inc dba The Dutch Goose:***

Commissioner Smith said there was a license signed on July 26, 2021 but the business is now reopening and transferring to the Dutch Goose. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the transfer alcoholic beverage license for JTT Enterprises Inc. dba The Dutch Goose (see resolution no. 21-246).

Controller Wagoner provided a background about the management of the unemployment insurance. A balance for this service has been maintained by IAC. No claims have been paid from the fund but it did pay for a 3<sup>rd</sup> party group to work as a middleman. Several years ago, the county stopped putting money into the fund but IAC has started requesting money again. After a review by Zach Wesley it was determined that there is no legal reason for IAC to have the money. Further discussion ensued as to continuing the relationship with IAC or to put the money back into the general fund. The Board does not see the need for a middleman and feels HR can handle that. Commissioner Van Beek would like more information on how the money would impact the budget. Controller Wagoner said there wouldn't be an impact to the budget but that another meeting would be more appropriate for that discussion, today they just wanted to make the Board of the situation and that the contact information will be updated to Kim Foster.

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

PUBLIC HEARING TO TAKE COMMENT REGARDING SOLE SOURCE PROCUREMENT PROJECTS AND CONSIDER ASSOCIATED ACTION ITEM

The Board met today at 9:41 a.m. to take public comment regarding sole source procurement of two purchases and consider associated action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper, Facilities Rick Britton, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Each project was taken up as follows:

***Public hearing to receive comment regarding the sole source procurement of Trane Chiller Model CGAM***

No comments were received and no member of the public appeared to offer comment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize the purchase of a Trane Chiller Model CGAM for the Southwest Idaho Juvenile Detention Center.

***Public hearing to receive comment regarding the sole source procurement of Stertil-Koni Heavy Duty Lifts***

No comments were received and no member of the public appeared to offer comment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize the purchase of a Stertil-Koni Heavy Duty Lifts. Director Loper submitted a purchase order which was approved on December 15, 2021 for this purchase.

The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:05 a.m. with the Director of Facilities to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Rick Britton, Controller Zach Wagoner (left at 10:21 a.m.), Deputy P.A. Zach Wesley (left at 10:21 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing change order with HC Company for work related to Fair Expo building:*** Director Britton explained that due to the timeline in place for this project and other on-going projects, for facilities staff to do some of this work it will push right into the set-up for fair. He would like for HC Company to work with their outside contractors for the framing, drywall and insulation. Additionally, Mr. Britton believes that the contractors will be able to get better pricing on materials. With facilities staff doing the work there will be overtime costs and he does not want to be the reason the contractor misses their deadline for which there are monetary consequences.

Director Britton has spoken with Director Sinner and she is in favor of plan. Controller Wagoner said he is also fully supportive of this plan. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the change order with HC Company for work related to the Fair Expo building. A copy of the change order is on file with this day's minutes.

As part of his regularly scheduled meeting Director Britton updated the Board on the following:

- Current projects in process include:
  - BOCC meeting room which could be done by the end of the week; Facilities has been in close communication with IT to make sure everything is prepared for when that equipment is ready to be installed.
  - 2 of 6 courtrooms are complete. He is working with the TCA on schedules as jury trials begin again. The goal is to have all the courtrooms finished by April.
  - The Coroner's office is nearly complete.
  - Walls in the booking area were removed for the thermal scanner, all work was done in-house by facilities staff.
  
- The steel Fair expo building has been pushed out about 10 days but once it arrives the Facilities team will start erecting it.
- Purchase orders for the BOCC entrance and the public entrance storefronts have been forwarded to the contractor it is now just a matter of waiting on the materials. It is anticipated to still be another 3 weeks out.
- The grounds crew is working on the gun range fence; posts have been set, fabric and gates will be done shortly after and then that project will be complete.
- He has been working with legal on several items including an AV project, concrete polishing, pedestrian bridges, pod 5 roof, Trane chiller, warehouse project design and the county master plan. Both the masterplan and the jail need projects are priorities for the Facilities department.
- Commissioner Smith would like updates on staffing needs and additional conversation on an assistant director and supervisor positions.
- Director Britton spoke about some of the safety precautions he's working to get in place for his department.

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

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

The Board met today at 10:33 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, IT Director Greg Rast, Business Manager Caitlin Pendell, Project Manager Shawn Adamson, Development Manager Rick Fisher, Operations Manager Mark McMinn, Business Analyst Terrence Martinez and Deputy Clerk Jenen Ross.

Director Rast provided a book to the Board summarizing 9 projects that have recently been completed. The projects included: Auditors Repository, HR Repository, PTR Workflow, Annex of Weed & Pest, CAPS Building permit application, HRMS, Microsoft Office 2019, Treasurer PIN and Use of Force. A copy of the presentation is on file with this day's minutes. Commissioner Smith asked about the development of a QR code for land use hearings in order for participants to view the materials. In response to a question from Director Rast, the Board said the new OnBase claim approval process is going well.

The meeting concluded at 10:56 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING ORDINANCE AND RESOLUTION FOR LTD STRO; CASE NOS. OR2021-0015/RZ2021-0032 – CONTINUED FROM 9:00 A.M.:

The Board met today at 11:05 a.m. for the continued consideration of an ordinance and resolution for LTD STRO, Case nos. OR2021-0015/RZ2021-0032 which was continued from 9:00 a.m. today. The Board has had time to review the documents and upon the motion of Commissioner Van Beek and second by Commissioner Smith voted unanimously to sign the ordinance and resolution for LTD STRO, Case nos. OR2021-0015/RZ2021-0032 (see ordinance no. 21-040 and resolution no. 21-245). The meeting concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:35 p.m. for a weekly meeting with the Administrative District Judge and TCA to discuss general issues.

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

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*Note for the record: As properly noticed the Board met today at 1:35 p.m. for a meeting with the ADJ and TCA.*

Commissioner Van Beek made a motion to go into Executive Session at 1:36 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner 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, Judge Van Velde, TCA Jamie Robb, Controller Zach Wagoner and HR Director Kim Foster. Commissioner Pam White joined at 2:02 p.m. The Executive Session concluded at 2:22 p.m. with no decision being called for in open session.

At the conclusion of the executive session other topics discussed included:

- Jury trials started again last week
- Judge Vander Velde will issue and order doing away with social distancing but still requiring masks; the situation is reviewed on a regular basis
- Sanitizing lights will be added to the courtrooms

The meeting concluded at 2:27 p.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 2:35 p.m. for a monthly meeting with the HR Director. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 2:37 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and HR Director Kim Foster. The Executive Session concluded at 3:48 p.m. with no decision being called for in open session.

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

The Board met today at 3:48 p.m. with the Director of Juvenile Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Controller Zach Wagoner, Director of Juvenile Detention Sean Brown and Deputy Clerk Jenen Ross.

Commissioner White explained that last week she was the only Commissioner in the office when Director Catalano stopped by to discuss a possible solution to the staffing shortage in the juvenile detention center.

Director Catalano said she has 6 staff members who would like to help in juvenile detention center. They will remain doing their own jobs but would be paid overtime for the hours they work in juvenile detention. Director Brown spoke about how those employees will fill a great need. He will offer a brief training but the staff from juvenile probation are already POST certified. He also updated the Board on where he is at in hiring new employees. Discussion ensued about how exactly the juvenile probation employees would be paid – it was decided they will be paid time and half for any overtime hours; there will be no accumulation of comp. time and any vacation/sick hours used will affect overtime pay as usual. Controller Wagoner requested the names of 6 employees be provided to him so that payroll can be changed accordingly. Both the Controller and Board are supportive of this plan; it will take effect today as it is the first day of the new payroll cycle.

The meeting concluded at 4:06 p.m. An audio recording is on file in the Commissioners' Office.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO    DECEMBER 14, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Irma Estrada, Sr. Administrative Specialist

There were no meetings held this day.

