

JANUARY 2022 TERM
CALDWELL, IDAHO JANUARY 3, 2022

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

APPROVED CLAIMS

- The Board has approved claim 580813 in the amount of \$12,230.00
- The Board has approved claims 580736 to 580766 in the amount of \$42,861.61
- The Board has approved claims 580814 to 580861 in the amount of \$338,693.75
- The Board has approved claims 580767 to 580812 in the amount of \$187,827.18

MEET AS A BOARD OF EQUALIZATION

The Board of Canyon County Commissioners, sitting as a Board of Equalization (BOE), met today at 8:51a.m. to consider any BOE matters that may have been presented. Present were: Commissioners Pam White, Leslie Van Beek and Sr. Admin Specialist Terri Salisbury. No BOE items were requested for consideration. Commissioner White made a motion to close Board of Equalization do to no action needed. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

MEET AS A BOARD OF EQUALIZATION

The Board of Canyon County Commissioners, sitting as a Board of Equalization, met today at 9:51a.m. to consider any BOE matters that may have been presented. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek and Sr. Admin Specialist Terri Salisbury.

Commissioner Smith reopened Board of Equalization to do some clean up, and put on the record that St. Luke's annual report was received on December 23, 2021 and it was sent over to the Assessor's Office for review.

No other BOE items were requested for consideration. The meeting concluded at 9:52 a.m. No Board action was required or taken.

COMMUNITY INPUT MEETING

The Board met today at 9:04 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Steve Burton, Mary Kay Link, Larry Olmstead and Sr. Admin Specialist Terri Salisbury.

The following topics were discussed:

- Comprehensive plan and impact area
- Public safety
- Jail
- Impact fees
- Urban renewal
- Compensation plan/Committee
- Budget

The meeting concluded at 9:50 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:03 a.m. for a monthly meeting with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Rick Britton, Rick Serratos with the Sign Shoppe (left at 10:28 a.m.) HR Director Kim Foster (joined at 10:26 a.m.) and Deputy Clerk Jenen Ross. Director Britton discussed the following with the Board:

- Building issues that occurred over the weekend including frozen pipes and snow and ice management.
- Lease of 525 Main St. for use by Development Services. Discussion ensued regarding the upfitting costs, options of buying vs. leasing and how it would be funded.
- Review of capital improvement projects that have been completed or are in process. A copy of the report is on file with this day's minutes.
- Review of projects being worked on with legal.
- Director Britton was invited to tomorrow's elected officials meeting for discussion regarding the DLR report.
- Discussion ensued regarding what the Board would like for signage behind the meeting room desk. Mr. Serratos was asked to do some work-ups and get them to Director Britton or Becky Kearsley who will bring them to the Board.

- Director Britton has been working with Director Foster on restructuring the Facilities department. He will email the draft version to the Board.

The meeting concluded at 10:29 a.m. An audio recording is on file in the Commissioners' Office.

BI-WEEKLY MEETING WITH HR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:31 a.m. with the HR Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, HR Director Kim Foster and Deputy Clerk Jenen Ross. Director Foster reviewed the following with the Board:

- She is working to get everyone on the ICRMP portal for trainings. Links will be forwarded to the Board.
- Several public record requests have been received that they are working thru.
- She is working to collect accurate employment numbers.
- The HR team is working on strategic planning/targeted planning.
- She is working with Facilities in restructuring the department.
- Commissioner Smith said the Board needs to decide on a different evaluation process. Director Foster sent some options; she likes the idea of a self-evaluation.
- Director Foster would like to create a leadership development strategic plan with the Directors.
- Direction was provided to Director Foster to blend the existing evaluation process with the new proposal. She will come up with a draft version and email it to the Board.
- Revisions to the Salary Rate Request form are going well.
- The November turnover report is complete; as requested the December report will include turnover by Office.

The meeting concluded at 10:51 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 11:02 a.m. with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Keri Smith and Pam White, ADJ Davis Vander Velde, TCA Jamie Robb and Deputy Clerk Jenen Ross. The ADJ and TCA updated the Board on the following:

- Due to the COVID incident rate numbers the Supreme Court will be suspending jury trials in 10 days. Any trials currently in process will continue and others are by judge's discretion. All other court business will continue as usual.
- Two new district judges have been selected by the governor. The tentative start date is the end of the month for one and hopefully the beginning of next month for the other.
- Commissioner Smith asked the ADJ and TCA to review and offer honest opinions of the DLR plan.

The meeting concluded at 11:11 a.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 11:31 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, PIO Joe Decker and

Deputy Clerk Jenen Ross. Mr. Decker updated the Board on the following:

- Project management report for the past two weeks was provided to the Board. A copy is on file with this day's minutes.
- He is continuing to work with CGI on the county video; January 20th is tentative date set for CGI to conduct an interview with one or more Board member.
- Commissioner Smith is scheduled to speak with Rachel Spacek today regarding the FEMA press release.
- Kevin Miller will make time this week to interview Commissioner Van Beek.
- The PIO office has moved across the hall to the previous security office.
- Commissioner Smith asked Mr. Decker to work with Director Sinner to get notification out about parking changes around the fair building.
- Discussion ensued regarding options for the State of the County address. Potential options include and in-person address, a year-in-review on the website, quarterly updates and/or a press release.

The meeting concluded at 11:50 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:39 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Director of Development Services Steve Fultz, and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Update on office spaces/ employee locations
- Fee schedule draft update
- Economic development update
- Update on new engineering position
- Updated building report
- City of Star ordinance and originality date
- Ag feedback meeting for comprehensive plan discussion
- Working with HR to change employee status to exempt for Planner 3 position
- Update on needed staff and where HR is in the process of getting those positions ready
- Update on upcoming meeting with Congressmen Fulcher's Office
- Impact fees

The meeting concluded at 2:05 p.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 4, 2022

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

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 1/22/22

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

The Board met today at 9:14 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel,

Facilities Director Rick Britton (left at 9:27 a.m.), Outdoor Recreation Planner Juli McCoy (left at 9:20 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Canyon County Rural Landscape and Agricultural Resources Survey Phase II Consultant services agreement: Ms. Klempel said the contract has been reviewed by Mr. Wesley and believes it is in order. Ms. McCoy explained the grant funding for phase II was received last year and this will focus around the Middleton area. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the Canyon County Rural Landscape and Agricultural Resources Survey Phase II Consultant services agreement (see agreement no. 22-001).

Bid award notification for Canyon County Fair Pedestrian Bridges project: Director Britton said one bid was received and was in budget. The company will build the structure and then once it's installed concrete will be poured for the walking surface. Two 12' bridges will be installed. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the bid award notification for Canyon County Fair Pedestrian Bridges project. The contract will be awarded to Bridge Brothers, Inc. and a copy of the letter is on file with this day's minutes.

Consider signing solicitation of bids for winter 2022 Polished Concrete Floors at Fair Expo Building: This project was previously put out for bid but the three bids received were vastly different. The scope of work has been re-written to include more details. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the solicitation of bids for the winter 2022 Polished Concrete Floors at the Fair Expo Building. A copy of the solicitation is on file with this day's minutes.

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

EXECUTIVE SESSION – COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner White made a motion to go into Executive Session at 9:28 a.m. pursuant to Idaho Code, Section 74-206(1) (f) regarding communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White and Deputy P.A. Alex Klempel. The Executive Session concluded at 9:41 a.m. with no decision being called for in open session.

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

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 10:04 a.m. to conduct a public hearing in the matter of a request by Preston Reynolds of Reynolds Brothers Construction, LLC, for a rezone, Case No. RZ2021-0012. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, John Cotner, an interested citizen, and Deputy Clerk Monica Reeves. The applicant did not appear for today's hearing. Elizabeth Allen gave the oral staff report. The applicant is requesting a rezone from an "A" (Agricultural) zone to an "R-1" (Single-Family) zone of Parcel R37497010, and R37497010A, B, and C totaling 5.89 acres. On August 19, 2021, the Hearing Examiner recommended approval of the request. The property is located on Lansing Lane in Middleton, approximately 2,000 feet north of Purple Sage Road. On September 30, 2021 the Board denied the request and another noticed hearing was required. The Board had the following issues with the request: there were large parcels of active farmland located to the north, south, east and west, and because the development has the potential to disrupt agricultural and rural uses outside of an area of city impact. The request is inconsistent with multiple goals and policies of the 2020 comprehensive plan. Staff is recommending denial. Following her report, Ms. Allen responded to questions of the Board. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Smith wants to change staff's FCO's is to include the average lot size of lots notified which is 18.94 acres. She wants to uphold the last decision of the Board for the primary reason that if this was a conditional rezone to rural residential, and depending on the proposal, he would have a higher likelihood of approval. Actions the applicant could take to obtain approval would be to explore the administrative land division options, and apply for a conditional rezone for rural residential with proposed conditions that would make the division and zoning more compatible with the surrounding agricultural uses, and amend the case to include a development agreement. Commissioner White said the applicant is not here to discuss the reasonings, and then she made a motion to deny Case No RZ2021-0012 for Preston Reynolds of Reynolds Brothers Construction and include the recommended changes to the FCO's as outlined by Commissioner Smith. The motion carried unanimously. The hearing concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:38 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith and Pam White, Treasurer Tracie Lloyd, Prosecutor Bryan Taylor, Assessor Brian Stender, Sheriff Kieran Donahue, Controller Zach Wagoner, Chief Deputy Steve Rhodes, PIO Joe Decker, and Deputy Clerk Monica Reeves. The following topics were discussed:

State of the County Address

Commissioner Smith wants to do a state of the county address, or an annual report to the public. Perhaps it could be a quarterly report so we don't have to compile everything on an annual basis. Commissioner White doesn't want to do a state of the county address. Sheriff Donahue noted

that the legislature didn't come through with anything outside of HB389, and IAC believes they will take a run at a local option tax statute that's modified from 2-3 years ago to have a one-cent sales tax option where half would go to property tax relief and half would go to capital projects earmarked by counties. There was discussion about the topics that could be highlighted in a paper report such as the County reopening, taking care of its employees, the FY2022 budget which included property tax relief, the addition of positions to provide more efficient services at DMV, for example. The group discussed their respective Offices' accomplishments in 2021 and goals/vision for 2022. It was suggested it might be a better idea to have a quarterly newsletter for March, June, September and December. The elected officials will compile some information and provide it to PIO Decker.

Space Planning

There was discussion regarding space planning needs for the campus. The PA's Office had previously done some work on an RFP; there are some long-term needs and really drastic short-term needs and perhaps the RFP should be for the long-term things. There are immediate space needs for the public defender department, DSD, misdemeanor probation, juvenile probation, the PA's Office, the jail, administration area, and CID where employees are in closet spaces. There was discussion about the need to establish what the ultimate needs are, how much square footage we need, and determine what we can afford. There was also discussion regarding COVID funding and revenue replacement. The County is in a very good financial position. We need to provide space today and we need to look 5-10 years down the road. Commissioner Smith will have Director Britton involved in space planning needs and talk to an architect informally about the possibility and feasibility of adding on to the administration building, and Controller Wagoner will help with funding ideas. Legal won't be asked to spend any more time on an RFP. It's possible there will be some shuffling of office space for BOCC departments to address space needs.

Jail

Commissioner Smith wants to do something with the old jail, perhaps get rid of it and doing something with the courtyard. There was discussion about reaching out to DLR to see if they will provide an updated cost analysis and possible modifications. There was also discussion regarding the funding for a jail including impact fees which won't pay for a jail, but they will pay for the future growth needs. Sheriff Donahue talked about how COVID has changed jails in terms of isolation beds, but the need for additional jail space has not gone away. He will reach out to DLR, and he noted the PA's Office will have to weigh in so we stay away from legal matters. There was discussion about using sales tax for property tax relief, which is the only way to do it feasibly for the taxpayer. The meeting concluded at 2:44 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) - INTERVIEW AND CANDIDATE EVALUATION FOR PLANNING AND ZONING COMMISSION

The Board met today at 2:48 p.m. for an Executive Session to interview and evaluate a candidate for the Planning and Zoning Commission. Commissioner White made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206 (1) (a) and (d) to discuss a personnel matter and records exempt from public disclosure. 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, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Bob Larison, (P&Z Commission candidate), and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:29 p.m. with no decision being called for in open session.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 5, 2022

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 580956 to 580991 in the amount of \$41,648.28
- The Board has approved claim 581041 in the amount of \$3,257.64
- The Board has approved claims 580862 to 580890 in the amount of \$17,915.24
- The Board has approved claims 580940 to 580955 in the amount of \$12,917.72
- The Board has approved claims 580924 to 580939 in the amount of \$12,563.75
- The Board has approved claims 580891 to 580923 in the amount of \$112,864.14

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Motorola Solutions in the amount of \$6,672.40 for Misdemeanor Probation

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Angela Calloran, deputy attorney; Kasey Butler Ruiz, judicial assistant; Brianne McCoy, deputy public defender II; Samuel Dickinson, deputy public defender I; John Scott Sanchez, forensic services supervisor; Trent Cluck, computer network technician; and Gustavo A. Nieves Saenz, administrative specialist

MEETING TO REVIEW AND PROVIDE DIRECTION FOR THE 2022 STATE OF THE COUNTY ADDRESS

The Board met today at 9:07 a.m. for a meeting to review and provide direction for the 2022 State of the County Address. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker, and Deputy Clerk Monica Reeves. The Board will do a quarterly report that will be posted on the County's website and through social media to highlight accomplishments in 2021 and goals for 2022. The reports will be given the end of March, June, September and December. Information will be compiled and a report will be given the end of January as a start and then the quarterly reports will follow. The meeting concluded at 9:38 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FY 2021 INDIGENT DEFENSE EXPENDITURE REPORT

The Board met today at 9:38 a.m. to consider signing the FY2021 Indigent Defense Expenditure Report. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli, and Deputy Clerk Monica Reeves. Chief Bazzoli said he completed the expenditure report requested by the PDC, and Controller Wagoner reviewed the budget numbers which included a breakdown for support staff, attorneys, benefits, investigators, and office expenditures, etc. The PDC requested signatures from Clerk Yamamoto and the Board of Commissioners, but the Board was only able to see the signature page so the meeting will be rescheduled to date when the report itself can be reviewed. The meeting concluded at 9:44 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM
CALDWELL, IDAHO JANUARY 6, 2022

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

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:52 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. Alex Klempel and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2022-136, 2022-155, 2022-171, 2022-250 and 2022-156. Commissioner Van Beek made a motion to issue initial denials with written decisions within 30 days on the cases as read into the record.