DECEMBER 2021 TERM  
CALDWELL, IDAHO DECEMBER 15, 2021

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

APPROVED CLAIMS

- The Board has approved claim 580359 In the amount of \$85.00
- The Board has approved claim 580358 In the amount of \$59.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Stertil-Koni in the amount of \$58,445.52 for Solid Waste Department
- Commercial Tire in the amount of \$13,021.00 for Solid Waste Department
- Carolina Software, Inc., in the amount of \$22,135.26 for Solid Waste Department
- Apex Integrated Security in the amount of \$11,323.89 for Facilities Department
- Waxie Sanitary Supply in the amount of \$3,778.18 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Marissa Sandoval, Clerk I

CONSIDER ADDENDUM NO. 1 TO THE INVITATION FOR BIDS FOR THE CANYON COUNTY FAIR PEDESTRIAN BRIDGES PROJECT; AND CONSIDER SIGNING FINAL PLAT FOR SHORE SUBDIVISION NO. 2, CASE NO. SD2021-0052

The Board met today at 8:51 a.m. to consider signing the December 15, 2021 action items. Present were: Commissioners Keri Smith and Pam White, Deputy PA Alex Klempel, Facilities Director Rick Britton, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, other interested citizens, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Addendum to Invitation for Bids Canyon County Fair Pedestrian Bridges Project:*** Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the addendum.



***Final plat for Lake Shore Subdivision No. 2, Case No. SD2021-0052:*** Dan Lister reported all conditions for this phase have been met. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously sign the final plat for Shore Subdivision No. 2. The meeting concluded at 8:54 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY NORMA BATES FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0039

The Board met today at 9:01 a.m. to conduct a public hearing in the matter of a request by David Ferdinand, representing Norma Bates, for a conditional rezone of parcel R29569 from an "A" (Agricultural) Zone to an "R-1" (Single-Family Residential) Zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, David Ferdinand, Alan Mills, Spencer Kofoed, other interested citizens, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The subject property is located on the corner of Lake Shore Drive and S. Powerline Road in Nampa, and consists of approximately 33 acres. It is agricultural only and has no development permit associated with it. The development agreement includes: a restriction on the number of residential lots to no more than 30 lots; a right-to-farm disclosure to future property owners; subdivision improvements unless waived by the City; and a pressurized irrigation system that will serve the property. The applicant will connect to Nampa water service and with that comes a pre-annexation agreement. City sewer is not available. The property is within the County's future land use map area showing residential, and it's on the cusp of the area of city impact where it becomes agricultural as it goes south. On Nampa's impact area it is shown to be low-density residential with a future land use of 1.01 to 2.05 units per acre. If the R-1 designation is approved, they will be allowed to divide up to one-acre lot sizes or 12,000 square foot lots if connected to city water or sewer. The average lot size within the vicinity is 7.57 acres, and to the south, east and west are large agricultural parcels with best to moderately suited soils. There are 38 subdivisions within a one-mile radius with a 1.05-average lot size. Mr. Lister reviewed the rezones and divisions that have been approved in the area noting that earlier this year that the applicant divided their property with a rezone to an R-R zone. This is high nitrate priority area and domestic wells in this location are showing signs of nitrate contamination, however, they will be connected to city water which will address the nitrate issue by being served by the city which is treated. They will utilize a pressurized irrigation system. This is still prime farm ground surrounded by large agricultural rights. The property does not have a development right, it has been divided and slated as ag only although it is located in Nampa's impact area and is shown on the comprehensive plan as residential although it is on edge of where we are retaining future use for agricultural uses and preservation and therefore there is a transition between those designations. The City of Nampa has said the R-1 zone meets their comprehensive plan and their future goals especially with the connection of city services. Mr. Lister reviewed the agency comments. On November 4, 2021, the P&Z Commission recommended approval of the request with conditions. Staff found the request is consistent with the criteria and is recommending approval with the conditions in the development agreement. Following his report, Mr. Lister responded to questions from the Board. Commissioner Smith said she met with Governor Little

and they talked about irrigation water priorities and how most communities have the right to meter irrigation water to subdivisions and he's surprised Canyon County doesn't do that. We meter to farmers but not to subdivisions. She said the issue of fire sprinklers and water supply has been a hot topic, and the Upper Deer Flat Fire District is still requiring one or the other. A possible solution would be increasing the irrigation system pump to have an identified water supply. She said the language in the development agreement should clarify that if subdivision improvements are to be waived, it has to be by the Board, per County code. Commissioner Smith wants to discuss landscaped entryways, fire and water supply issues, and metering on irrigation.

The following people testified in support of the request:

David Ferdinand testified about the neighborhood meetings that were held and how the developer listened to the neighbors' concerns and brought back the Bates property in transition in the impact area. The development agreement was presented and in order to remain compatible with the other projects in the area they altered their project to restrict the number of residential lots to no more than 30. They have worked with the highway district on the entrance, and they will connect to Nampa municipal water services and install fire hydrants. The comprehensive plan designates the parcel as residential on the future land use map, and Nampa designates it as low-density residential. The project will have pre-annexation and pre-hookup agreements. Tradition Capital Partners has been developing the area a long time and they are quality builders. They have not considered the issue of water metering. They will provide the right-to-farm disclosure and there will be a 25-foot landscaped buffer on the larger lots on the perimeter of the property. Commissioner Smith said 2022 will potentially be the worst drought year we've seen in over a century and farmers are regulated on water usage but there are no limits on subdivisions and that contributes to part of the problem so she's trying to think of how we can start ticking away at some of the water management issues.

Spencer Kofoed responded to questions about water rights and water metering, and the plans for a pressurized irrigation system. A preliminary nutrient pathogen study has been done, and a full one will be done as well. He discussed landscaping plans and said fire suppression will be provided via fire hydrants (if available).

Alan Mills gave testimony regarding the market demand and tax benefits.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek supports the application and said the developer and applicant have demonstrated good faith in working with the County to meet the conditions of approval. She recommends the removal of Condition No. 2A, and install fire hydrants, if available, as well as add a condition to include some type of entrance landscaping including a monument. Commissioner Smith said this is a high nitrate priority area with concerns and there are quite a few subdivisions that have required a community sewer. Commissioner Van Beek said as much as there is an argument for community treatment systems, there is also an argument against them because of filtration systems. Spencer Kofoed was asked to provide additional testimony regarding community systems. He spoke of the problems he has experienced with HOA's managing them and said he's had better experiences with individual septic systems.

Commissioner Smith, who sits on the SWDH board, spoke about the new process the health department is following for nitrate priority areas and their enforcement of the DEQ standards. They are requiring monitoring wells be put in place where they could be monitored for up to one year. She noted the process is not new, they are following the rules that are in place. It's adding a lot of burden on to development especially in Canyon County and Gem County, due to the highwater table and high nitrate priority areas. She understands Mr. Kofoed has experience with better functionality for individual septic systems, however, this could be a long process for him. There are good examples of community systems that function well. Discussion ensued. Mr. Kofoed does not want the Board to add a condition for a community system. Commissioner Smith suggested a condition that states the subdivision engineering report consider both options and that the best option is allowed. Commissioner Van Beek favors Mr. Kofoed's argument that they are compromising with lower density as opposed to higher density and the size of the lot should dictate that the individual wells would manage the effluent. She does not have enough evidence that the community systems work well enough and she does not believe a system is a fit for this transitional area and she doesn't want to encumber quality developers. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony (again). Board deliberation continued. Mr. Lister advised that the owner is not here to sign the development agreement so the FCO's, agreement, and ordinance will have to be put on the agenda at a later date. Commissioner Smith asked staff to update the FCO's based on today's discussion. Commissioner Van Beek wants to remove Condition No. 2E from on attachment A on the development agreement and include language to install fire hydrants if they are available, and include landscaping per Mr. Kofoed's agreement to have a landscape entry with a monument sign. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the conditional rezone and the development agreement with the recommended changes as stated on the record. The approval documents will be brought back at a later date. The hearing concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION LLC FOR A REZONE, CASE NO. RZ2021-0012

The Board met today at 10:18 a.m. to conduct a public hearing in the matter of a request by Preston Reynolds of Reynolds Brothers Construction LLC, for a rezone of Parcels R37497010, R37497010A, R37497010B, and R37497010C from an "A" (Agricultural) zone to an "R-1" (Residential) zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, John Cotner, other interested citizens, and Deputy Clerk Monica Reeves. The applicant was unable to appear due to a family emergency so he requested a continue to a later date. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to December 22, 2021 at 9:30 a.m. The proceeding concluded at 10:19 a.m. An audio recording is on file in the Commissioners' Office.