Commissioner Van Beek made a motion to issue an approval on case no. 2022-172 with a written decision to be issued within 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

Director Baker spoke about the following requests for subordination agreements:

Case no. 2013-1485: This is an approved case in which the applicant owns the home but is trying to refinance in order to reduce both their monthly payment and payoff timeline. This is a no cash out refinance. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the subordination request.

Case no. 2015-1386: The applicant is looking to purchase a home. When this case was originally approved there was no home to attach a lien to but upon purchase a lien will be attached to this home. Director Baker read an email from lender into the record and noted that the applicant has been making regular payments. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the subordination request.

Liens and releases of liens were presented for Board signature.

The meeting concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-1

The Board met today at 9:04 a.m. to conduct a medical indigency hearing for case no. 2022-1. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White joined the meeting at 9:06 a.m., Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Attorney Bryan Nickels on behalf of St. Alphonsus and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker and Mr. Nickels and Board discussion Commissioner Van Beek made a motion to continue the hearing to April 14, 2022. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-1037

The Board met today at 9:14 a.m. to conduct a medical indigency hearing for case no. 2021-1037. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Applicant and spouse, Interpreter Mercedes Lupercio participated via teleconference and Deputy Clerk Jenen Ross. The hospital had previously requested this hearing be continued but the applicant was unaware the date had been changed. Commissioner White made a motion to continue the hearing to February 10, 2022. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:20 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 9:28 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 and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to continue the following cases to February 24, 2022: 2021-1044 and 2021-1047. The motion was seconded by Commissioner White and carried unanimously.

Neither the hospital nor the applicant appeared on the following cases and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue final denials with written decisions within 30 days on the following cases: 2021-828, 2021-1055, 2021-1048, 2022-4, 2021-1040 and 2021-1002.

The meeting concluded at 9:31 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:01 a.m. with county attorneys for legal staff update and to consider action and agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 10:14 a.m.), Cpt. Harold Patchett (left at 10:06 a.m.), HR Director Kim Foster, Fleet Director Mark Tolman (left at 10:14 a.m.) and Deputy Clerk Jenen Ross. The action and agenda items were discussed and considered as follows:

Consider signing purchase agreement with Tek84, Inc.: This is the conclusion of the RFP process. The total cost is \$154,000 which includes the equipment and 5 years of warranty. \$170,000 was allotted in the FY2022 budget for this purchase. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the purchase agreement with Tek84, Inc. (see agreement no. 22-002).

Discussion regarding coverage related to installing police equipment in the covered cars with damage: Director Tolman is looking for advice from the Board. ICRMP seems to be okay with paying for teardown for other area agencies but since his shop does it in-house they won't pay him. Additionally, there is a question of the double deductibles; the county is being asked to pay \$3500 for the vehicle and an additional \$3500 for the equipment. Mr. Wesley suggested this would be a good conversation with Randall Spencer from ICRMP and could be part of the meeting scheduled for tomorrow at 10:00 a.m. The Board asked Director Tolman to be available around that time tomorrow.

Consider resolution appointing Harold Nevill to the Canyon County Planning and Zoning Commission: Commissioner Smith said she wasn't able to participate in Mr. Nevill's interview but is familiar with him and is supportive of the request to appoint. Commissioner Van Beek stated she believes Director Fultz is in favor of the appointment. Mr. Nevill will be filling the seat of a Commissioner who is no longer on the Board. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution appointing Harold Nevill to the Canyon County Planning and Zoning Commission.

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 10:17 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White

and Leslie Van Beek and Deputy P.A. Zach Wesley. The Executive Session concluded at 10:26 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said there needs to be further action and an additional meeting schedules for the consideration of the appeal request from Mark Stevens which has been scheduled for January 11, 2022 at 10:00 a.m.

The meeting concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner White made a motion to go into Executive Session at 1:32 p.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Jerry Miller from the Idaho Department of Commerce, Tina Wilson from the Western Alliance for Economic Development (via Webex), and Deputy Clerk Monica Reeves. Kim Rost and Cordy Rost arrived at 1:33 p.m. The Executive Session concluded at 2:43 p.m. with no decision being called for in open session.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 7, 2022

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 approved claims 580991 to 581040 in the amount of \$42,619.28

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- IAED in the amount of \$1,074.00 for the Sheriff's Office

DETENTION CENTER INSPECTION CONDUCTED

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

MEETING WITH ICRMP TO PROVIDE CLAIMS REVIEW

The Board met today at 11:00 a.m. with ICRMP to review claims. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, HR Director Kim Foster, Kelly Paananen, Chad Sarmiento and Randall Spencer with ICRMP and Deputy Clerk Jenen Ross.

Ms. Paananen reviewed the risk management report which included:

- Analysis and evaluation of data
- Canyon County top by type
- Breakdown of top employment liability by department/office and graph indicating employment liability by department/office – discussion ensued regarding use of the ACE (Attorney Consultation Endorsement)
- Auto liability/property involving autos
- General liability numbers
- Underwriting history and underwriting exposure data
- Property, net contribution, deductibles and premium
- Police liability

Mr. Sarmiento reviewed the law enforcement risk management program:

- Discussion ensued regarding a discount that could be realized with participation in ICRMP programs/safety trainings by the Sheriff's Office. Patrol and detention risk assessments would provide 4% discount. Commissioner Smith asked Mr. Sarmiento to send an email to the Board outlining potential discounts and Ms. Paananen noted there are a variety of discounts available under each of the risk liabilities.

A copy of each of the presentation handouts are on file with this day's minutes.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 12:00 p.m. pursuant to Idaho Code, Section 74-206(1) (i) communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, HR Director Kim Foster, Kelly Paananen, Chad Sarmento and Randall Spencer with ICRMP. The Executive Session concluded at 12:37 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.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 10, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Abdiel Philpott, juvenile detention assistant supervisor; Cameron Arp, juvenile detention officer; Callie Dyer, juvenile detention officer

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 8:49 a.m. to consider agenda items. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via teleconference, Chief Public Defender Aaron Bazzoli (left at 8:53 a.m.), Code Enforcement Supervisor Eric Arthur (arrived at 8:55 a.m.) and deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing FY 2021 Indigent Defense Expenditure Report: Mr. Bazzoli a provided an explanation of how he compiled the numbers for the report. Upon the motion of Commissioner

Van Beek and second by Commissioner Smith the Board voted unanimously to sign the FY2021 Indigent Defense Expenditure report. A copy of the report is on file with this day's minutes.

As a ministerial item, Commissioner Van Beek provided authorization to use her signature stamp on the three (3) employee salary rate request forms for Juvenile Detention.

Consider new alcoholic beverage license for Salon Colombia Event Center LLC dba Salon Colombia Event Center: Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a new alcoholic beverage license for Salon Colombia Event Center LLC dba Salon Colombia (see resolution no. 22-003).

Consider transfer alcoholic beverage license for Co-op 21, LLC dba Chaparral Tavern: Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to transfer an alcoholic beverage license for Co-op 21, LLC dba Chaparral Tavern (see resolution no. 22-002).

The meeting concluded at 8:59 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 9:00 a.m. with Code Enforcement to discuss general issues, set policy and give direction. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek Via teleconference, Code Enforcement Supervisor Eric Arthur, Deputy P.A. Zach Wesley (arrived at 9:10 a.m.), Weed and Gopher Superintendent AJ Mondor (arrived at 9:19 a.m.) and Deputy Clerk Jenen Ross. Mr. Arthur reviewed the following with the Board:

- Breakdown of the number of cases opened last year.
- Increase in compliance.
- Update on problem properties that were discussed in a previous meeting. Mr. Arthur suggested providing a dumpster to the Rolling Hills neighborhood to help mitigate some of the issues there. The Board asked Mr. Arthur to do some additional research.
- Mr. Arthur is working with Mr. Wesley regarding certificates of non-compliance.
- Brief discussion regarding the FEMA non-compliance issue.
- Discussion regarding firewood sales and a case that was recently reopened.
- Code Enforcement is no longer receiving any weed complaints.

The meeting concluded at 9:19 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 9:34 a.m. for a monthly weed & gopher meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek (via phone), Director of Weed & Gopher AJ Mondor and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Weed Superintendents Annual Winter Conference this week
- Weed and Pest Safety Handbook draft provided and reviewed
- December 2021 report provided and reviewed

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

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

The Board met today at 10:05 a.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via teleconference, Parks Director Nicki Schwend, Assistant Parks Director Laura Barbour and Deputy Clerk Jenen Ross. The following items were reviewed with the Board:

- Squatters notice of overstay.
- Automated gate and no parking signs added for the shops at Lake Lowell.
- Vault toilet installed at the east end RV improvement area.
- Boating safety classes.
- New life jacket loaner station added to the east end.
- Making grant application to State Parks and Recreation for a fishing dock at Celebration Park.
- Updates/revisions being made to Parks publications.
- HPC workshop will take place on February 8th.
- DSD recently visited Celebration Park.

A copy of the handout reviewed with the Board is on file with this day's minutes.

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

EXECUTIVE SESSION – ACQUISITION OF AN INTEREST IN REAL PROPERTY AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 10:19 a.m. pursuant to Idaho Code, Section 74-206(1) (c) and (d) regarding acquisition of an interest in real property 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: Commissioner Keri Smith, Commissioner Leslie Van Beek via teleconference, Parks Director Nicki Schwend and Assistant Parks Director Laura Barbour. The Executive Session concluded at 10:39 a.m. with no decision being called for in open session. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 10:44 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via teleconference, IT Director Greg Rast and Deputy Clerk Jenen Ross. The following items were reviewed with the Board:

- IT is working on a custom application for the Facilities department for project management, GIS mapping, incident management, MSDS sheets/safety, and reporting.
- Commissioner Smith spoke about space shortages and the possibility of an online scheduling system for conference rooms on campus.
- The CCMAD website and technology overhaul is in process.
- The Team Alert panic button has been tested with BOCC staff and was successful. Once it's ready to be fully rolled out the workorder and PO will come thru facilities.
- IT may need to write a custom application that integrates with OnBase for PO, claim, claim batch and blue sheet approval.
- A service agreement will be coming before the Board tomorrow for telephone service. Director Rast gave an overview of the improved service that is anticipated.
- An update on the ship dates for the BOCC meeting room audio/video equipment was provided. Currently ship dates are between mid-March and the end of April.
- Projects in the closing phase in the first quarter of 2022 was provided within the hand-out.
- Commissioner Smith asked about a joint calendar between the Fair and the City of Caldwell to assist in booking the facilities/grounds. Director Rast will reach out to Director Sinner.

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

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

The Board met today at 11:06 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek (via phone), Director of Development Services Steve Fultz and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Commissioners would like DSD to start looking into old rezones that were never initiated and have them put back into alignment with the comprehensive plan
- Originality date hearing date will be held before the P&Z Commissioners on 1/13/22
- Interviewing engineers for current open position and hoping to have an offer out by end of week
- New building inspector started
- P&Z interviews this week
- Meeting with HR to get additional staff positions posted
- Update on comprehensive plan meetings, workshop and hearing date timeline
- Economic development meeting
- Star Area of City Impact ordinance meeting is scheduled for 1/19/22
- Update on building department fees and planning fees
- Need to schedule meeting for appointment of new urban renewal seat
- Alternative locations for more DSD office space

The meeting concluded at 11:36 a.m. an audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 11, 2022

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

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Watson’s Mystery Café to be used 1/14/22

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dell in the amount of \$1380.19 for the Information Technology Department

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Commissioner Leslie Van Beek via teleconference, Deputy P.A. Zach Wesley, Fair Director Diana Sinner (left at 9:11 a.m.), IT Director Greg Rast (left at 9:06 a.m.), IT Project Manager Shawn Adamson (left at 9:06 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing master service agreement with BCM One, Inc. and Canyon County for voice services, installation and equipment: Director Rast gave a brief overview of this agreement during his meeting yesterday. The contract has been vetted and reviewed by legal. Director Rast said this has been budgeted for in the FY2022 budget and will replace the contract with Lumen/CenturyLink. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the master service agreement with BCM One, Inc. and Canyon County for voice services, installation and equipment (see agreement no. 22-003).