REVIEW OF DEPARTMENT PRIORITIES

The Board met today at 4:06 p.m. for a review of department priorities. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. Commissioner Smith said the Board received an email from the Prosecutor’s Office regarding the Board identifying priorities for its office as well as its departments on work that needs to be performed by the PA. Commissioner Van Beek sent email to department heads and asked for feedback and then she compiled a list of current projects and requests for legal services throughout the year. (A copy of the list is included with this day’s minute entry.) Some are not projects-in-motion, but rather an ascertainment of what the departments need on an ongoing basis. The priorities were identified as follows:

**BOCC**

RFP Amendment to DLR for jail

RFP for space needs/master plan

Establish a process for outside agencies to apply for funding; i.e., an application form requiring approval:

<b>New application form for FY2023:</b>	<b>Not necessary to fill out new application form:</b>
Advocates Against Family Violence	COMPASS
Boise Valley Economic Partnership	Southwest District Health
Caldwell Veterans Council	West Valley Humane
Canyon Recovery Community Center	
Canyon Soil Conservation District	
Genesis Community Health	
Metro Community Services	
Nampa Family Justice Center	
National Service Programs of Jannus	
Third District Youth Court	
Treasure Valley Partnership	
University of Idaho Extension	
Valley Regional Transit	
Western Alliance for Economic Development	

**IT:**

Identify specific Deputy PA for IT

**Parks:**

Deer Flat National Wildlife Refuge Urban Plan/MOU

Private land and Snake River Canyon – land acquisition for Parks Dept.

**Weed/Pest:**

Waiver for spraying weeds on private property

The meeting concluded at 4:25 p.m. An audio recording is on file in the Commissioners’ Office.

JOINT WORKSHOP WITH THE BOARD OF COMMISSIONERS AND THE P&Z COMMISSION REGARDING UPDATING THE ORIGINALITY DATE FROM 1979 TO 2004

The Board met this evening at 5:01 p.m. for a joint workshop with the Planning and Zoning Commission and DSD staff regarding updating the originality date from 1979 to 2004 (to be known as the 2004 Date of Originality Ordinance Amendment). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, DSD Planner III Kate Dahl, DSD Planner II Elizabeth Allen, DSD Planner I Cassie Lamb, DSD Planner II Katie Phillips, P&Z Commissioners Rob Sturgill, Ron Amarel, Brian Sheets, and Patrick Williamson, Claudia Haynes, TJ and Sheena Wellard, Alan Mills, and Deputy Clerk Monica Reeves. The purpose of tonight's workshop is for DSD staff to present a proposal where both bodies (BOCC and P&Z Commission) could ask questions and interact; it is not an opportunity for public comment at this time. Staff expects to hear from citizens and will include those comments in the record for the hearings that will take place after the first of the new year before the P&Z Commission as well as by the Board of Commissioners. Public comment will be taken at both hearings.

In October of 2020, the Board asked staff to look into a text amendment to change the original parcel date from September 6, 1979 to September 6, 2004. An original parcel is any parcel of land created prior to September 6, 1979. The zoning ordinance allows a parcel that predates the 1979 date to apply for a land division through an administrative land division process consistent with Chapter 7, Article 18 of the code. The land division application process is only for original parcels divided into fewer than five parcels. Mr. Lister explained the process an applicant must go through when requesting a land division.

Dan Lister, Elizabeth Allen and Kath Dahl reviewed the proposed changes:

#### Impacts of changing the date of originality

##### **Negative impacts:**

- Increased staff workload
- Farmland fragmentation
- Doubling the density
- Traffic impacts

##### **Positive impacts:**

- Reduction in comprehensive plan and rezone requests
- Easier process for applicants
- Help farmers get the extra house

There was a roundtable discussion on the proposed ordinance changes. Staff will finetune the definitions, and simplify some language. Several ordinances will be updated once the comprehensive plan has been updated.

#### Options for consideration:

- Including the original parcel date (September 6, 1979)
- Platted/Un-Platted parcels

- Divisions created by CUP
- Divisions created by relocation
- Ag preservation standards

There was discussion regarding the options staff presented. Commissioner Van Beek said there are some subdivisions that were not developed and they are sitting as platted parcels which would make a density issue in some agricultural areas. She wants staff to develop it into more than just bullet points so the Board can have a better understanding. Commissioner Williamson agreed and asked if staff can give more substance to explain the bullet points. The original parcel date for 1979 for platted parcels within city limits sounds appealing, but he is curious about the platted subdivisions that haven't been developed in rural areas and how to go about dealing with that; for example, in the Sunnyslope area where land is platted and it's less than an acre in size, that is a nonconforming use so how do you deal with that. Do we want to open that can of worms? Dan Lister said that's the hard part, some are approved and have development rights and we cannot take them away, but we can stop the splitting of that and we can still give them their development rights and if they want to enact the plat they can. Part of the comprehensive plan is to identify a TDR (transfer of development rights) program for those areas and possibly finding ways to send those development rights somewhere else and preserve that land, or, have other mechanisms to preserve those areas. Those are things staff is working on. Commissioner Smith said part of this comes from agency feedback where they are not that worried about the divisions for family splits, per se, but they are very worried about old subdivisions that are on ag ground with no services. Commissioner Williamson said most lots in the Sunnyslope area are barely big enough for a single-wide trailer and vehicle and cannot meet SWDH standards for septic systems and wells. Commissioner Smith said they do not meet the minimum lot size so they would not qualify for another administrative land division. There have been a lot of parcels created over the last three decades that are one-acre in size and those aren't eligible anymore either. This is for larger parcels. Commissioner Van Beek spoke about the need for balance and how it's not about allowing development of one at the expense of another. Mr. Lister said staff wanted to provide the information and options, and hear questions and concerns and then staff will tailor the staff report and text amendment to answer those things so when it comes to the public hearing those issues are addressed. Commissioner Smith said we need to address the platted parcels to include an option and be clear about what our intent is. She likes the 2004 date for the subdivision ordinance because of the amount of work that happens. Staff should come up with a proposal for re-platting because in some cases she can see where if you do have those old platted subdivisions there isn't any infrastructure so planning that out is important. Staff has a good solution for handling the unplatted platted parcels but she wants more thought put into how we are going to handle the platted parcels and what that will look like with the proposal. Commissioner Sheets has a concern about having dates being different versus what's inside an impact zone versus outside of it. The concern is the impact zones keep changing and there is a lot of political pressure to change them and to the extent it's a political question whether something gets a new originality date, he sees where there could be some incentives to start manipulating those kinds of impact areas so to the extent we want to minimize those political questions for that he would not want to necessarily have two different standards based on the impact zone. Commissioner Van Beek said that is a good point

and the Board is considering having all the cities involved so we can see what their areas of impact are doing and how the County is growing and what that looks like.

No Board action was required or taken. The workshop concluded at 6:37 p.m. An audio recording is on file in the Commissioners' Office.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 16, 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 form for Chad Woodruff and Holden Layton, Juvenile Detention Officers

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:50 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-83; 2022-103; 2022-167; 2022-180; 2022-85; 2022-106 and 2022-96.

Liens and lien releases were presented for Board signatures.