Consider signing fair carnival agreement with Paul Maurer Shows: Director Sinner said Paul Maurer Shows was new to the Fair in 2021. They have requested a 3-year agreement and then a year by year review. Last year the carnival was up 216% and Director Sinner was very happy with the service they provided. At the request of Commissioner Van Beek, Mr. Wesley provided a review of the compensation portion of the agreement. Upon the motion of Commissioner Van Beek and

second by Commissioner Smith the Board voted unanimously to sign the fair carnival agreement with Paul Maurer Shows (see agreement no. 22-004).

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 9:11 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jene Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Smith and Deputy P.A. Zach Wesley. Commissioner Van Beek participated via teleconference. The Executive Session concluded at 9:45 a.m. with no decision being called for in open session.

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

CONSIDER FINAL PLAT FOR LAKE SHORE SUBDIVISION #3, CASE NO. SD2021-0053

The Board met today at 9:48 a.m. to consider the final plat for Lake Shore Subdivision #3, Case No. SD2021-0053. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek who participated via conference call, DSD Planning Official Dan Lister, Alec Egguro, and Deputy Clerk Monica Reeves. Dan Lister reported that all conditions of the preliminary plat have been met and the final plat is ready to be signed. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the final plat for Lake Shore Subdivision #3, Case No. SD2021-0053. The meeting concluded at 9:51 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING – REQUEST BY JOHN COTNER & HAWK VIEW ESTATES SUBDIVISION FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0034 & SD2021-0021

The Board met today at 10:00 a.m. to consider the request by John Cotner for approval of a rezone and a preliminary plat for Hawk View Estates Subdivision, Case Nos. RZ2021-0034 & SD2021-0021. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via Webex, Todd Lakey, John Cotner, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner White was not present and the applicant requested a continuance to a date when all three Commissioners could be present. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to reschedule the hearing to January 19, 2022

at 9:00 a.m. The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MARK STEVEN'S REQUEST FOR RECONSIDERATION, CASE NO. PI2021-0425-APL

The Board met today at 10:04 a.m. to consider Mark Stevens' request for reconsideration on Case No. PI2021-0425-APL. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek who participated via conference call, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Zach Wesley presented a letter for the Board's consideration which stated, in part, that the Board, having spent substantial time and effort on his appeal for a variance, does not believe additional clarification of its decision is necessary and affirms its November 30, 2021 denial of his appeal. Mr. Wesley said Mr. Stevens' letter is making similar arguments to what the Board heard at the underlying hearing, and the Board's written decision is responsive to the points he made in his letter and to the appeal itself. There is not a legal basis to consider at this point. Commissioner Smith agrees and said the letter Mr. Wesley prepared is adequate. Commissioner Van Beek said the Board has spent considerable time hearing Mr. Stevens' case and he had options available to him, but we are not able to find a way to move forward on appeal, and she then made a motion to deny Mark Steven's request for reconsideration, Case No. PI2021-0425-APL. The motion was seconded by Commissioner Smith and carried unanimously. A copy of the signed letter to Mr. Stevens is on file with this day's minute entry.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 12, 2022

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

MEETING WITH THE PRESIDENT OF SUNNYSLOPE WINE TRAIL TO PROVIDE AN UPDATE OF THE REGION

The Board met today at 9:05 a.m. with the president of the Sunnyslope Wine Trail to provide and update of the region. Present were: Commissioners Keri Smith and Leslie Van Beek, Craig Davis and Amy Bitner on behalf of the Sunnyslope Wine Trail and Deputy Clerk Jenen Ross.

Mr. Davis felt this meeting was necessary because over the last few months they've see a change in the amount of growth in the area and want to express their vision and goals. He spoke about growth between 2016 and 2020 and how potential future growth will shape the county. His big concern is what Sunnyslope will look like in 5 years. The Sunnyslope area is a beautiful area and he realizes there is a lot of money coming into the state which is putting a lot of pressure to divide the area into more residential and commercial. They would really like to retain the area being a destination. Additionally, there needs to be consideration for how many acres it takes to support grape production. Currently, they are having to go out of state to support what they're doing and they'd like to minimize that and keep the money in Idaho. Their concern is that if development comes into Sunnyslope it is going to raise land prices making it impossible for them to grow their own grapes and support the industry. They've looked thru the draft comprehensive plan and overall, they really like it.

Discussion ensued regarding participation in the AVA and the non-profit 'Sunnyslope Wine Trail'. All of the wineries in that area are part of the AVA but there are three who are not currently participating in the non-profit wine trail portion, although there is a petition in place to get them to join.

Commissioner Van Beek asked Mr. Davis and Ms. Bitner to address possible solutions for maintaining and protecting the area and helping farmers that maybe don't have a generation following them. She noted that some of that ground is classified as non-viable but now the Board is hearing from grape growers that it is some of the most viable grape producing ground.

Ms. Bitner gave the backstory on her family's winery and provided statics of the wine industry in surrounding states and that they are working to create a Sunnyslope Wine Trail AVA specifically for the area. She spoke about the importance of hillsides in the grape growing process, lack of infrastructure in the area and how they would like to maintain and grow the agri-tourism in the area. She fears development is coming in faster than they are ready to grow the agricultural portion and it will be taken over before it can be protected. She has concerns about hazards to farm workers with more traffic and speed on the roads in the area. The Board was invited to come out so that more detail and information can be provided.

Commissioner Smith suggested that as the new AVA is developed that they work with Director Fultz on creating an overlay district of the entire AVA, she feels that may be the best way to provide input as an organized slope on those developments. She also felt that with help from Tina Wilson or Moya Dolsby there could possibly be some grants available to do a land survey to identify the slopes. She said that developers do come to the Board and identify the ground as sloped and wasted but there isn't any contradictory information showing that the land is perfect for grapes. Commissioner Smith said there can be moratoriums on growth but all the background information would need to be in place before making that request to the Board. She also suggested that former Mayor Nancolas may be able to provide some helpful information on moratoriums. Commissioner Van Beek suggested they lobby to include this area as a scenic byway as one of the overlays. The Board provided additional names and resources that may be able to help with a soil study and grant writing.

The Board would like to tour the Sunnyslope Wine Trail. Commissioner Smith would like the meeting to provide additional data as a separate meeting from the tour in a more formal meeting setting.

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

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 13, 2022

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:

- Boise Appliance Refrigeration in the amount of \$3,262.18 for the Facilities Department
- Motorola Solutions in the amount of \$58,473.63 for the Fleet Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Ryan Moore, Systems Administrator I

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for John Sanchez

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:52 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: 2022-159; 2022-160; 2022-176.

Case no. 2022-252 meets the eligibility criteria for county assistance. Commissioner Van Beek 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 White and carried unanimously.

Liens and were presented for Board signatures.

The meeting concluded at 8:54 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:00 a.m. for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Marv Dashiell (left at 9:09 a.m.), Facilities Director Rick Britton (left at 9:03 a.m.), Representative from Consurco (left at 9:03 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Open bids for solicitation of bids for the Winter 2022 Polished Concrete Floors Project at Fair Expo Building: The following bids were received by email:

The Concrete Cure
Bid amount: \$149,999.00
Received: January 12, 2022 at 11:08 a.m.

Wall 2 Wall Flooring
Bid amount: \$166,100.00
Received: January 12, 2022 at 12:43 p.m.

Consurco
Bid amount: \$140,512.14
Received: January 12, 2022 at 3:25 p.m.

Once the bids are reviewed for conformance a recommendation will be made to the Board.

Consider signing memorandum of agreement between the Idaho State Police and the Canyon County Sheriff's Office regarding the NICS Act Record Improvement Program Grant: Chief Dashiell explained that Idaho State Police has been awarded a grant to assist Idaho counties in acquiring equipment

for livescans in order to submit arrest finger and palm prints electronically to the Idaho Criminal History Repository. Canyon County is eligible for \$15,000 toward the equipment. A quote for approximately \$21,000 for the replacement of two machines was included in the FY2022 budget. Chief Dashiell addressed questions in regard to lifecycle of the equipment, database access/storage and how the program works. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the memorandum of agreement between the Idaho State Police and the Canyon County Sheriff's Office regarding the NICS Act Record Improvement Program Grant (see agreement no. 22-005).

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 9:10 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 9:21 a.m. with no decision being called for in open session.

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

CONSIDER SIGNING FCO'S, DEVELOPMENT AGREEMENT AND ORDINANCE FOR NORMA BATES' CONDITIONAL REZONE, CASE NO. RZ2021-0039

The Board met today at 9:47 a.m. to consider signing the findings of fact, conclusions of law, and order as well as the development agreement and ordinance associated with the request by Norma Bates for a conditional rezone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Katie Phillips, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. The Board heard the request on December 15, 2021 and approved the conditional rezone subject to modifications being made to the FCO's. The applicant was not available to sign the development agreement at the underlying hearing so the approval documents were held until the signature could be obtained. In reviewing the documents today, Commissioner Smith wants to make clarifications to the FCO's in order to be clear in stating what the intent of the conditions are so she asked staff to remove reference to future development and future subdivisions and state what constitutes meeting the requirements as well as the intent of the conditions. The case planner, Dan Lister, will be out of the office for a few days so the documents will be brought back at a later date. The meeting concluded at 9:53 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY EL64, LLC., REPRESENTED BY BORTON-LAKEY LAW FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE; CASE NOS. OR2021-0028/RZ2021-0052

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by EL64, LLC, represented by Borton-Lakey Law for a comprehensive plan map amendment and rezone, Case Nos. OR2021-0028 and RZ2021-0052. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Katie Phillips, DSD Planner Elizabeth Allen, Todd Lakey, Miguel Gaddi, Sonya Roman, other interested citizens, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. EL64, LLC, is requesting a comprehensive plan map amendment to change the future land use map designation of Parcel No's R34657, R34655, R34649, R34649010, and R34648 from Agricultural to Industrial and R34649011 from Commercial to Industrial. Also requested is a rezone to change the zoning designation of Parcel No's R34657, R34655, R34649, R34649010, and R34648 from an "A" (Agricultural) zone to an "M-1" (Light Industrial) zone and R34649011 from a "C-2" (Service Commercial) to "M-1" (Light Industrial). The six parcels comprising approximately 90.92 acres are located to the northeast of the intersection of Farmway Road and Highway 20/26 in Caldwell. Ms. Allen reported on the current land use, soils and farmland information, surrounding uses, access and traffic, as well as agency comments. The property is located within the Caldwell area of city impact and the new urban renewal district. She reviewed which polices align with the goals and which do not align with the goals of the comprehensive plan. On December 2, 2021, the P&Z Commission recommended approval of both requests. Staff is recommending approval as the requests comply with the comprehensive plan and are consistent with the character of the area. Following her report, Ms. Allen responded to questions from the Board. There was discussion regarding the new urban renewal district which was just created so there is not a funding source currently. Todd Lakey said the request conforms with the zoning ordinance criteria and provides an opportunity for economic development and growth and diversity. The area is planned for light industrial growth by the County and by the City of Caldwell and an approval would result in property that is properly zoned to attract business and employers to Canyon County. The property is surrounded on three sides by commercial zoning; there is extensive industrial and commercial designations in the area and it is in close proximity to I-84 and Highway 20/26. The proposal is very compatible with the existing zoning and uses in the area. They have support from many of their neighbors who recognize this is an appropriate area for this type of development and with the new urban renewal district there will likely be more applications coming forward. The proposal conforms with Caldwell's comprehensive plan for the area and the City is requesting approval of the application. Mr. Lakey spoke about the need for industrially zoned properties. The property will be served by sewer, and there is water located to the south. The urban renewal district will focus on infrastructure and utilities providing opportunities for businesses to receive funding to help pay for sewer, water, gas, power, fiber, etc. ITD has plans for improvements in this area (intersection and widening) but timing and funding will be part of the future plans. This area has been designated as a regional freight cluster. There is an industrial park to the west, and there are light manufacturing and fabrication businesses, a trucking business, gravel operations and a feedlot in the area. The site itself is the old Harris Mink Farm and has been in the family for three generations and they moved their operations to Owyhee County a few years ago. The location has a real opportunity for business growth and development

and light industrial development that supports agriculture. Following his testimony Mr. Lakey responded to questions from the Board. Commissioner Smith said she has heard there could be plans to undue the urban renewal district. Mr. Lakey said he has never seen that happen, but he cannot say it's impossible. In response to questions from Commissioner Van Beek, Mr. Lakey spoke about the work that has been done on the site by the applicant and said they are comfortable proceeding forward with the application. Commissioner Van Beek said it sounds like a matter of demolishing buildings not cleaning up groundwater. Sonya Roman testified about the pond on the triangle-shaped piece of property adjacent to Farmway Road and she referenced the serious groundwater, surface water, and flooding issues that occur and she wants to know who will be responsible for those issues. Commissioner Smith said there is a state law that requires all drainage to be retained onsite and all development has to comply with local, state, and federal laws. There are times when things become a civil matter between property owners. Todd Lakey offered rebuttal comments and said there is a requirement to retain stormwater onsite and it's an engineering question that will be addressed as part of the development of the property, not at the rezone phase. He said the applicant has done due diligence with soils analysis and engineering and there are couple of possibilities whether it's a needed repair on irrigation facilities, or potential drainage or water transfer. Ultimately, it's an engineering question the applicant has to address as part of the actual development application that comes forward for the infrastructure and site development. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously close public testimony. Commissioner Smith said the FCO's support positive findings for approval. Commissioner Van Beek supports the application and agrees this is the right application for the right area. Commissioner White said the applicant hasn't said what's going on the property so that leaves it wide open to a decision-maker's imagination. She would like to have known what possibilities are proposed. Commissioner Smith supports the request outside of it being in the urban renewal district, and in looking solely at the land use of the area and knowing the old mink farm, she believes this will be an incredible improvement to the area and the economic viability it will bring. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the comprehensive plan map amendment and rezone and sign the FCO's, the resolution and ordinance. (Resolution No. 22-004 and Ordinance No. 22-001.) The hearing concluded at 10:55 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner Van Beek made a motion to go into Executive Session at 1:32 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner 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 and the

applicant, Miguel Villafana. The Executive Session concluded at 2:12 p.m. with no decision being called for in open session.

MEETING WITH UNIVERSITY OF IDAHO'S SOUTHERN DISTRICT DIRECTOR TO DISCUSS COUNTY EXTENSION OFFICE

The Board met today at 3:32 p.m. with the University of Idaho's Southern District Director to discuss the County Extension Office. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Patrick Momont with the University of Idaho Extension Office and Deputy Clerk Jenen Ross. Mr. Momont said there are two items to be addressed as follows:

Canyon County Extension Office leadership transfer: Mr. Momont gave a background on funding for extension offices and how they operate. The Canyon County Extension Office has five educators, with Jerry Neufeld taking on the administrative role to oversee the office 20 years ago. At that time, he was a targeted hire and has done a great job providing leadership during that time but unfortunately change happens and there is a need for a change in leadership. Mr. Momont explained the 'Unit Administration' section of the *Faculty Goals and Responsibilities* handout which outlines the responsibilities of the Extension Office Chair. Nic Usabel is about ready to graduate from Leadership Idaho and will be the new County Extension Chair; Mr. Momont provided reasons he thinks Mr. Usabel will be a good leader for the office. Commissioner Smith would like to see some kind of press-release announcing the change and thinks Mr. Decker could help draft the document.

Vacancy refills in the Canyon County Extension Office: There are currently two vacant educator positions – the health and nutrition educator and the livestock/small acreage/4-H educator positions. There are a significant number of vacancies throughout the state and in order re-hire the positions they have to be on a priority list which makes its way to the university's president for approval. He is asking for Board support to re-hire these positions. In his opinion the health and nutrition educator is the higher priority. Discussion ensued regarding the importance of each of the positions. Each Board member offered their opinions on which position is the higher priority for them and Mr. Momont expressed why he feels the health and nutrition position is the higher priority. After the discussion and consideration of each point the Board is supportive of prioritizing the re-hiring the health and nutrition educator but is also in favor of refilling the livestock/small acreage/4-H educator.

The Board also requested that someone to respond to agency notices in regard to land use development. Commissioner Smith feels it would be a good idea to get Director Sinner and Mr.

Usabel together to discuss the changes and facilitate cooperation between the two offices. The meeting concluded at 4:11 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 14, 2022

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

APPROVED CLAIMS

- The Board has approved claims 581159 to 581199 in the amount of \$96,701.16
- The Board has approved claims 581118 to 581157 in the amount of \$58,631.49
- The Board has approved claims 581044 to 581079 in the amount of \$28,934.33
- The Board has approved claim 581043 in the amount of \$550.02
- The Board has approved claim 581158 in the amount of \$376.00
- The Board has approved claims 581318 to 581321 in the amount of \$420.00

There were no meetings held this day.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 18, 2022

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 a Jury claim in the amount of \$2,604.88
- The Board has approved claims 581226 to 581239 in the amount of \$15,849.00

- The Board has approved claims 581240 to 581279 in the amount of \$62,175.78
- The Board has approved claims 581322 to 581359 in the amount of \$48,104.70

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Joanne Cardinale, part-time court support; Cindy Frazier, part-time court support; Nikki Castoe, court clerk III; Tammy Breiner, court clerk III; Chris Jones, part-time juvenile detention officer

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 8:55 a.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd (left at 8:58 a.m.), DSD Director Steve Fultz (left at 9:04 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider signing Treasurer's tax charge adjustments by PIN for November and December 2021:

Treasurer Lloyd noted the majority of the adjustments are due to the legislature removing the homeowner's exemption deadline. A report with explanation is being prepared to be sent to the taxing districts to explain the decrease in the budget mid-year. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for November and December 2021.

Consider signing resolution of appointment of Steve Fultz to serve as Canyon County's representative on the Caldwell Urban Renewal Agency Board:

Mayor Wagoner called Commissioner Smith to let her know the County has an available spot on that URA Board which they are trying to fill as soon as possible. It is Commissioner Smith's recommendation to appoint Director Fultz, however, a Board member could serve. Commissioners Van Beek and White support the appointment of Director Fultz to the URA Board. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution appointing Steve Fultz to serve as Canyon County's representative on the Caldwell Urban Renewal Agency Board (see resolution no. 22-005). The appointment may need to be affirmed by the city council.

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

Commissioner Van Beek made a motion to go into Executive Session at 9:04 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and

Leslie Van Beek. The Executive Session concluded at 10:42 a.m. At the conclusion of the executive session, Commissioner Smith said the executive session will be continued to tomorrow, January 19, 2022 at 8:30 a.m.

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

PUBLIC HEARING TO CONSIDER A REQUEST BY RUSS & VICKI ELSBERRY FOR A COMPREHENSIVE PLAN MAP AMENDMENT, CONDITIONAL REZONE AND SHORT PLAT FOR BERRY ACRES SUBDIVISION, CASE NOS. OR2020-0009, CR2020-0013, & SD2020-0041

The Board met today at 10:46 a.m. to conduct a public hearing in the matter of a request by Russ and Vicky Elsberry for a comprehensive plan map amendment, conditional rezone and short plat for Berry Acres Subdivision, Case Nos. OR2020-0009, CR2020-0013 and SD2020-0041. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, Mark Bybee, Russ Elsberry, Tonya Barber, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that the Elsberrys are friends she has known for years, but that will not impact her ability to make a fair decision. Commissioner Smith said there are some land use cases coming up where she plans to recuse herself because she has longtime friends who are involved and it's hard to be impartial due to those friendships so she will be stepping down when those cases come before the Board. Following discussion, Commissioner Van Beek recused herself and left the meeting room. Elizabeth Allen gave the oral staff report. Russ and Vicki Elsberry are requesting a comprehensive plan map amendment to change the designation of R2846602, R28466018, & R28466019 from "Agriculture" to "Residential." A conditional rezone is also requested to change the zoning of the parcels from "A" (Agricultural) to "R-R" (Rural Residential) including a development agreement to restrict the development of the site to three parcels. Also requested is a short plat for Berry Acres Subdivision, which contains three residential lots. The subject properties are located at the southeast corner of the intersection of Track Road and Stage Coach Road. The property is designated as agriculture on the future land use map. There are no residential designations within the vicinity of the site nor within one mile. The surrounding area contains agricultural and residential uses. Of the 16 parcels notified, the average lot size is 18.04 acres. The property is located within a nitrate priority area. Ms. Allen gave a review of agency comments. The P&Z Commission recommended approval of the comprehensive plan map amendment and conditional rezone on September 2, 2021. Staff has found that neither comprehensive plan map amendment request nor the conditional rezone request comply with the criteria of the County code Sections 07-06-03 or 07-06-07. The preliminary plat meets county and state requirements; however, staff is recommending denial due to the recommendation of denial for the comprehensive plan map amendment and conditional rezone applications. Ms. Allen said there is a draft development agreement which has conditions based on what the P&Z Commission was comfortable with. They limited the homesite and outbuildings within a contiguous area and no greater than 1.75 acres to retain as much as they could for agriculture. It is limited to three residential parcels. Commissioner Smith asked questions of staff regarding the case information

and staff's analysis and recommendation; she said the Board is not getting updated case map information.

Testimony in favor of the request was as follows:

Mark Bybee, who represents the Elsberry's, testified this is an "un-dense" rural residential development with an average density of 10.02 acres per parcel. The applicants purchased it from the Gunnings in 2015 understanding they had three buildable parcels and in 2019 they applied for an administrative land division to adjust the lot lines to move parcel lines, and as they went through the process they found out they were not buildable parcels. According to Mr. Bybee, Richard Gunning loved to divide land and he submitted many applications for CUP's and administrative land divisions over the years and the parcel today is what is left of the Richard Gunning land. The property has been divided a lot and there are a lot of homes built on it. The main density has developed to the south of Stage Coach Road. He spoke of the property history and reviewed maps from 2002 and 2005 which were confusing and not very detailed. He said the request should be approved because the rockiness, parcel shape, and parcel slope are not conducive to farming. The only crop the applicant has been able to continuously be able to grow is hay, which he uses to feed his cattle. The County because it had a habit of approving subdivisions and land divisions by conditional use permit and it did not result in a rezone like it should have and that's a problem the County needs to address and come to terms with the fact there is a problem with the maps and zoning designations because it's not accurate or truthful to say the subdivision that is there is anything but rural residential. The applicant's proposal is consistent with the uses and it provides a natural border that ends at the canal. Following his testimony, he responded to questions from the Board. Mr. Bybee stated they have agreed to a development agreement where only 1.75 acres will be put into a residential use and the remaining will be left in agricultural land for hobby farms. There are natural barriers to use; some rural residential properties have occurred without rezoning and the proposal will be a lower density than development that has occurred out there with very little impact to public services.

Russ Elsberry testified about the farming aspects of the property, and how he has grown various crops and raised cattle on the property. The ground is rocky. He owns 43 acres across the road from his home which he is actively farming. He does not have plans to take all the land out of agriculture; hobby farms are a hot commodity right now and people want to raise cows, chickens, and pigs. His sister-in-law has six acres with cattle, alpacas, chickens and turkeys. He will not sell everything at once, it will be over the years. The permits will grant him a 5-acre parcel, a 12-acre and a 13-acre parcels. Following his testimony, he responded to questions from the Board.

Tonya Barber lives immediately adjacent to the subject property and owns a hobby farm with cattle, alpacas, turkeys and chickens and the rest of her property is in grass hay that she raises for her animals. She welcomes three lots with three homes as opposed to a higher density.