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

## LEGAL STAFF UPDATE AND ACTION ITEM

The Board met today at 9:37 a.m. for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Nicole Ahlstrom from HR (via conference call), Prosecutor Bryan Taylor, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Deputy PA Alex Klempel, and Deputy Clerk Monica Reeves. The action item was considered as follows:

***Consider signing Acceptance of Group Dental Insurance Contract with Willamette Dental of Idaho, Inc.:*** Zach Wesley said this is the annual renewal and it's how we have accepted rate adjustments. They have asked for 5.9% increase which would take the per employee rate from \$108.95 to \$115.40 for those 200+ employees who are enrolled. We pay per employee not per family. It has been reviewed by the health plan trustees who voted to approve, and did not recommend the employees pay the difference in cost. Commissioner Van Beek asked why the employees are not paying the \$6.45 increase. Mr. Wesley said the County routinely absorbs these regular increases, and the majority of the health plans are paid by the County as part of our benefits program. Controller Wagoner said the County employees who are on Willamette Dental are contributing financially, as opposed to those who are on Delta Dental and do not contribute. There is generally a reason why someone is on Willamette Dental, typically because they need more care so if those people were to shift from Willamette and move to Delta Dental where we are paying claims it could be more expensive. It's financially beneficial to have them on Willamette. Nicole Ahlstrom said for 2022, there are 227 employees who have elected to have coverage under Willamette Dental. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign and accept the group dental insurance contract with Willamette Dental of Idaho. (Agreement No. 21-129.)

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

*Note for the record: As properly noticed the Board met today at 9:44 a.m. for a legal staff update. A request was made to go into Executive Session to discuss records exempt from public disclosure and attorney-client communication, and to communicate with the legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:45 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). 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, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Deputy PA Alex Klempel, and Deputy Clerk Monica Reeves. Clerk Yamamoto left at 10:10 a.m. Mr. Wesley, Ms. Klempel and Mr. Robertson left at 10:35 a.m. Prosecutor Taylor left at 11:10 a.m. The Executive Session



concluded at 11:13 a.m. While in open session Commissioner Van Beek made a motion to amend the previous motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (b), (d), (f), and (i) – personnel matter; discuss records exempt from public disclosure and attorney-client communication; communicate with the legal counsel regarding pending/imminently likely litigation; and communicate with the risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the amended motion. The motion carried unanimously. No decisions were made in Executive Session; however, there was a review of the petition to intervene related to the legislative boundaries. The document will be filed with the Idaho Supreme Court related to the County’s opposition to the L03 map. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the petition submitted by Deputy PA Klempel. The meeting concluded at 11:15 a.m.

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

#### MEETING TO DISCUSS SPECIAL WASTE MANAGEMENT PLANS FOR ACCEPTANCE OF MATERIALS CONTAMINATED WITH CHRONIC WASTING DISEASE

The Board met today at 9:01 a.m. to discuss special waste management plans for acceptance of materials contaminated with Chronic Wasting Disease (CWD). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Solid Waste Director David Loper, Mitch Kiester and Andrew Ramsey from SWDH, Aaron Scheff, Taylor Enos, and Matt Beeter from IDEQ, Tricia Hebdon from Idaho Fish & Game, and Deputy Clerk Monica Reeves. Tricia Hebdon is the coordinator of the health program for all wildlife and she reported that Chronic Wasting Disease has been in the west since 1967, and that in the 1980s and early 1990s it started to spread into wild populations and was found in game farm domestic elk and deer. In 2000 it had spread to multiple states and multiple domestic cervid (deer, elk) facilities, and in 2003 the EPA sent a memo directing DEQ and others in how to deal with prion diseases. Fish and Game began a surveillance program in 1991 and collected over 18,000 samples, and three years ago they put together a new plan to look at how many samples they needed to detect the disease at a very low infection rate. This year they detected two deer from the Riggins area that tested positive for CWD, but no other animals have tested positive thus far. There are only two landfills in the state (one in Burley and one in Pocatello) that have plans in place to dispose of the waste so they are asking for a facility on this side of the state to help make sure the materials are safely taken care of. Ms. Hebdon said research has shown it can jump to humans, but there is a lot of surveillance going on to monitor it. There are recommendations from the CDC and the World Health Organization that says if you hunt in areas that have CWD they recommend the animal be tested and if it tests positive you should not consume the meat. There was further discussion about the disease process and the disposal process for destroying diseased waste. If unable to incinerate, finding a solid waste system that allows them not to be unearthed is the best. The other alternative is a digester. If carcasses are left on the landscape they can be scattered and that can remain in the soil for up to 30 years. Idaho doesn’t have incinerators, but if they did we should still bury the waste. Director

David Loper said it will be a burial solid waste disposal process not an incineration process. The original memo from DEQ in 2019 said their preference was to have a lined facility, but Canyon County's landfill is unlined. Commissioner Van Beek said AIDS came from the monkey population and mad cow came from the bovine population so what is the length of time it takes to determine if there's a genetic mutation in the RNA or the DNA? It might be a problem if we buried it in our landfill and it comes to the surface. Ms. Hebdon said a lot of research is being done and they would still want to bury incinerated waste. Matt Beeter said they are re-evaluating whether lined landfills are the best option because of the active management of the leachate that comes out the bottom. There was discussion of lined vs. unlined landfills and the positives and negatives of that. It's likely future guidance will not involve liner-type situations where there is a collection of leachates on the liner. Ms. Hebdon said they have a statewide working group whose first meeting is tomorrow, and the concept of digesting or incinerating is going to require many different levels and the fish and game department doesn't have any jurisdiction over solid waste or incineration. They have had conversations with the Dept of Ag and others about how people are disposing of carcasses in general and what is the best mechanism is that. They have looked at large-scale incinerators for carcasses and the cost is about \$450,000. Mr. Better said fish and game's approach isn't to eliminate the waste because that is not possible, ultimately the goal is to manage it and most of all Idaho counties will have to deal with this in some way so the future guidance will be less directed at trying to find a few options for disposal and more towards how to get each county to have a disposal program that is protected. Director Loper said the purpose of the meeting is for information purposes only, and the direction he is hoping to gain is to work with fish and game, SWDH, and DEQ and submit a request to SWDH to grant temporary approval to take limited amount of fish and game waste in Region 3, per their memo, for the short term. For the long term we will have update to update the landfill operating plan and move through the solid waste statutes. Once we receive interim approval from SWDH we can move forward taking waste and have systems in place to protect our staff and equipment. They will dig a hole and bury the waste and they will GPS the location so they know where it's at so they never dig into it. Mitch Kiester sees no concerns with that plan as long as there is approval from Matt Beeter and DEQ. Mr. Beeter said DEQ moves forward through a pilot project and it allows Director Loper to work through any kinks in his processes before he goes to public comment to amend his operating plan. Through the working group other options might come online and through more national research we may learn more, and are hopefully working on other solutions that may involve landfills, but possibly not within the cells. He said Director Loper can request authority to follow the memo as part of the pilot project and they will approve it for a certain period of time, typically for one to two years, and in the interim he can work out any kinks and integrate any new information about disposal that might come about during that time. Commissioner Van Beek said she isn't hearing that the risk is being managed at a level where she's comfortable just saying go ahead. She wants to look at a contract, and know how our employees are going to be protected, and know what happens if there is in an event. Ms. Hebdon said they presented the information to the Board in 2019 because CWD was slowly creeping this direction, and there is a lot of information and that is why they started a statewide working group to have these discussions. Hunters are going to put things into the solid waste stream and so we have to educate them so they make sure waste is going to a safe location. They don't want people dumping waste on the landscape because that creates hotspots that can pass the disease to deer, moose, and elk. Director Loper will look at the

operational procedures his department would follow to ensure the safety of staff and the public and then we can continue the discussion from there. No Board action was required or taken. The meeting concluded at 9:35 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY WEED & GOPHER MEETING TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 11:15 a.m. for a monthly weed & gopher meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Director of Weed & Gopher AJ Mondor, Code Enforcement Officer Eric Arthur, Director of Development Services Steve Fultz and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Projects legal is still working on
- Current case load and how taking over weed complaints from Code Enforcement is going
- Transition of new staff
- Owl boxes and availability of a lift from Fleet

The meeting concluded at 11:27 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY CODE ENFORCEMENT MEETING TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 11:27 a.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Code Enforcement Officer Eric Arthur, Director of Development Services Steve Fultz, Planning Official Dan Lister (arrived 12:06 a.m.; left 12:10 p.m.) and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Abatement process
- Current case load
- Working with HR to get additional staff hired
- Update of FEMA process

When details of a specific case were discussed the Board went into Executive Session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND POTENTIAL LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 11:50 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss records exempt from public disclosure and potential litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, White and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Code Enforcement Officer Eric Arthur, Director of Development Services Steve Fultz, Planning Official Dan Lister (arrived 12:06 p.m.; left 12:10 p.m.) and Sr. Administrative Specialist Terri Salisbury. The Executive Session concluded at 12:29 p.m. with no decision being called for in open session.