Commissioner Smith said she is not ready to make a decision on the subdivision, it depends on what the Board does with the rezone. There are significant agricultural operations to the west of the property. From the conditions described, it is perfect grape property although we can't tell

people what to do with their property. She wishes we had a different option for developing low-density subdivisions that don't proclaim an area as rural residential. She can see the argument for the subdivision to the east, it is rural in nature, and to the few parcels bordering to the south. Because of the agricultural land it is hard to make the finding that this is better suited as rural residential. Commissioner White said through a development agreement they have agreed to three parcels, and each one is suitable for agriculture. Commissioner Smith said the Board has seen people apply for amendments to their development agreement and remove the minimum lot size restrictions and go back to the full request, and so she wants to continue the hearing and see if we can get language that states any change in density would require a new rezone application. The process for a development agreement and conditional rezone is a bit broken which lends to her wanting to protect the agricultural area. Mr. Bybee said they would agree to additional conditions to be more restrictive on what happens to the property in the future on the development agreement. Mr. Elsberry lives in the area and he doesn't want it to grow more; there is negotiation to be had there and he is disappointed staff did not negotiate more on this case. Commissioner Smith said the County is looking at protecting agricultural areas and economic growth and the value of our communities, and it's important to nail down how the character of a "quarter quarter" looks, versus what we planned for an agricultural area. Staff has heard the Board talk about protecting ag uses through ongoing disclosures, not just putting the right-to-farm statement on the plat, but coming up with a disclosure that gets conveyed to each property owner, and including an agreement that any further division requests would require a full hearing and eliminate coming back through the development agreement. Mr. Bybee said they are comfortable with the restrictions saying the parcels cannot be smaller than the 5-acre, 12-acre and 13-acre parcels. Commissioner Smith said for her it would be that any further divisions would require a new rezone hearing. She wants the applicant to work with staff on a proposed condition that states this is the maximum allowed, all further division requests or additional home sites would require a new rezone hearing for development rights. Mr. Bybee said if the parcel is already rezoned it has that designation, and so if we do another are we really considering something new at that point? Commissioner Smith agreed and said that's why she wants to deny it; it's 30 acres, 15 lots, and now she needs to evaluate it at the full density unless we are taking full density off the table without another public hearing process. Mr. Bybee is happy to have the conversation, it's just a matter of negotiating the right way to do it. He is willing to work on putting more restrictive language in there but we need to understand everything that's needed. Ms. Allen asked if that is that strong enough where in 10 years from now if there is a new Board they cannot just amend it out of the development agreement. It might be stronger if an ordinance was changed restricting the amendments of development agreements. Commissioner Smith wants to put a hold on the case and keep testimony open and allow negotiation and time for staff to answer questions with our own attorney. Russ Elsberry said he does not want more than three houses and he will work with staff to come up with language to stating that, and he will disclose that when the selling the property. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to table the hearing to February 10, 2022 at 11:00 a.m. The hearing concluded at 11:59 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:32 p.m. for a monthly meeting with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following:

- **Livestock exhibitor eligibility:**
 - Owyhee County Fair is denying entry to 4H/FFA members who are Canyon County residents, attend Homedale schools but do not live in the Homedale School District.
 - Director Sinner would like to amend the rule to include 4H/FFA members that are Canyon County residents (but not members of a Canyon County or Ada County 4H club or FFA chapter) and denied entry to the Owyhee County Fair – The Board is supportive of this idea.
 - Director Sinner will wait to have something in writing before anything major is done but wants to have a plan in place and hopes to provide more information at her February meeting.
- **Building rental:**
 - Fair staff were not aware the sewer project would completely close down the parking lot. An event map has been created that can be emailed to renters providing alternate parking options.
 - Director Sinner has met with Director Rast about creating a community calendar for all the buildings on the fairgrounds campus that could be used by all entities including the county, city and college.
- **Fair staff update:**
 - Event Coordinator position has been posted.
- **2022 Fair fees:**
 - Discussion regarding increased admission, wristbands and concerts based on the cost to book the artist. Director Sinner will work with Zach Wesley on moving thru the process to increase fees.
 - Other suggestions will also be taken to the Fair Board.
- **Expo Center/Events center site improvements:**
 - A contract is being worked on for the pedestrian bridges which should be to the Board soon.
 - Concrete floor polishing project will be on the Board's agenda soon.
 - Expo Center building walls should be going up soon.

The meeting concluded at 1:56 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:01 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli, Judge Davis Vander Velde (arrived at 2:25 p.m.) and Deputy Clerk Jenen Ross. Mr. Bazzoli updated the Board on the following:

- o Review of FY2022 budget to date.
- o Year-end case counts for 2019-2021.
- o 2 vacant attorney positions. 1 new attorney recently started.
- o Mr. Bazzoli will attend a conference next month in order to continue being death penalty certified.
- o Spoke about the lack of public defenders on the Public Defense Commission; IAC has submitted proposed legislation to change the make-up of the PDC to included more Commissioners and public defenders and to change the Board from 9 members to 16 members. Mr. Bazzoli feels this will be a good change.
- o Discussion ensued regarding jury trials and 'right to a speedy trial'.

The meeting concluded at 2:29 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 19, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Intermountain Communications in the amount of \$461,400.15 for Emergency Management

MEETING TO DISCUSS THE PURCHASE OF JAIL RADIO EQUIPMENT AND CONSIDER AN ACTION ITEM

The Board met today at 8:51 a.m. to discuss the purchase of jail radio equipment. Present were: Commissioners Pam White and Leslie Van Beek, EOM Christine Wendelsdorf, Cpt. Harold Patchett, Controller Zach Wagoner and Deputy Clerk Jenen Ross. Ms. Wendelsdorf explained the radios currently being used are 1st generation but are at end-of-life and no longer supported, additionally, they are physically falling apart. The purchase of the new radios will fill the need of the jail. Ms. Wendelsdorf provided reasons she feels this purchase qualifies for the use of ARPA funds. Total purchase amount is \$461,400.15 for 140 radios. In addition to the purchase order a letter of explanation was also provided to the Board and is on file with this day's minutes. Mr. Wagoner provided budgetary information supporting the purchase of these radios and how it qualifies for the use of ARPA funds. Commissioner White made a motion to sign the purchase order for Motorola Solutions [Intermountain Communications]. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY JOHN COTNER & HAWK VIEW ESTATES SUBDIVISION FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0034 & SD2021-0021

The Board met today at 9:04 a.m. to conduct a public hearing in the matter of a request by John Cotner for a rezone of approximately 26.85 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. Also requested is approval of a preliminary plat (including irrigation and drainage) for Hawk's View Estates Subdivision. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Dan Lister, Todd Lakey, John Cotner, Lance Warnick, Sam Huff, Christy DeVinaspie, Jim Thompson, Craig Timmons, Gary Steinbach, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she used to be related, by marriage, to an audience member. Dan Lister gave the oral staff report. The subject property is located on the east side of Lansing Lane, approximately 1,384 ft. north of the intersection of Purple Sage Road and Lansing Lane. The rezone will allow a minimum lot size of two acres, and the applicant is developing 12 residential lots. The surrounding area contains residential uses but the primary use is agricultural with sporadic residential uses. The primary zoning district is agriculture. The City of Middleton is in the process of expanding their impact area to this location and they indicated they will contact the applicant about entering into a pre-annexation agreement which would include easements that will allow expansion of future utilities near the property. The Hearing Examiner recommended denial of the rezone and preliminary plat request on November 18, 2021 because he believed it was spot zoning because no boundary of the property is touching a residential zoning district. His reasoning is clear; however, staff does not agree this is spot zoning. Staff is recommending denial of the application since three criteria cannot be met. The request does not include a development agreement so there is no buffering or agricultural disclosures. The property is adjacent to a 90-acre property currently in agricultural production, however, it is going through the process to become an R-1 zone which is proposing a 53-lot

subdivision. The development will be using Hawk View Subdivision's public road access to Lansing Lane which contributes to the traffic impacts that will be generated by the two developments. Staff recommends there should be a condition that the applicant should contribute to a traffic impact study with that developer because it will create 65 lots of Lansing Lane and Purple Sage Road. Staff would be more in support if this was a conditional rezone with a development agreement. The applicant was asked to consider a development agreement but he declined that. Following his report, Mr. Lister responded to questions from the Board.

The following people offered testimony in support of the request:

Todd Lakey, who represents the applicant, testified the request conforms with the zoning ordinance criteria and is compatible with the comprehensive plan. He spoke of character and compatibility noting the residential uses and zoning in the area. There will be a minimum lot size of two acres and invested the time and money into a preliminary plat. Mr. Lakey said the Hearing Examiner incorrectly focused on adjacent zoning and whether this is spot zoning. The property is deep within the area designated as residential by the County, and the City of Middleton and the City of Star both want to be in this area and are pursuing that. He reviewed the zoning in the area and said the residential designation sets the purpose for the area. There are 23 subdivisions within one mile of the property, and 436 lots with an average lot size of 2.5 acres. Mr. Lakey said the developer has gone the extra mile to address the potential impacts:

- Hired SPF Water to do an analysis which showed there will be no significant impact on the aquifer
- NP study has been reviewed and accepted by SWDH
- Worked with the highway district on the location for the local road
- Letter of support for the ag parcel owner to the east

This is not a prime farm production parcel. Additionally, Mr. Cotner builds high quality homes. Following Mr. Lakey's testimony, he responded to questions from the Board.

Lance Warnick provided technical comments and spoke of how the request is compatible with the area. Any future development will have a road through the development like is shown on the preliminary plat, and landscaping is along the frontage. He testified about the process the health department uses when reviewing preliminary plats and how an NP study will determine the level of treatment required

John Cotner testified he has been developing in Canyon County for 20 years and has a good reputation on the projects he develops. He has done a lot of analysis on this project which fits within the residential area of the future land use map. The plat has been designed to fit with the highway district's future transportation plan for connecting roads. He spoke of his experience with building in nitrate priority areas and using extended treatment systems. He has done an NP study and said there has been a lot of engineering costs put into getting to this point. Mr. Cotner submitted his application last spring and it is a standard practice to submit a rezone and preliminary plat consecutively, and he's questioning why the County asked for a development

agreement six months into the process. He decided not to proceed with an agreement because the conditions can be included on the plat. Commissioner Smith encouraged Mr. Cotner to look into development agreements. She's heard from constituents about compliance with subdivisions and the lack of enforcement and the planning portion of it if you solely rely on the subdivision. The development agreement stays with the property and holds the developer accountable to the neighbors, furthermore, all cities require it. Mr. Cotner said he could agree if he was just seeking a rezone, but because he's submitting a preliminary plat showing what he is intending to build. Furthermore, that message should have been conveyed last April when he started the process. Dan Lister said the 90 acres adjacent to the subject property agreed to a conditional rezone with a development agreement. Staff sees a lot of developments where promises were made and then the developers later tried to make changes but they couldn't because conditions were locked down in a development agreement. A full rezone says there are conditions and staff is still recommending denial because there are conditions that should be addressed at the rezone stage, not just the platting stage. He talked about a second hearing being required if the Board approves this request because it would be a change to the Hearing Examiner's recommendation. Commissioner Smith said a second hearing is required and she asked if Mr. Cotner is willing to move forward with a change in the application that would separate the land use conditions and the preliminary plat. A development agreement would be tied to the rezone conditions.

Jim Thompson testified about the disclosures given to buyers during the closing process and how they are liable for any documents put in front of them.

There was discussion regarding proposed conditions of agriculture disclosures; working with city on the request for an easement for future expansion as they move north; and having a landscaped entryway. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith said the subdivision cannot be approved today regardless of the decision so we will hold on that decision. Comments need to be related to the findings and conclusions, and deliberate on how to move forward and staff can work on modifying the findings and conclusions outside the hearing. Commissioner White said she supports the project presented today because she is familiar with the developer's integrity and the credibility of his product. Commissioner Van Beek said this represents a transition from agriculture to residential in an area that looks like it's going to go for some residential development. She would rather have this type of project than high density, cookie cutter housing. She supports Commissioner White's position to allow this to move forward. Commissioner Smith said she can support that, but it's important to note that we just denied a rezone north of the property for a straight rezone to R-1 which was not consistent with the area, and we encouraged a conditional rezone with a development agreement. On this case staff could work with the developer to ensure the preliminary plat has conditions of approval and ensuring that easements are there for the future sewer expansion. She appreciates Mr. Cotner's development style, however, there isn't anything in the ordinance that says we should show preference to a better developer or an out-of-state developer. She cautioned against making a decision based on a developer's experience; the Board should be looking at the character of the area and the ordinance standards which lends itself going back to the development agreement. Mr. Lister said if the Board approves the request the hearing will be tabled to a date uncertain so

staff can re-notice the hearing, and work with the applicant to include conditions for pressurized irrigation, addition of a landscaping plan, and address staff's concerns and come back to the hearing addressing those concerns. That does not add additional fees, but if you go through the development agreement there will be a \$385 fee and an updated application and it will be re-noticed and it will lock in the conditions to the rezone, not just the preliminary plat. Commissioner Smith reviewed the changes/updates she wants made to staff's findings. She recommended the Board move forward with re-noticing the hearing for approval and overturn the Hearing Examiner's decision for denial. Commissioner Van Beek supports the proposed action and she made a motion overturn the Hearing Examiner's decision and re-notice the hearing with a recommendation for approval of the rezone. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 10:47 a.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 1:46 p.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker updated the Board on the following:

- Timesheet for January 3 – 7 was provided to the Board; he was out of the office on sick time last week.
- CGI press release will be filmed tomorrow and B-roll footage will be filmed in June. They have received a good response to the sponsorship and would like to add three additional chapters which the Board is supportive of. The additional chapters will focus on education, healthcare and real estate & relocation.
- He has not received a lot of response on the newsletter. The Board asked Mr. Decker to send a follow-up email.
- Commissioner Smith said she would like to see Mr. Decker attend some trainings and asked him to explore options, possibly in digital marketing or social media. Commissioner White is supportive of Mr. Decker looking into training opportunities.
- Mr. Decker will be off next week for vacation.

The meeting concluded at 1:53 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:03 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners

Keri Smith and Pam White, DSD Director Steve Fultz, HR Generalist Jennifer Allen (left at 2:25 p.m.), Controller Zach Wagoner and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution for additional positions, title and job description changes in Development Services: Ms. Allen gave an overview of the resolution and the changes to be made within Development Services. Commissioner Smith noted she would like to increase the salary range for the Code Enforcement Supervisor since supervisory duties have been added to the job description. Controller Wagoner feels that if this change is made the similar role at the Landfill would also need to be changed. He would prefer to add the additional dollars to the supervisory role and to make changes with the new fiscal year instead of the middle of this fiscal year to keep continuity in the compensation plan. In response to a question from Commissioner Smith regarding a Project Manager position not being added to the resolution, Mr. Fultz spoke about the internal task force that was formed which should be submitting a report soon. He would like to evaluate the report before adding a Project Manager position. Controller Wagoner spoke about how the county is in a good financial position and because of that is in a good position to respond to these kinds of needs. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution for additional positions, title and job description changes in Development Services (see resolution no. 22-006).