While in open session direction was provided by the Board on three properties that were brought up in executive session to move forward with certificate of non-compliance on two properties, and to refer one property to the Prosecuting Attorney's office for enforcement.

The meeting concluded at 12:31 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 17, 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:

- R&H Wholesale Supply in the amount of \$3796.85 for Facilities Department
- A-Gem Supply Inc. in the amount of \$3897.00 for Facilities Department
- W2W Flooring in the amount of \$2644.00 for Facilities Department

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

Commissioner Van Beek made a motion to go into Executive Session at 9:02 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 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, attorney Bruce Castleton, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:20 a.m. with no decision being called for in open session.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 20, 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:

- Hyland Software, Inc. in the amount of \$5285.00 for Information Technology
- Right! Systems Inc. in the amount of \$5365.48 for Information Technology
- Smart Deploy in the amount of \$4620.00 for Information Technology
- Idaho Tower in the amount of \$2473.68 for Information Technology
- Idaho Tower in the amount of \$2473.68 for Information Technology
- Axon Enterprises in the amount of \$21131.40 for Canyon County Sheriff

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Jodi Edwards; Clerk I; Marisela Garcia, Clerk I; Johnathan Hum, Clerk I; Becky Snow, Clerk I

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Tower Grill to be used 12/31/21; Raising Our Bar to be used 1/1/22; 1/15/22; 1/22/22

## FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for October 2021

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson (left at 9:13 a.m.), Deputy P.A. Zach Wesley, Facilities Director Rick Britton (left at 9:03 a.m.), Fair Director Diana Sinner (left at 9:03 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:07 a.m.), Assessor Brian Stender (left at 9:13 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Open Bids - Canyon County Fair pedestrian bridges project:*** One bid received on December 20, 2021 at 8:05 a.m. from Bridge Brothers. The bid will be reviewed for compliance with IFB and a recommendation will be brought back to the Board at a later time. A copy of the bid is on file with this day's minutes.

***Consider signing resolution declaring certain property as not necessary for County use and for the exchange of County property:*** Chief Dashiell explained that his Office has an overstock of abandoned firearms that have been collected for a number of reasons. They have gone thru all the appropriate channels and exceed necessary timelines for returning any property. They would like to turn the firearms over to a licensed dealer for credit. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution declaring certain property as not necessary for County use and for the exchange of County property (see resolution no. 21-250).

***Consider authorizing the execution of a memorandum of agreement with the Idaho Department of Parks and Recreation and the Canyon County Assessor for selling recreation registration program products:*** Assessor Stender explained that the Parks and Recreation program separated from ITD at about the same time ITD's new system went live so the DMV needed to focus on that portion. The DMV would now like to start selling the recreation registration program products; for each sticker sold the county will receive \$1.50. Mr. Robertson indicated that Ms. Klempel had reviewed the contract, a couple of revisions were made and accepted by Parks and Rec. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board authorized Assessor Stender to sign the memorandum of agreement with the Idaho Department of Parks and Recreation and the Canyon County Assessor for selling recreation registration program products.

The Board took a brief break from 9:13 a.m. to 9:18 a.m.

***Consider signing Canyon County historic preservation support award agreements with Nampa Public Library Foundation and Greenleaf Historical Society:*** Upon the motion of Commissioner Van Beek

and second by Commissioner White the Board voted unanimously to sign the Historic Preservation support award agreements with Nampa Public Library Foundation (see agreement no. 21-130) and Greenleaf Historical Society (see agreement no. 21-131).

***Consider transfer alcoholic beverage license for Umbra LLC dba Mongolian BBQ Nampa:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the transfer alcoholic beverage license for Umbra LLC dba Mongolian BBQ Nampa (see resolution no. 21-249)

Zach Wesley spoke about a quote from the Canyon County Health Benefit Plan Fiduciary Liability policy. This is a policy that is kept in effect to protect the funds in the health benefit trust and the trustees in their fiduciary capacity. Last year the cost was \$4255, this year it has increased to \$4492 due to increases to the assets of the plan. The Health Trustee Board is comprised of a representative from each Office and runs until they are no longer employed. The Board is supportive of Mr. Wesley signing the letter.

The meeting concluded at 9:24 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:30 a.m. for a weekly 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.

Discussion topics were as follows:

- A brief summary of the time tracking report was provided. Reports will be provided weekly.
- Discussion was had regarding the Sheriff's interview on KIDO last week; the Board feels there was some misinformation given. Once the entire Board has had an opportunity to listen to the interview they will decide on a path forward.
- Commissioner Smith asked about statistics to know what kind of impact the comprehensive plan mailer had on traffic to the website.
- Commissioner Smith requested B roll photos from Destination Caldwell for the CGI video. Mr. Decker said that as CGI reaches out to area businesses the office may receive calls confirming the legitimacy. Mr. Decker will take those calls if necessary. Additionally, he has prepared a letter that could be sent to the area businesses about the video. The Board is supportive of a letter being generated.
- The next KBOI interview is scheduled for January 12<sup>th</sup> and Commissioner Smith is scheduled to be the guest.

The meeting concluded at 9:42 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:05 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown and Deputy Clerk Jenen Ross.

Commissioner Van Beek spoke about the plan to have a mediator come in to discuss judges' orders play out. Director Brown would be happy to participate in that meeting.

- They had 32 kids in custody this weekend and today have 28 in custody.
- A church group will be coming in today to hand out blankets and on the 23<sup>rd</sup> the Public Defender's department will put on a party of the juveniles.
- Currently there are 5 vacant positions but several new employees will be starting in the coming weeks. Juvenile Probation has been helping out and is greatly appreciated.
- There are two people he would like to move into a supervisor and assistant supervisor positions but they have both been with the county long enough that there would be no increase in pay for the additional responsibility. The Board thinks there should be a pay differential and instructed him to get HR Director Foster involved.

The meeting concluded at 10:15 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 10:52 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross.

- Commissioner Van Beek asked about a cage being held at Fleet for the Weed and Pest department; Director Tolman provided some additional information.
- Several staff members have been out sick recently but everyone is back today. Discussion ensued about COVID sick leave pay and when an employee can return to work. Commissioner Smith explained what Directors were instructed earlier in the year regarding employees using their own sick leave. She suggested following guidelines provided by



SWDH, a negative test before returning is not necessary and that 10 days from onset of symptoms employees may return to work.

- New cars are coming in slowly and most of the upfit equipment has arrived.
- Wilder PD would like to buy a K9 vehicle when it comes offline. The vehicle is currently being used as a back-up but is soon to be replaced and the county has no use for it. The Board is okay with Director Tolman coming up with a fair market value to sell the vehicle to Wilder PD.
- There was a catalytic converter stolen from a fleet vehicle recently.

The meeting concluded at 11:16 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, GIVE DIRECTION AND CONSIDER AN ACTION ITEM AND MEET WITH FEMA REGARDING COMPLIANCE PROCESS

The Board met today at 3:05 p.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy, give direction, to consider an action item and meet with FEMA regarding compliance process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Steve Fultz, PIO Joe Decker, Assessor Brian Stender (left at 3:26 p.m.), Ryan Morgan, Deputy P.A. Zach Wesley (arrived at 3:10 p.m. and left at 3:35 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider a refund request by Cody Lords for an ordinance amendment and rezone application fee:***

Director Fultz explained that Mr. Lords submitted an application but upon review and due process it fits better under the non-viable ordinance. The case has already been thru hearings with both P&Z and the BOCC and a fair amount of staff time has been used. Staff's recommendation is to deduct that amount from the total paid of \$3,350 and refund \$1,150. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution refunding Cody Lords for a withdrawn ordinance amendment and rezone application fee (see resolution no. 21-251).

Director Fultz addressed space needs and presented another option to the Board. They have looked at a site in downtown Caldwell but estimates to upgrade the space could be between \$200K and \$1M so they've continued to look at other sites. One location they've looked at is the former Rite Aid store. The building is about 28000 sq. ft.; DSD needs only about 8000 sq. ft. leaving the remaining 20,000 sq. ft. for possible use by the registration portion of the DMV. Assessor Stender spoke about how he would like to be able to expand the DMV into another location. There has been talk of opening an appointment only office in the admin building but if an additional space is an option they will abandon that original plan. Director Fultz said the lease rate would be approximately \$92,000 annually. Commissioner Smith is concerned with the DSD office being that far away and would require a lot of mileage, she likes that the location on Main St. is within walking

distance. Mr. Decker mentioned that at one time the Clerk was looking to move the elections office which would open up their current space. At this point there is still a lot to evaluate and Commissioner Van Beek requested additional information from Assessor Stender regarding their space needs.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 3:37 p.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 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, DSD Director Steve Fultz, Ryan Morgan with Keller and Associates, PIO Joe Decker and Deputy P.A. Zach Wesley (left at 3:35 p.m.). The Executive Session concluded at 3:58 p.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 meeting to 9:00 a.m. on December 21, 2021. The motion was seconded by Commissioner Smith and carried unanimously.

DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 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 ORDER NO. 2206

- The Board of Commissioners approved payment of County claims in the amount of \$1,892,207.88 for a County payroll

APPROVED CLAIMS

- The Board has approved claims 580267 to 580288 in the amount of \$12,690.34

- The Board has approved claims 580333 to 580357 in the amount of \$21,729.77
- The Board has approved claims 580404 to 580437 in the amount of \$150,625.61
- The Board has approved claims 580438 to 580462 in the amount of \$6,885.74
- The Board has approved claims 580463 to 580479 in the amount of \$22,143.46
- The Board has approved claims 580480 to 580524 in the amount of \$75,589.66
- The Board has approved claims 580525 to 580569 in the amount of \$34,897.00
- The Board has approved claims 580570 to 580614 in the amount of \$205,058.91
- The Board has approved claims 580615 to 580630 in the amount of \$10,761.00
- The Board has approved claims 580631 to 580665 in the amount of \$77,209.82

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Platt Electrical in the amount of \$17839.99 for Facilities Department
- Johnson Controls Fire in the amount of \$1430.00 for Facilities Department

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:49 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White, Leslie Van Beek, Director of Indigent Services Yvonne Baker 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: 2022-126; 2022-178; 2022-158; 2022-128; 2022-129 and 2022-127.

Lien releases were presented for Board signatures.

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

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

The Board met today at 9:02 a.m. with the Fair Director to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. The action item was considered as follows:

**Consider signing Canyon County Fair's entertainment consultant agreement with Romeo Entertainment Group:** Director Sinner said she has worked with Romeo for a number of years to book the mainstage act and that this has been a longstanding, good relationship. Mr. Wesley explained this is a standard agreement that has been used in the past. The agreement works in two phases – first Romeo Entertainment Group will work as the county's agent and then there will be secondary agreements once the acts are formally engaged. Mr. Wesley addressed Commissioner Van Beek's questions regarding indemnification. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Canyon County Fair's entertainment consultant agreement with Romeo Entertainment Group (see agreement no. 21-132).

Director Sinner provided updates on the following:

- Fair staff
  - New hire – Samantha Ball is the new Agricultural Programs Coordinator
  - Extension/Fair MOU
  - New for 2022 Fair – Bacon Buddies; considering creating a sensory-free day for those with sensitivities.
  - Office Coordinator – Lindsay Thompson
  - Vacant position – Event Coordinator
- 2022 Fair
  - Main Stage Entertainment
  - Grounds Entertainment
  - Sponsorship update
- Building rental
  - Booked thru May
- Expo building/events center site improvements
  - Pedestrian bridges bid opening; all bids seemed to come in significantly under budget.
  - City of Caldwell installed new restrooms adjacent to the parking lot across from the Expo Building
  - City of Caldwell is working on a sewer relocation project

Director Sinner recently attended the annual Fair convention and felt it was very beneficial for her to attend this year.

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

## CONTINUED MEETING TO REVIEW FEMA COMPLIANCE PROCESS

The Board met today at 9:19 a.m. for a continued meeting to review the FEMA compliance process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. PIO Joe Decker and Ryan Morgan with Keller and Associates joined the meeting at 10:03 a.m.

Commissioner Smith said that she participated in call yesterday which included several representatives from FEMA. She explained she was fairly assertive with them in the way that the county has work with them since February. They said they had no other option than to put Canyon County on probation due time restraints as there are no extensions and there are expectations on them from their head office. Commissioner Smith indicated to them that the county would like to submit all the available information including the LOMA paperwork and two certificates of non-compliance, additionally she sent reference directly from their website and based on the timeframes the county did the best it could. She requested that the CAV be closed and if they want to they can add the two final remaining items to the new CAV. FEMA said they would review the provided information and get back to the county today. In the meantime, the county has until the 10:00 a.m. deadline to send everything and FEMA will call later to let the county know whether it will be on probation or if the CAV is closed.

Director Fultz spoke about how the county originally did have a lack of communication but over the most recent timeframe the county has been in communication weekly, if not more, and it is taking FEMA an extended period of time to respond. An email was received this morning from Suzanne [Sarpong] letting the county know that the 5116 E. Cherry Ln. property issue is considered resolved. He also noted from the meeting yesterday, FEMA stated that if the county was put on probation they would need to see substantial compliance after 6 months which would prevent probation status. In looking at the efforts the county has made over the past 6 months he feels there is substantial compliance in regard to this particular CAV.

Mr. Wesley explained the certificate of non-compliance needs to issued by the Board.

The Board took a break at 9:27 a.m. and went back on the record at 10:03 a.m. allowing Mr. Wesley time to prepare the appropriate documents. Once back on the record, PIO Joe Decker and Ryan Morgan with Keller and Associates joined the meeting.

Mr. Wesley has prepared certificates of non-compliance for two properties located at Howe Rd., parcel no. R35989010A and Boise River Rd., parcel no. R38552010, Mr. Wesley provided some history of the properties and the situations.

Commissioner White made a motion to approve signing the certificate of non-compliance for Howe Rd., parcel no. R35989010A. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Van Beek made a motion to approve signing the certificate of non-compliance for Boise River Rd., parcel no. R38552010. The motion was seconded by Commissioner White and carried unanimously.

Once the documents are recorded they will be sent to FEMA; Mr. Morgan has sent the other remaining documents.

This meeting has been left open as FEMA has indicated they will respond around 1:00 p.m. today.

This portion of the meeting concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:31 a.m. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek (left the meeting at 9:32 a.m.), Chief Public Defender Aaron Bazzoli participated via conference call, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Mr. Bazzoli updated the Board on the following:

- Recently he met with Prosecutor Taylor and the ADJ – right now there are 14 people with pending 1<sup>st</sup> and 2<sup>nd</sup> degree murder charges. The PD's office represents 10 of those people, the remaining are a mix of private counsel and conflict attorneys.
- Controller Wagoner spoke about the costs for conflict counsel and how it will be a financial burden on the taxpayers without help from the state and/or ELF (emergency litigation funds) monies. He feels Mr. Bazzoli is saving as much taxpayer money as possible by keeping clients in house.
- Discussion ensued regarding the effort to stay within the budgeted amount for conflict counsel. Mr. Bazzoli said they make the effort but noted there is the risk of conflict attorneys not accepting a case due to the low hourly rate. In that situation the courts would have to step in and then there is the risk of having the higher rate. He feels this at least gives his office and the Board some ability to control the rate. Mr. Bazzoli suggested the rate be moved closer to \$90-\$100/hour. The Board would like to have Mr. Bazzoli prepare a document with the rate that he thinks will work best.
- He sits on a number of legislative committees, one of which is the Idaho Association of Criminal Defense Lawyers, one of the hot topics this year has been the Public Defense Commission. At the last IAC meeting there was quite a bit of dispute in going into a state-run system. The IAC has proposed legislation which would change the make-up of the PDC to include public defenders as well as commissioners and go from 9 members to 16 members.