As part of his regular meeting Director Fultz updated the Board on the following:

- There is a hearing tonight regarding the Star Impact Area ordinance.
- The 3rd ag meeting to discuss the comprehensive plan will take place Friday and the open house workshops will start in February.
- A couple of meetings have happened with the fire districts regarding code amendments that may be brought to the Board in the future.
- There will be a meeting with the highway districts tomorrow to provide them with updates on DSD.
- IT is continuing to move forward with the online application process.
- Mr. Fultz's appointment to the Urban Renewal Board will be signed and sent to Mayor Wagoner.
- Commissioner Smith asked about the hearing date for originality dates which Mr. Fultz will need to check on. It has been heard by P&Z but was denied.
- Mr. Fultz will send an updated hearing timeline spreadsheet to the Board.

The meeting concluded at 2:29 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE, PURSUANT TO IDAHO CODE, SECTION 74-206(1)(B) AND (D)

This executive session was continued from January 18, 2022 to this morning at 8:30 a.m. however the Board would like Prosecutor Taylor to participate but he is not available until tomorrow. Commissioner White made a motion to continue the executive session to January 20, 2022 at 10:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 3:11 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:12 p.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Director of Juvenile Detention Sean Brown and Deputy Clerk Jenen Ross. Director Brown updated the Board on the following:

- Today they have 30 juveniles in custody and the numbers are consistently high; 2 from Gem County, 1 from Washington County and 1 from Adams County; they are currently not accepting any juveniles from the state at this time.
- They just hired last needed fulltime employee; 4 people stated several weeks ago; 3 are in training now and this last hire will complete the hiring. As of the 15th, mandatory overtime stopped and Juvenile Probation officers are no longer helping out but were greatly appreciated. Overtime is now just being used on an "as needed" basis in order to help cover when people are out for training.
- 5 people are out on FMLA or for personal issues although some will be returning soon in a limited capacity.
- Several groups are being brought back such as smoking cessation, Life's Kitchen, Advocates Against Family Violence and GED testing.
- Use of Force training will happen next month for all staff.
- POST will happen in May with about half the staff attending.
- Garden preparations will start in about a month.

The meeting concluded at 3:22 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:33 p.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners

Keri Smith and Pam White, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Probation Elda Catalano and Deputy Clerk Jenen Ross.

Director Catalano updated the Board on the following:

- Several people have been out on FMLA recently.
- Prosecutor Taylor has set up meetings with the Caldwell and Nampa School Districts to talk about the gang problems.
- There are some personnel matters she is working with HR on.

Director Breach updated the Board on the following:

- Probation and community service graphs were reviewed with the Board.
- Discussion regarding the amount of time being spent covering courtrooms and the good experience Director Breach has had with the new judges and the Magistrate Bench.
- The door lock project is complete, cameras will be done soon and radios have been ordered.
- Quite a few people are out on FMLA.
- Commissioner Smith noted that the space issues being faced in the Juvenile Justice building are recognized and ways to remedy them are being discussed.
- Director Breach will be attending the Domestic Violence Court conference in June.
- Interstate Compact has been busy the last few weeks.

The Board would like to meet staff from both departments. The meeting concluded at 3:53 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 4:08 p.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Landfill Director David Loper. The Executive Session concluded at 5:07 p.m. with no decision being called for in open session.

JANUARY 2022 TERM
CALDWELL, IDAHO JANUARY 20, 2022

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

APPROVED CLAIMS

- The Board has approved claims 581200 to 581225 in the amount of \$21,489.36
- The Board has approved claims 581080 to 581117 in the amount of \$73,915.54

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Databank IMX in the amount of \$4,800.00 for the Information Technology Department
- Carbon Networks, LLC in the amount of \$5,705.00 for the Information Technology Department

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:54 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2022-108, 2022-168 and 2022-202 - 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 cases as read into the record.

Liens and releases of liens were presented for Board signatures.

The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:06 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services Yvonne Baker, Deputy P.A.

Alex Klempel and Deputy Clerk Jenen Ross. Neither the hospitals nor the applicants appeared for today's hearings.

Commissioner White made a motion to continue case no. 2021-891 to March 24, 2022. The motion was seconded by Commissioner Smith and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue final denials with written decisions within 30 days on case nos. 2022-64 and 2021-1058.

Commissioner White made a motion to issue final denials with written decisions within 30 days on case nos. 2021-919, 2021-1030 and 2021-1039. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:07 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Pam White, Prosecutor Bryan Taylor, Deputy P.A. Alex Klempel (left at 10:16 a.m.), Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider recommendations and signing notice of intent to all bidders for solicitation of bids for Winter 2022 Polished Concrete Floors at the Fair Expo Building: Ms. Klempel said that bids were received from all three vendors that were solicited for this project. Although it was the highest bid, Wall 2 Wall was the selected bid as it was the only one that complied with the specifications. Ms. Klempel provided a brief review of the reasons each of the other vendors were not chosen and Director Britton's concerns. Upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to sign the notice of intent to all bidders for solicitation of bids for the Winter 2022 Polished Concrete Floors at the Fair Expo Building. A copy of the letter is on file with this day's minutes.

Consider signing grant application for project Celebration Boat: Mr. Wesley said this grant is thru the State Waterways Improvement Fund. It is believed Sgt. Roberts is looking to purchase a new boat to be used at Lake Lowell but would also be efficient enough to assist with search and rescue on the Snake and Boise Rivers. The grant requires a 20% match which the Sheriff intends to request in his FY2023 budget. The total grant amount is \$92,928.00 and the match amount is \$23,231.00. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the grant application for Project Celebration Boat.

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

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner White made a motion to go into Executive Session at 10:16 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Prosecutor Bryan Taylor and Deputy P.A. Zach Wesley. The Executive Session concluded at 12:25 p.m. with no decision being called for in open session. And audio recording of the open portion of the meeting is on file in the Commissioners' Office.

CREATE VIDEO FOR COUNTY SHOWCASE PROGRAM PRODUCED BY CGI

Today Commissioners Keri Smith and Pam White met at 1:00 p.m. for approximately one hour to create a video that will be used for the County video showcase that's being produced by CGI. No Board action was required or taken.

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

The Board met today at 2:05 p.m. with the HR Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, HR Director Kim Foster and Deputy Clerk Jenen Ross. Director Foster spoke about the following:

- A sample exit interview form/letter was prepared and provided to the Board for review.
- Compensation time needs to be in writing as the employee has the option as whether to accept accrued leave vs. overtime pay.
- Discussion regarding safe harbor policy for exempt employees.
- Sample performance management documents were provided for Board review.

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

EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner White made a motion to go into Executive Session at 2:13 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (b) regarding personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White and HR

Director Kim Foster. The Executive Session concluded at 3:15 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.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 21, 2022

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

There were no meetings held this day.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 24, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Irma Avila, juvenile detention field training officer; Troy Mikolyski, part-time mental health clinician; Luis Sanchez, juvenile detention field training officer; Douglas Ward, comm officer-call taker

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Cable Wholesale in the amount of \$4,819.52 for Facilities Department
- HC Company in the amount of \$3,726.80 for Facilities Department

- LN Curtis in the amount of \$33,450.00 for Canyon County Sheriff
- First Responders in the amount of \$3,000.00 for Canyon County Sheriff
- Western States Sheriff Association in the amount of \$1,000.00 for Canyon County Sheriff

MEETING TO CONSIDER AGENDA ACTION ITEMS

The Board met today at 8:48 a.m. to consider agenda action items. Present were: Commissioners Keri Smith and Pam White, Fleet Director Mark Tolman (left at 8:49 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing title to change vehicle registration from Canyon County to the Canyon County Ambulance District: Commissioner Smith explained that Director Tolman had purchased some other vehicles at the same time as the ambulance but instead of it being processed as the Ambulance District it was processed as Canyon County. Today's action just puts it in the correct name, the vehicle was paid for by the Ambulance District. Commissioner White made a motion to authorize Mark Tolman to sign the document. The motion was seconded by Commissioner Smith and carried unanimously.

Consider signing Historic Preservation Support Award agreement with Upper Snake River Tribes Foundation: Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the Historic Preservation Support Award agreement with Upper Snake River Tribes Foundation (see agreement no. 22-006).

Consider signing resolution granting a new alcoholic beverage license to Family Dollar Inc. dba Family Dollar Store #26963: Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Family Dollar Inc. dba Family Dollar Store #26963 (see resolution no. 22-007).

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

EXECUTIVE SESSION – PERSONNEL MATTER

Note for the record: As properly noticed the Board met today at 9:02 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner White made a motion to go into Executive Session at 9:03 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Clerk Chris

Yamamoto, Prosecutor Bryan Taylor, Treasurer Tracie Lloyd, Assessor Brian Stender, and Sheriff Kieran Donahue. Coroner Jennifer Crawford participated via teleconference. The Executive Session concluded at 10:07 a.m. with no decision being called for in open session.

MEETING TO DISCUSS SPACE PLANNING NEEDS

The Board met today at 10:31 a.m. to discuss space planning needs. Present were: Commissioners Keri Smith and Pam White, Facilities Director Rick Britton, Clerk Chris Yamamoto, Controller Zach Wagoner, DSD Director Steve Fultz and Deputy Clerk Jenen Ross.

Clerk Yamamoto said he is not opposed the plan to the extent of what he's heard. There is nothing in it for his departments although it's not the first time they've made sacrifices to benefit the taxpayer. He explained that originally, he was interested in the location downtown but due to some logistics he is not as favorable to it. With the changes being proposed he will be losing a conference room that is used fairly often but another office can be utilized instead.

Director Britton gave an overview of the modifications he'd like to make to renovate the auditing office to accommodate indigent services in that space with their own entry.

Commissioner Smith said there are four different departments sharing the current Indigent Services space. She would like to divide up the current Development Services office to accommodate additional space for the Public Defender and relocate Human Resources and potentially the security portion of the facilities department to that space. All of Development Services would be moved to the 3rd floor where Indigent and HR currently are.

Commissioner Smith also asked Director Britton to consider the conference room spaces and a way to manage them to be better utilized by other offices/departments. Mr. Britton said an access door can be added in order to access the 3rd floor conference room from the hallway so that it can be better used. Additionally, he feels a shared conference room can be created on the 1st floor for Human Resources and the Public Defender.

Director Britton indicated now is a good time for him to start this project. He outlined the logistics of each office moving as construction is done.

Commissioner Smith would like to use as much existing material as possible. Renovations to the 3rd floor are anticipated to be minimal and Director Britton believes they can be done for approximately \$4000. There is some money within the DSD budget that can be utilized for renovations.

Clerk Yamamoto estimates all renovations won't exceed \$30,000 - \$40,000. Controller Wagoner said this project was not expressly planned for in the budget but there is cash available, however,

there may need to be a formal budget adjustment. He feels this is a sound fiscal decision by using existing space and that this is a wise use of public resources.

Commissioner Smith said that at this time the only spending authority is the money already allocated in the DSD budget for a department change. Director Britton did note there may be some overtime from his department and may exceed his 'A' budget which Controller Wagoner said could be adjusted at the end of the fiscal year. The Board, Clerk Yamamoto and Controller Wagoner all agreed overtime will be paid out vs. the use of comp. time.

Commissioner Smith would like to see resolution created resolving that overtime will be paid out to the Facilities employees during the time of Fair. Additionally, there may need to be further discussion on the use of comp. time vs. overtime pay.

Commissioner Smith said that at the last elected officials meeting there was discussion regarding the use of a parking lot for another building. Director Britton said he has had some conversations with Rick Bugatasch and rough numbers are approximately \$350 sq. ft. for a completely finished office space. Mr. Britton would like to use the parking lot at the juvenile justice building for an additional building. The first floor would be a parking garage and then 4 floors above with the top 2 floors left vacant for future growth to be built out as needed. He feels that with the way things are growing within the next 4-5 years he will need every space in the courthouse for courtrooms.

Additional conversation ensued regarding parking around the courthouse campus and the need for additional storage space.

The meeting concluded at 11:15 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:31 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister (left at 11:33 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing FCO's for Amy & Cody Lords comprehensive plan map amendment: Case no. OR2020-0012: Mr. Lister said this case came before the Board in May of 2021 for a comprehensive map amendment and rezone. The comprehensive map amendment was denied but the FCOs were never signed so that is what is before the Board today. The rezone was tabled so the applicant could work on a non-viable land division but had to wait for the ordinance to be passed. The property is now a buildable lot thru the non-viable land division and part of their application fee was recently refunded by the Board. This is the last piece to be completed in order to close out the file. Upon the motion of Commissioner White and second by Commissioner Smith the Board

voted unanimously to sign the FCO's for Amy & Cody Lords comprehensive plan map amendment, Case no. OR2020-0012.

Director Fultz updated the Board on the following:

- A draft document of an updated P&Z fee schedule was provided to the Board for review/comment; he anticipates this will be brought to the Board in the next couple weeks.
- Tracking/activity planning document was provided to the Board giving a review of cases presently outstanding. They are in the process of balancing caseloads.
- Community/Economic Development will be moving to the 3rd floor this week.
- All open positions are posted and applications have been received each position. Discussions are still happening in an effort to secure an in-house engineer.
- Commissioner Smith spoke about the FEMA issue and an email that was received over the weekend that is valuable to the process and moving forward.
- P&Z Commissioner interview is scheduled for this week; Director Fultz would like to find a time following the meeting to discuss candidates.
- There will be meeting this week with IT for the online application project.
- For the month of January, they have received 110 mechanical permits, 78 building permits and more than 30 PIs.
- Last Friday there was a meeting with an ag group regarding the comprehensive plan; they hope to have final review to the Board in May. Open houses taking place in February are at different times of the day to provide ample opportunity for comment. Revisions are continually made as comments are received.
- Hope to meet with the City of Parma regarding their comprehensive plan in the next couple of weeks.
- Director Fultz will be out the end of next week for personal time and planning a vacation for July.

The meeting concluded at 11:52 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 25, 2022

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

- The Board has approved claim for Special Jury in the amount of \$811.48
- The Board has approved claims for 581372 to 581426 in the amount of \$88,578.07
- The Board has approved claims for 591496 to 581529 in the amount of \$117,124.52
- The Board has approved claims for 581457 to 581495 in the amount of \$43,463.33
- The Board has approved claims for 581427 to 581456 in the amount of \$41,938.34
- The Board has approved claims for 581360 to 581371 in the amount of \$6,419.00
- The Board has approved claims 581280 to 581317 in the amount of \$1,595,282.88

JANUARY 25, 2022 AGENDA ITEMS WERE CANCELLED OR RESCHEDULED

The following agenda items were cancelled or rescheduled due to a lack of quorum:

- 9:00 am Legal staff update
- 10:00 am Public hearing to consider a request by Daniel Johnson with Riverwood Homes, Inc., for a plat vacation: Case no. VAC2021-0002 – **Rescheduled to January 27, 2022 at 10:30 a.m.**
- 1:30 pm Monthly meeting with Solid Waste Director
- 2:30 pm Meeting to Review Response Button Program
- 3:00 pm Executive Session – Interview P&Z Commission Candidate

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 26, 2022

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

APPROVED CLAIMS ORDER NO. 2209

- The Board of Commissioners approved payment of County claims in the amount of \$1,801,060.39 for a County payroll.

MEETING WITH THE IDAHO STATE PUBLIC DEFENSE COMMISSION FOR THE ANNUAL REVIEW

The Board met today at 9:09 a.m. with the Idaho State Public Defense Commission for the annual review. Present were: Commissioner Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioners Keri Smith and Pam White, Chief Public Defender Aaron Bazzoli and Regional Coordinator Jennifer Roark with the PDC participated via Webex. Ms. Roark conducted an interview with Mr. Bazzoli regarding the following topics: staffing, recruitment and retention, case counts, space issues, Board involvement in hiring/termination of either conflict attorneys or institutional attorneys, case management software, client confidentiality, resource equity, case load limits, backlog of cases due to lack of jury trials, regular meeting schedule between Mr. Bazzoli and the BOCC and availability of training opportunities. A report will be compiled and forwarded to the Board for review. The Board's request of the PDC was consideration of funding for expansion due to additional staff necessary to accommodate increased workload. Mr. Bazzoli will forward the contracts for conflict counsel attorneys to Ms. Roark as requested by the end of February. The meeting concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM

CALDWELL, IDAHO JANUARY 27, 2022

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

APPROVED CLAIMS

- The Board has approved claim 581590 in the amount of \$4,819.52

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Apex in the amount of \$8,039.47 for Facilities
- Delta Fire Systems in the amount of \$3,885.00 for Facilities

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 3/26/22; 3/19/22; 3/12/22; 2/25/22; 2/15/22; and 2/5/22

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:47 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Case nos. 2022-223, 2022-242, 2022-251 and 2022-253 do not meet the eligibility criteria for county assistance. 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.

Commissioner White made a motion to issue an initial approval on case no. 2022-315. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

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

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Marv Dashiell, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Memorandum of Understanding for Idaho Fusion Center: Chief Dashiell said this is an update, Canyon County Sheriff's Office is one of several agencies that has partnered with Idaho State Police and Idaho Criminal Intelligence (Fusion) Center which are centers around the nation that serve as a location to warehouse information. Canyon County provides an employee once a week to assist with analytics on intel that comes thru. Monthly reports are generated to provide different kinds of intel important to law enforcement. Chief Dashiell addressed several questions posed by Commissioners Van Beek and White. Ms. Klempel reviewed some of the revisions she made in the MOU. Commissioner White made a motion to sign the memorandum of understanding for Idaho Fusion Center. The motion was seconded by Commissioner Van Beek and carried unanimously (see agreement no. 22-007).

Consider signing Notice of Intent to Sell Surplus Property to City of Wilder Police Department: Director Tolman explained there are vehicles that have been taken offline and are ready to be sent to auction. The City of Wilder Police Department needs some vehicles and due to supply chain issues they are hard to obtain. Director Tolman suggested taking two vehicles from the auction and selling them to the City of Wilder Police Department at fair market value. The cage equipment will be sold with the vehicles as it will no longer fit into any other vehicles. Upon the motion of

Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of intent to sell surplus property to City of Wilder Police Department. The vehicles to be sold are detailed within the notice which is on file with this day's minutes.

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

MEET WITH FACILITIES DIRECTOR TO DISCUSS CHANGE ORDER FOR THE FAIR EXPO BUILDING AND CONSIDER AN ACTION ITEM

The Board met today at 10:03 a.m. with the Facilities Director to discuss a change order for the Fair Expo building and consider associated action item. Present were: Commissioners Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Deputy P.A. Zach Wesley (participated via teleconference), Fair Director Diana Sinner, Facilities Director Rick Britton, Controller Zach Wagoner, Cole Coba with Paradigm, DSD Planning Official Dan Lister and DSD Planner Cassie Lamb (arrived at 10:24 a.m.), Other members of the public (arrived at 10:25 a.m.) and Deputy Clerk Jenen Ross.

Director Britton explained that change order no. 10 will allow for ground and soil work around the expo building site as there was no provision for winter work. Currently on site it is muddy and wet and in order to start erecting the steel building there needs to be feasible access for a crane to be set up. As the ground is right now there is no way for a crane to be set up. A map was provided to the Board indicating where they would need to add 8" of pit-run which would provide a solid base for a crane.

Commissioner Van Beek had previously asked Mr. Britton to pull the materials testing and inspection report. As part of the report she referenced and spoke about the 'wet weather conditions' portion. She feels that based on the report the poor ground conditions should have been anticipated and that the burden should not fall to the county.

Mr. Coba said in his experience the soils information is more related to the structural fill under the foundation and building pad. This change order is not only to allow for the stability of the crane for safety and site conditions but also for overall access to the site to accommodate additional various construction related activities. In the map that was provided there are areas designated in green which are already stabilized and intended for heavy traffic. However, the areas designated in red have some hardscape but are unstable. In the schedule of construction those areas were not planned until late spring or early summer by HC Company. Mr. Coba is not able to speak their plan to prepare for erection of the building and anticipating soils that are unsuitable to create this condition. However, he does know of the need and how it will benefit the project to maintain the schedule. Commissioner Van Beek understands what he's saying but said late spring is still encompassed within that timeframe of November thru May. She feels that the emphasis on the geo-tech report was that the conditions on the site must be taken into consideration, it clearly identifies unstable soil and as the representative and liaison for the county Mr. Coba was hired to

mitigate and keep the change orders at a minimum. To her this looks like if falls to HC Construction [Company]. She said site access is also addressed and there are no issues identified, that's minimized in that portion of the report on page 5. She asked Mr. Coba what negotiations he has engaged in with HC [Company] to have them assume the cost.

Mr. Coba explained the approach has been to try to salvage the schedule for the project. There has been discussion regarding the timing of the request, the thought that has gone into it and the ability to reuse materials associated with this change. He said if it's the direction of the Commissioners that they go back to HC Company and work to rely on the language in the contract and the geo-tech that reference these materials they certainly will. Commissioner Van Beek said she is absolutely in favor of this; that is why we have a contract in place. She indicated there are liquidated damages that assess at \$500/day, the goal is not to hold up the contract but it doesn't sound to her like Mr. Coba has really engaged in any negotiations with them [HC Company] such as requesting invoices that total the \$31,000. Mr. Coba noted that back-up documentation was provided by the subcontractor, Timberlake Construction which show the cost. *Commissioner Van Beek later noted that she located the quote from Timberlake showing the cost.*

In response to a question from Commissioner Van Beek, Director Britton explained he has done his due diligence in obtaining the material. He contacted Rambo Sand and Gravel and the county's cost was higher than the quote provided by Timberlake Construction.

Commissioner White said she doesn't have an issue with this. She doesn't feel the project needs to be held up by these on-going discussions. Based on a question from Commissioner White, Director Britton spoke about how the material is used to create the necessary base. He also noted that at the end of the project any reclaimed material can be utilized at other county sites such as the gun range.

Mr. Coba indicated that the architect and civil engineer have reviewed the change order request and the detail HC [Company] is proposing. They have approved it in terms of meeting the conditions that need to be met for the hardscape as well as equipment operating on top of the new structural soil.

Commissioner Van Beek asked Mr. Wesley about the AIA contract, noting there should be definitive language in it. Mr. Wesley pointed to page 7 of the contract, section 8.1.1 – the language states “*winter weather conditions or protections are not included in the contract*”. Based on the proposed purchase order, he believes this is the assertion that HC Company is making. They feel these are winter weather conditions, meaning the conditions wouldn't be there in spring or summer and the material wouldn't be needed. Commissioner Van Beek asked about exhibit A within the bid set and addendums which addresses the material testing and inspection report. Mr. Wesley explained that due to the way the contract is situated the top portion of the agreement is the language that is controlling over everything else in the document if there are conflicts. He believes that HC Company handled the soil report by asking for the clause in section 8.1.1 that would require the county to pay on winter conditions and that at the time the contract was signed there wasn't a definitive schedule, there were a lot of timing issues still be resolved. Due to not

having a complete schedule in place at the time the contract was signed it's possible that the work could have been done during the summer under different scenarios. He feels that if the county doesn't proceed with the work order, under the contract a delay could be negotiated but that might also incur additional costs to the county. In response to a question from Commissioner Van Beek about a date specified to assess liquidated damages Mr. Wesley said he believes that date is based on the construction schedule but he doesn't have it readily available to reference.

Commissioner Van Beek said she would like Paradigm to go back and at least try to negotiate. She feels that based on the construction schedule it could be determined what they anticipated. She said it is still taxpayer dollars and the soil report needed to be taken into consideration. She understands time is of the essence but she would also like Mr. Coba to argue in favor of the county because that is why he is employed by the county. Mr. Coba said he would follow thru with the direction. He did point out that the way this project was contracted, in a lump sum, low bid scenario, contractors do not anticipate putting costs in their bid that are not defined or requested. In a negotiated contract approach, allowances for unsuitable soils or winter conditions could be defined and per Mr. Wesley's reference of the contract there are specifically no allowances identified, there are no winter condition dollars identified in the contract to be used for a scenario just like this. While the geo tech report does reference there might be a condition that might come up there is no means for HC Company to plan for it or to bill for it without getting a change order request for additional monies.

Commissioner Van Beek noted she was thinking of another contract when she referenced the daily cost of liquidated damages.

Commissioner Van Beek said that HC Company's built in contingency is unknown but that there is always a contingency built in. She is not sure she is in favor of the county eating all of the cost. Mr. Coba agreed there is likely a contingency within their costs but doesn't believe the contract allows for the county to force them to show true subcontract cost to determine contingency or to force them to use it for something that was unplanned or undefined.

Commissioner Van Beek's recommendation is to allow time for Mr. Coba to speak with HC Company, additional review of the document and collect the missing piece of information.

Commissioner White feels that this discussion can continue without holding up the project any longer. Contracts can be interpreted a lot of ways and she is satisfied with the way that legal interpreted this and the opinion that was provided by Mr. Wesley. She thinks this should move forward because it's a very tight schedule. The discussion can continue but she is not in favor of stopping the project.

Mr. Coba suggested that rather than execute this change order based on a lump sum a not-to-exceed number could be requested. Time and material could be tracked to better control quantities that are being placed and attempt to minimize the impact of the cost to the county. Commissioner Van Beek thinks this is better idea but she also knows that once a party pays there is little chance of recouping any cost.

At the request of Commissioner Van Beek, Mr. Coba said he can contact HC Company today. Additionally, he will get the original contract schedule and substantial completion dates.