The meeting concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:17 a.m. for a meeting with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper and Deputy Clerk Jenen Ross. The following was discussed:

- Commissioner Van Beek asked about a letter that was received in regard to a transfer station. Director Loper has met with the company who wrote the letter and can provide a memo to the Board regarding the proposal. Director Loper will coordinate a meeting to include Deputy P.A. Robertson to discuss further with the Board.
- A brief review of the following topics was provided to the Board:
  - Waste amounts were up 23.94% in November
  - Landfill expansion/Geotech drilling
  - Transfer station
  - Beautification project
  - Stuart well water right/dust control
  - Chronic Wasting Disease (CWD) – Commissioner Van Beek expressed her concerns in taking this waste. Director Loper will continue to work on a plan for accepting this type of waste.
  - Auction of BMC West trusses

The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:40 a.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Probation Elda Catalano and Deputy Clerk Jenen Ross.

*Director Catalano addressed the following:*

**Consider signing Juvenile Justice Annual Financial Report 10/1/20-9/30/21:** Director Catalano explained this is an annual report that is submitted to the Idaho Department of Juvenile Corrections. The report is prepared by auditor's office and accounts for all the funding that is received with regard to the Juvenile Corrections Act Fund. This report also outlines the overall budget. Director Catalano provided a review on the numbers in the report (a copy of the report is on file with this day's minutes).

Commissioner Van Beek spoke of the cost of mediation to come. She anticipates the cost to be approximately \$1600, divided between Judge Onanubosi's budget and Director Catalano and Brown's budgets would be just over \$500 each.

Director Catalano said her department is getting pretty busy. She has an open probation officer position and receiving a lot of applications but not all meet the minimum requirements. She also has an opening for an entry level administration specialist.

They are getting a lot of first-time offenders into the program which are being handled thru the diversion program in cooperation with the Prosecutor's Office. There are a lot of problematic kids that remain in the court system that they are trying to determine what to do with. Director Catalano intends to meet with the new Caldwell mayor at the beginning of the year to discuss collaboration ideas for getting graffiti cleaned up so that the county doesn't bear all the cost.

Discussion ensued regarding the mediation. Commissioner White asked if the ADJ had been kept in the loop on this situation just as a matter of good communication and transparency. Commissioner Van Beek doesn't know that there is a need to do that. She feels that the three people involved are at a level of leadership that they could come together and work out the situation with a qualified mediator. Director Catalano said that in the past she has communicated with the TCA and the ADJ about communication problems. She is not opposed to doing that but she is not the lead on the mediation so she has left that to Commissioner Van Beek. Commissioner Smith feels that there is a lot she is missing and suggested with named personnel the meeting could go into executive session. Commissioner Van Beek said there has been a request submitted which everyone was included on. She didn't want something formal; something formal feels like there is a problem that can't be solved and she doesn't believe that to be true. Director Catalano said she is unaware of the email referenced by Commissioner Van Beek; Commissioner Van Beek will double check the email to make sure all parties involved were included.



In response to a question from Commissioner Smith about turnover, Director Catalano said with the exception of the administrative staff recently she has not had any turnover.

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

A camera project is currently in process; they have been purchased, are in IT being programmed and should be installed within the next month.

A lock for ILETS room being installed which will allow for badge access vs. keyed entry.

Director Breach is working on a cost of supervision project which involves the courtesy cases they send to other counties. Valley County has a system in place that he is trying to learn more about to see if it can be implemented in Canyon County.

Christmas festivities will be happening this week in his department.

A new PO is onboarding this week.

In response to a question from Commissioner Smith about turnover, Director Breach said that they had one person leave in the spring and one out on long-term FMLA.

Commissioner Van Beek asked about space needs and considering that in the long-term master plan. Director Breach spoke about the spaces they changed over to office space simply out of necessity.

The Board went off the record at 11:00 a.m. and back on at 11:01 a.m. to consider the action item.

Commissioner Van Beek made a motion to sign the Juvenile Justice Annual Financial Report 10/1/20-9/30/21. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 11:02 a.m. An audio recording is on file in the Commissioners' Office.

**MEET WITH COUNTY TREASURER TO DISCUSS A CASUALTY LOSS APPLICATION FOR HEINRICH LICHER AND MARION REYES**

The Board met today at 11:04 a.m. with the County Treasurer to discuss a casualty loss application for Heinrich Licher and Marion Reyes. Present were: Commissioners Keri Smith, Pam White and

Leslie Van Beek, Treasurer Tracie Lloyd, Heinrich Licher, Marion Reyes, and Deputy Clerk Monica Reeves. Treasurer Lloyd said the applicants had a garage fire on October 7 and they are applying for the casualty loss exemption pursuant to Idaho Code, Section 63-711. There is a proration of value and \$44,100 would be the amount exempted after the casualty loss which calculates to a cancellation of \$567.77. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the casualty loss application for Heinrich Licher and Marion Reyes in the amount of \$567.77 as presented by Treasurer Lloyd. The meeting concluded at 11:07 a.m. An audio recording is on file in the Commissioners' Office.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 22, 2021

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

#### CONTINUE PUBLIC HEARING – REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION, LLC FOR A REZONE, CASE NO. RZ2021-0012

The Board met today at 9:49 a.m. to go on the record to continue the public hearing regarding Preston Reynolds' request for a rezone from an "A" (Agricultural) zone to "R-1" (Residential) zone. Present were: Commissioners Leslie Van Beek, Commissioner Pam White via conference call, and Deputy Clerk Monica Reeves. The Board was previously scheduled to hear this case on December 15, 2021 but the applicant had a family emergency and was not able to attend so the hearing was continued to today, December 22. Staff was informed that Mr. Reynolds would not be available for today's hearing so a new date of January 4, 2022 was requested. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to January 4, 2022 at 10:00 a.m. The proceeding concluded at 9:50 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 23, 2021

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Remarkable-CC in the amount of \$1941.00 for Information Technology
- Elevate in the amount of \$1560.00 for Information Technology
- Trane in the amount of \$72986.13 for Facilities Department
- Cintas in the amount of \$2412.15 for Solid Waste Department
- Priority Dispatch in the amount of \$1960.00 for Canyon County Sheriff

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Henry Briggs, Hazardous Waste Screener; Tim Wood, Sergeant-Inmate Control; Dion Brady Trimble, Deputy Sheriff-Patrol; Travis Russell Downer, Deputy Sheriff-Inmate Control; Brian Wagoner, Deputy Sheriff-Inmate Control; Ethan James Calderwood, Deputy Sheriff-Inmate Control; Carmen Pagan, Deputy Sheriff-Inmate Control; Kyra Venicia, Internship; Jarred Harlbart, Deputy Attorney I-Criminal; Tony Thompson, Part-time Investigator

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 1/8/22

MEETING TO DISCUSS PUBLIC ACCESS (WEB SITE DISPLAY OPTIONS)

The Board met today at 10:05 a.m. to discuss public access (web site display options) and to consider an action item to approve funding for public access enhancement. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Treasurer Traci Lloyd and Deputy Clerk Jenen Ross.

Assessor Stender explained that the goal is to upgrade the public facing information for both the Assessor and Treasurer as the offices work hand-in-hand. During the budget cycle the current provider, Aumentum, was not providing good service and IT was going to build a program. Since

that time Aumentum has had a change in personnel and Canyon County has moved up on their priority list. The upgraded system would be inclusive for both the Assessor and Treasurer and allow taxpayers to make payments. Aumentum has provided a quote with two options which Assessor Stender provided a breakdown of. A copy of the quote is on file with this day's minutes.

Assessor Stender and Treasurer Lloyd spoke about how the upgraded program would be much more user friendly and the benefits it will provide to their offices.

This upgraded program was not budgeted for because it was going to be done in-house so approval is needed to move forward and start the contract negotiation process. It will still be 2-3 months before they program goes live.

Option 2 would be the preferred option so that tax payments can be incorporated.