Commissioner Van Beek suggested continuing this action to sometime tomorrow.

Director Britton said one of his big concerns is holding up the project and the county being the reason for the liquidated damages. He explained that when a geo-tech study is done it is done more for the foundation work and they go down 15'; it isn't just the top couple of feet to determine the moisture. Additionally, this study was done last spring or summer and since that time they've faced a lot of issues in receiving materials which has put the project behind schedule. He said the quicker this can move forward the better it will be for the county and the project.

Commissioner Van Beek still thinks that Mr. Coba has the best solution. To execute a change order when there is missing information, that is typically not how she moves forward.

Commissioner White noted that since she wants to move forward and Commissioner Van Beek doesn't that the Board is at an impasse. She wondered if it would be an option to get Commissioner Smith on the phone. Commissioner Van Beek said there is still missing information and that Commissioner Smith had the opportunity to attend but was unavailable. Commissioner White expressed her concerns with holding up the project any more than necessary.

Commissioner Van Beek made a motion to continue the meeting and consideration of the action item to January 28, 2022 at 9:30 a.m. The motion died for lack of a second.

The meeting concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY DANIEL JOHNSON WITH RIVERWOOD HOMES, INC. FOR A PLAT VACATION, CASE NO. VAC2021-0002

The Board met today at 10:36 a.m. to conduct a public hearing in the matter of a request by Daniel Johnson with Riverwood Homes, Inc., for a plat vacation, Case No. VAC2021-0002. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planner Official Dan Lister, DSD Planner Cassie Lamb, Daniel Johnson, Rob Pratt, and Deputy Clerk Monica Reeves. Cassie Lamb gave the oral staff report. The applicant is requesting a plat vacation to remove Plat Note #13 of Summerwind at Orchard Hills Estates #1 and Plat Note #10 of Summerwind at Orchard Hills Estates #2 final plats regarding fire sprinkler requirements. The applicant's property is located at 22876 and 22225 Aura Vista Way in Caldwell, but the request affects all lots within Summerwind at Orchard Hills Estates 1 & 2 Subdivisions. The background of how those notes got onto the subdivision plats is based on the review of the decision made regarding the plat. The plat note complied with Condition #2 of Case No. CU2003-382 and Case No. CU2003-49. The decision was made by the developer at the time to satisfy the water requirements by the Wilder Rural Fire

District. The wording was changed to state there shall be fire connection with at least one well that meets fire district fire suppression standards. Nowhere in the conditional use permit did it state anything about them having to have fire suppression sprinklers. Ms. Lamb stated they have received numerous fire district permits through the building department where Wilder Fire District will not enforce fire suppression on the builders today. The P&Z Commission recommended approval on December 2, 2021. Staff is recommending approval of the request. Following her report, Ms. Lamb and Dan Lister responded to questions from the Board. There was discussion about how in 2006 and 2007 the County was favorable to include those plat notes, but now DSD is now hearing from developers who want to remove the plat notes. Commissioner Van Beek said the County has reached some agreement with the fire districts and the developers on this topic. County code does not enforce the fire code or the international fire code, so we cannot enforce it but the plat note requires us to enforce it and that's why they are recommending developers go through the process to remove them. The County does not enforce them, it's enforced by the fire district if they want to proceed with that. Daniel Johnson is a lot owner of two lots in Summerwind at Orchard Hills Phase 1 and Phase 2 and it was his understanding that up until this point the requirement on the plat notes hasn't been enforced so he's asking for it to be removed. The Wilder Fire District submitted a letter stating, in part, there are no new construction homes in the Summerwind Subdivision installing fire suppression systems and the fire district is not requiring them. They cite Idaho Code, Section 39-4116 stating that all family homes and dwellings up to two units, are exempted from the provisions of the provisions of the international fire code, the international building code, and the Idaho Residential Code that requires such dwellings to have automatic fire sprinkler systems installed. Rob Pratt testified that he is helping someone build a home in this subdivision and last fall it came up that they needed to add the fire sprinklers and so he discussed it with Commissioner Smith. He contacted the subdivision owner/developer (William Dyer) and he said he tried to get the note removed but it required buy in from 100% of all owners in the subdivision in order for it to be removed. According to Mr. Pratt, Mr. Dyer said he tried but he couldn't get all the owners to agree. Mr. Pratt said when he got the building permit he was told he didn't have to do it if the fire district didn't require it, but he was red tagged to install the sprinklers during the course of construction. Dan Lister said over the years there have been many different interpretations from 2006 to 2015, and so the building department would approve some without fire sprinklers, but later on there was an understanding to enforce the plat notes. Staff obtained legal advice which said there does not have to be 100% buy-in to do a plat vacation; they do a certified mailing to all owners within the subdivision giving them an opportunity to provide comment. Unfortunately, Summerwind Subdivision got hit hard with all the different interpretations over the years but now we have a solid interpretation that the plat vacation does not need 100% ownership buy-in to do a plat vacation and we know that anything on a plat has to be enforced by the County. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White said this is very straightforward and it falls in line with decisions the Board has made, and she no problem with it. Commissioner Van Beek agrees. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the request by Daniel Johnson with Riverwood Homes, Inc., for a plat vacation for Case No. VAC2021-0002, and to sign the FCOs and the resolution. (Resolution No. 22-008.) The hearing concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2022 TERM
CALDWELL, IDAHO JANUARY 28, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT** (participated remotely)
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:

- Pure Vita Co. LLC in the amount of \$85,173.92 for Emergency Management

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Yasmin Olivas Martinez, customer service specialist-records; Brett Robert Andersen, part-time deputy sheriff-courts and transports; Scott David McDonald, deputy sheriff

CONSIDER SIGNING THIRD RE-PLAT FOR MUNN RANCH SUBDIVISION

The Board met today at 9:04 a.m. to consider signing the third re-plat for Munn Ranch Subdivision. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith via conference call, DSD Planning Official Dan Lister, DSD Planner Cassie Lamb, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Cassie Lamb reported that Zoroco Investments has submitted a minor re-plat for consolidating lots 7 through 9 of the Munn Ranch Subdivision. The currently have a building permit that would not meet the required County setbacks for the existing lots that are currently platted so they have submitted the minor re-plat to consolidate those lots for the future expansion of Zoroco Investments. Dan Lister explained the process; the Director of DSD has already approved the minor re-plat and it has been reviewed and approved by the County surveyor. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the final plat as presented. Commissioner Van Beek signed the re-plat. The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE JANUARY 28, 2022 AGENDA ITEMS

The Board met today at 9:10 a.m. to consider signing the January 28, 2022 agenda items. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith via conference call, DSD Planning

Official Dan Lister, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing consultant agreement with ARH Archaeology & Architectural History – Mr. Wesley said this is a service agreement that’s come through the Board in several phases through a grant application and an MOU through the State of Idaho for the funds. It’s for an expansion of the archaeological district around the Celebration Park area. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the consultant agreement with ARH Archaeology & Architectural History. (Agreement No. 22-008.)

Consider signing Waterways Improvement Fund application for Lake Lowell boat storage electrical power and lights for building – Mr. Wesley said this is a second application that comes from Sgt. Roberts from the Sheriff’s Office for funding to move electrical power and to install lighting at the Lake Lowell boat storage facility. It has a labor match and Facilities Director Britton has agreed to contribute approximately \$1,200 in labor towards the installation of the electrical equipment. If the application is approved by the state there will be an MOU that follows. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to accept and sign the grant application.

Commissioner Smith asked Mr. Wesley if there are bylaws for the Board of Commissioners. Mr. Wesley said he is not aware of any, but in the County ordinance there are some hearing procedures and that sort of thing but nothing he would describe as a bylaw. Commissioner Smith said IAC has said we should follow our bylaws for hearings and meeting procedures and so she would like to talk about that issue at the next legal staff update and see what the other counties do and possibly add some. Mr. Wesley will see what he can find.

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

CALDWELL, IDAHO JANUARY 31, 2022

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

APPROVED CLAIMS

- The Board has approved claim 581635 in the amount of \$58,173.92
- The Board has approved claims 581591 to 581634 in the amount of \$46,205.18

- The Board has approved claims 581530 to 581569 in the amount of \$259,110.49

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Franklin Building Supply in the amount of \$3,400.60 for District Court Trial Court Administration
- Intermountain Wood Products in the amount of \$13,366.63 for Facilities Department
- Intermountain Wood Products in the amount of \$1,800.21 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Garlene Davis, legal assistant; Eric Arthur, code enforcement supervisor; Elizabeth Allen, Planner III; Bonnie Peters, temporary customer service specialist

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Tony R. Thompson

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:45 a.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 9:56 a.m.), Facilities Director Rick Britton (left at 9:55 a.m.), Controller Zach Wagoner, Fair Director Diana Sinner participated via Webex (left at 9:56 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider approving change order for Fair Expo Building for groundwork and excavation:

Commissioner Smith provided a recap of the meeting on Thursday, January 27th regarding this change order. She noted the following from that meeting:

- Commissioner Van Beek questioned the geo-tech report for the soil conditions. Mr. Coba with Paradigm as well as Director Britton responded a couple of times that the geo-tech report is for the soil under the building, not for the surrounding area. This change would allow access to the site and crane capabilities because of late summer/early spring conditions that exist on the site.
- Timeframes were discussed. Commissioner Van Beek was concerned that there was something in the contract that encompassed November to May, that it was a relevant

point, that the geo-tech report stated that the soils were unstable. Commissioner Smith is unsure why Commissioner Van Beek was discounting the previous testimony provided, that the report was for the land under the building, not the land around the site.

- Commissioner Van Beek stated that no one engaged in any discussions on negotiating the price. Mr. Coba responded that he did, that an itemized bid was received from Timbercreek. Mr. Britton confirmed that the bid had been received and that he price-checked county prices and that Timbercreek beat it.
- Mr. Coba stated that his architects and engineers have reviewed and approved of the plan in accordance with meeting the conditions for hardscape and big equipment to operate on the site which is necessary for safety. At that point Commissioner Van Beek asked for a legal review recognizing that the contract was 100+ pages and didn't have the expertise to review it. Deputy P.A. Wesley referenced page 7, section 8.1.1 which specifically states that winter weather condition protections are not included in the contract. It is very clear that those are not included and that a change order could be taken because of that section.
- Commissioner Van Beek referenced a bid set and addendum and MSDS sheets which later were confused with another contract and at some point, the conversation changed to liquidated damages. Commissioner Smith feels that the contract very clearly states that winter conditions are not included and that the county would be liable for some changes to that section.
- Mr. Coba stated that there was some negotiating and that the county could ask for a not-to-exceed (NTE) vs. lump sum contract.
- Commissioner Van Beek went on to say that her dad was an estimator and there are always contingencies; she is not in favor of the county incurring the costs. Mr. Coba recognized there probably are contingencies in the contract but for transparency he does not believe the contract could allow the county to force them to show the sub-contract costs. Additionally, the contract would not allow them to force the county use them. The contract being referenced by Commissioner Smith is a contract that was signed by this Board stating that it's understood it does not include pre-winter conditions.

Mr. Wesley nor Mr. Britton had any additional comments in regard to the summary provided by Commissioner Smith.

Commissioner Smith asked Mr. Britton if he has any opinion on switching from a lump sum to a NTE. He feels that moving from a lump sum to calculating time and material will really only save about \$1500. Additionally, if there are any changes to time and material costs will fall back to the county where if it is just a lump sum charge it will be on HC Company. His recommendation is to stay with the lump sum. He reiterated that this material will be beneficial to more than just the crane, it will also be beneficial to other vendors and contractors. At the completion of the project any unused material will be reclaimed to be used at other county locations or for other projects.

Schedules for the project were provided to the Board and are on file with this day's minutes.

Controller Wagoner spoke about the unanticipated expense. He believes if these costs are associated to site improvement it would qualify for urban renewal funds as the county has not exceeded the amount originally allocated. His recommendation is to submit to Urban Renewal for reimbursement.

Commissioner White made a motion to sign the change order for the Fair Expo Building for groundwork and excavation. The motion was seconded by Commissioner Van Beek and carried unanimously. See agreement no. 22-009.

Consider signing a resolution making reappointments to the Historic Preservation Commission: Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to reappoint Dr. Justin W. Vance to 2-year term, Nikki Gorrell to a 3-year term and Bruce Poe to a 2-year term on the Historic Preservation Commission (see resolution no. 22-010).

Consider signing a resolution making a reappointment to the Canyon County Mosquito Abatement District Board of Trustees: Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to reappoint Doug Shinn to the Canyon County Mosquito Abatement District Board of Trustees with a term expiring on February 1, 2026 (see resolution no. 22-009).

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

Commissioners Smith and Van Beek attended the IAC Midwinter Legislative Conference at the Riverside Hotel in Boise which was scheduled from 11:00 a.m. to 5:00 p.m.

THE MINUTES OF THE FISCAL TERM OF JANUARY 2022 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 1st day of March, 2022.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek
Commissioner Keri K. Smith

ATTEST: CHRIS YAMAMOTO, CLERK
By: J. Ross, Deputy Clerk