Commissioner Smith is supportive of moving forward and feels this is a good use of funds.

Once this is approved Assessor Stender will work with Deputy P.A. Doug Robertson and Director Rast to get the contract moving forward.

Commissioner Van Beek made a motion to approve the funding for public access enhancement, option no. 2 as presented by the Assessor and Treasurer. The motion was seconded by Commissioner Smith and carried unanimously.

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

#### DECEMBER 2021 TERM

CALDWELL, IDAHO    DECEMBER 27, 2021

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

#### APPROVED CLAIMS ORDER NO. 2207

- The Board of Commissioners approved payment of County claims in the amount of \$1,766,300.93 for a County payroll.

There were no meeting held this day.

DECEMBER 2021 TERM  
CALDWELL, IDAHO DECEMBER 28, 2021

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Tek 84 in the amount of \$154,000 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change forms for Aiden Lorenz, Temporary elections help

There were no meeting held this day.

DECEMBER 2021 TERM  
CALDWELL, IDAHO DECEMBER 29, 2021

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

APPROVED CLAIMS

- The Board has approved claims 580666 to 580699 in the amount of \$161,856.56
- The Board has approved claims 580777-580735 in the amount of \$44,696.88

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change forms for Zane Cooper, Interpretive Specialist; Brendan Blowers-De Leon, Interpretive Specialist; Matthew Warren, Juvenile

Detention Officer; Isabel Gonzalez, Juvenile Detention Officer; Robert Martinez, Juvenile Detention Supervisor; Tom Moore, Juvenile Detention Assistant Supervisor; Myron Emly, Juvenile Detention Assistant Supervisor; and Martha Williams, Communications Officer, Dispatch; Isaac Hodges, Deputy Sheriff; and Andy Kiel, Deputy Sheriff

#### CONSIDER DECEMBER 29, 2021 ACTION ITEMS

The Board met today at 10:05 a.m. to consider signing several action items that were scheduled for this morning. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith via conference call, Deputy PA Doug Robertson, Controller Zach Wagoner, Parks Director Nicki Schwend, Outdoor Recreation Planner Juli McCoy, Misdemeanor Probation Director Jeff Breach, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, HR Generalist Jennifer Allen, and Deputy Clerk Monica Reeves. The items were considered as follows:

- ***Idaho State Historic Preservation Office Certified Local Government FY2022 sub-grant application*** - Juli McCoy reported that grant funding is through the National Park Services and is administered by the State Historic Preservation Office. One of the recommendations in the Historic preservation plan is to do an agricultural and rural resources survey of the County because it's growing so quickly and the resources are rapidly disappearing. The point of the surveys is to find the properties that are national register eligible so that either we or some of the entities we work with can work on getting some of these properties listed on the national register. Phase 1 is complete (from Bowmont Road to the Melba area) and Phase 2 will soon start in the Middleton area. Today's grant application will complete Phase 3 which is the Middleton area to Parma. The grant request is \$13,000 and the matching share is \$30,212 (\$25,000 in the budget and \$5,200 for in-kind donations.) Director Schwend said they are able to use the HPC grants to meet the match requirements for this grant. The PA's Office has reviewed the grant application paperwork. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to sign the Idaho State Historic Preservation Office Certified Local Government FY2022 sub-grant application.
- ***Consider resolution creating a CAFO siting advisory team to view the property located at 7511 Warren Spur Road in Melba, and to sign a letter to the Idaho State Department of Agriculture requesting a CAFO Siting Advisory Team review*** – Elizabeth Allen explained the request noting that Canyon Cattle Feeders submitted a CUP to expand their CAFO from 5,000 head to 8,000 head. Discussion followed. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the resolution and sign the letter requesting a CAFO siting advisory team to view the property. (Resolution No. 21-252.)

- ***Resolution to approve the title, job description and salary range a new engineer position in Development Services*** – Director Fultz spoke of the challenges DSD is having in securing engineering services, and also the issues that have accelerated the need for those services. He has worked with HR and the Controller in creating a job description and general salary range for the position. He also wants to develop a job description for an engineering assistant, for this budget year, to help with the floodplain areas, project management, and assisting through the process with subdivision opportunities. The caseload continues to increase and the department is in dire need of the positions. Commissioner Smith agrees and said the level of service needs to improve based on the fees citizens are paying. Commissioner Van Beek agrees. Controller Wagoner said the position was not approved in the budget but he understands things happen and we need to be able to respond and thankfully we have the financial resources to respond to this. It will not affect property taxes. The revenues are provided by DSD fees and it's imperative that the fees are structured in such a manner that services can be provided timely, accurately, and professionally. Commissioner Van Beek said we are already spending money for engineering services and that budget was exceeded last year so it's a change of dollars whether we outsource it or bring it inhouse. Controller Wagoner said the cost will be higher but he thinks it will be offset by greater value to the department and the residents by having this inhouse. Jennifer Allen confirmed that HR was involved in the creation the job description. Commissioner Smith said there are some other positions and she committed to the Controller that the Board would not come back and ask for multiple positions for DSD, however, they are incredibly understaffed and doing what they can and she apologized, but there will be more requests in the future. Director Fultz said a full caseload should be 15 and so if each planner was carrying 15 cases they would be at 90 cases, but currently the department is at 150 cases. On Monday he will bring an updated org chart which will warrant further discussion about how to service the citizens in a more efficient way. Controller Wagoner said it would be appropriate to look at the fee structure and make sure the fees are equitable and fair. Commissioner Van Beek agrees. Director Fultz said on the building side they have not had any fee increases since 2002 so they are likely looking at significant fee increases. He wants to structure it to have annual review rather than doing huge increases every 20 years. Some planning fees will be minor and others could be significant based no manhours. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the job description, title, and salary range for the engineer position as presented. Director Fultz reported that he has met with the Facilities Director about making some adjustments to their space to help through the interim. (Resolution No. 21-253.)
- ***Resolution classifying records of the Canyon County Misdemeanor Probation and authorizing destruction of closed offender supervision files*** – Director Breach said the resolution is for destroying paper records for cases that were closed in 2019, it doesn't destroy anything

that is kept in Odyssey, which is where the vast majority of the department's records are kept. The PA's Office has reviewed the resolution. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the resolution classifying records of the Canyon County Misdemeanor Probation and authorizing destruction of closed offender supervision files. (Resolution No. 21-254.)

- **Request by Tyler Hess for a final plat for Timber Hills Subdivision, Case No. SD2021-0012**- The applicant requested this item be tabled. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to reschedule the matter to December 30, 2021 at 11:00 a.m.

The meeting concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 30, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Nicholas Sampson, Building Inspector

#### CONSIDER A REQUEST BY TYLER HESS FOR A FINAL PLAT FOR TIMBER HILLS SUBDIVISION, CASE NO. SD2021-0012

The Board met today at 11:08 a.m. to consider Tyler Hess's request for approval of the final plat for Timber Hills Subdivision, Case No. SD2021-0012. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith via conference call, DSD Planning Official Dan Lister, Tyler Hess, and Deputy Clerk Monica Reeves. Dan Lister reported the preliminary plat was approved on August 12, 2020 with conditions. A final plat summary was provided showing that all eight conditions have been satisfied. The only remaining item was a letter of credit regarding the tiling of a canal that would occur at a later date. Commissioner Smith asked if the property, which is in the Middleton impact area, compiled with the impact area agreement and do we have to meet their



subdivision standards. Mr. Lister said their subdivision requirements do not supersede ours; they get a review but that's it and there is no comment letter from the City of Middleton. IN response to a question about why the ditch was proposed to be tiled, Tyler Hess said it was Black Canyon Irrigation District wanted them to tile it and the tile is on backorder due to supply issues, but he expects the pipe to be here next month at which point it will be completed. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the final for Timber Hills Subdivision, Case No. SD2021-0012, and to authorize Commissioner Van Beek to sign the plat. The meeting concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF DECEMBER 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 8<sup>th</sup> day of April, 2022.

CANYON COUNTY BOARD OF COMMISSIONERS

Leslie Van Beek

Keri K. Smith

Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk