

NOVEMBER 2021 TERM  
CALDWELL, IDAHO    NOVEMBER 1, 2021

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

APPROVED CLAIMS

- The Board has approved claims 579022 to 579042 in the amount of \$121,484.80

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, Larry Olmsted, Steve Burton, Ron Harriman, Dave Taylor, Mila Wood and Sr. Admin Specialist Terri Salisbury.

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

- Sanctuary state for “right to bear arms”
- Committee of Nine update
- Redistricting map
- Juneteenth
- Jail, impact fees and capital improvement plan
- Live streaming of all Board meetings
- Education grants and ARPA money

The meeting concluded at 9:58 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners’ Office.

CONSIDER SIGNING RESOLUTION APPROVING FY2021 BUDGET ADJUSTMENTS

The Board met today at 10:05 a.m. to consider a resolution approving FY2021 budget adjustments. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Deputy PA Doug Robertson, DSD Director Steve Fultz, Solid Waste Director David Loper, PIO Joe Decker, and Deputy Clerk Monica Reeves. Controller Wagoner said the books/payables stay open until the first Monday of November to pay bills that were incurred on or before September 30, 2021, and he requested the Board consider the following FY2021 budget adjustments:

**Public Defender:** \$177,371 budget **increase** from Public Defense Commission grant funds for indigent defense financial assistance.

**Public Information Officer:** \$600 **transfer** from salaries and benefits budget to other expenses budget for a COVID-19 public service announcement.

**Waterways:** \$10,000 **transfer** from the other expenses budget to salaries and benefits for waterways patrol personnel.

**Trial Court Administrator:** \$20,000 **transfer** from other expenses to salaries and benefits for part-time marshal personnel.

**Development Services:** \$10,000 **transfer** from general other expenses to Development Services other expenses for engineer expenditures.

Controller Wagoner responded to the Commissioner Van Beek's questions regarding some of the transfers. All in all, FY2021 is going to be a very good year financially for Canyon County. Following discussion and upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution approving the Fiscal Year 2021 budget adjustments. (Resolution No. 21-217.) Controller Wagoner said he's hoping this will be the end of budgetary adjustments. They are working with Eide Bailly to audit FY2021 and are putting together the financial report and it will be available for review in January/February. Commissioner Smith said at today's community input meeting Mila Wood asked about creating an ARPA page for reporting so they don't have to keep making public records requests. Controller Wagoner said they will look into that. The meeting concluded at 10:15 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS TRANSFER STATION

The Board met today at 10:16 a.m. to discuss the transfer station. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Deputy PA Doug Robertson, DSD Director Steve Fultz, Solid Waste Director David Loper, PIO Joe Decker, and Deputy Clerk Monica Reeves. Deputy PA Robertson said it would be appropriate to go into executive session because the discussion would be about specific parcels of land. The Executive Session was held as follows:

#### EXECUTIVE SESSION – REGARDING ACQUISITION OF AN INTEREST IN REAL PROPERTY

Commissioner White made a motion to go into Executive Session at 10:17 a.m. pursuant to Idaho Code, Section 74-206(1) (c) regarding acquisition of an interest in real property. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Deputy PA Doug Robertson, DSD Director Steve Fultz, Solid Waste Director David Loper, PIO Joe Decker, and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:53 a.m. with no decision being called for in open session.

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

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 11:16 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff and discussed the following topics: creating a document to track directives to department administrators and others; review process for department administrator performance evaluations; and upcoming BOCC meeting room remodel, including plans and expected costs. The meeting concluded at 11:33 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH INDIGENT SERVICES DIRECTOR TO DISCUSS INDIGENT MATTERS

The Board met today at 11:36 a.m. to discuss an indigent matter that previously came before it on October 28, 2021 regarding a partial release of lien. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Indigent Services Director Yvonne Baker, and Deputy Clerk Monica Reeves. The property in question is a 30-acre parcel of land owned by an applicant whose case was approved and he wants to sell the land which has a lien. The property has been subdivided and the purchaser is going to convert the dry grazing land into residential. It has been split into four separate parcels and although its assessed value is \$5,830, once it has a residential designation that value will increase significantly. They are seeking a partial release of lien so they can complete the purchase of the property and in exchange for the partial release they will be paying the County \$12,000. Director Baker explained that the County has a lien on three different parcels: one is 100 acres, one is 80 acres, and this one is 30 acres. She did a calculation of the proportionate share and the 30 acres equals 14% of the total amount of acreage the County has a lien on and of the outstanding amount, 14% is just over \$12,000. Commissioner Van Beek made a motion to approve the partial release of lien of property valued at \$12,000 and the percentage of the valuation is commensurate with the percent of the acreage held that the County has a lien

against. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 11:42 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR PADDLES UP VENTURES LLC DBA PADDLES UP POKE

The Board met today at 11:43 a.m. to consider a new alcoholic beverage license for Paddles Up Ventures, LLC, dba Paddles Up Poke. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. They are an expanding business that's currently in Nampa. Upon the motion Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the new alcoholic beverage license for Paddles Up Poke. (Resolution No. 21-216.) The meeting concluded at 11:44 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner Van Beek made a motion to go into Executive Session at 1:36 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and HR Director Kim Foster. Facilities Director Paul Navarro and Assistant Facilities Director Rick Britton joined the meeting at 1:52 p.m. The Executive Session concluded at 2:02 p.m. with no decision being called for in open session.

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

The Board met today at 2:08 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross.

Mr. Bazzoli explained that he requested this meeting to speak with the Board about the PDC reporting requests. He is trying to run reports that make sense but, like all software, JustWare is limited in the reports that are able to be generated, additionally he feels that some of the information being requested by the PDC is irrelevant and unable to be pulled in report. Mr. Bazzoli provided to the Board examples of some of the reporting requests being made by the PDC and examples of how difficult it would be to provide what they're asking.

The meeting concluded at 2:21 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:34 p.m. for a monthly meeting with the Weed & Gopher Superintendent to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Weed & Gopher Superintendent AJ Mondor, DSD Director Steve Fultz (arrived at 2:55 p.m.), DSD Planner Kate Dahl (arrived at 2:55 p.m.) and Deputy Clerk Jenen Ross.

Commissioner Smith said today's meeting is to review code enforcement process and the list was reviewed as follows:

- Mr. Mondor would need to be designated as a Code Enforcement Officer; there is no training necessary. Mr. Mondor will be designated as the Code Enforcement Officer for all weed complaints including height violations and noxious weeds, Commissioners Smith and Van Beek are supportive of this.
- With help from the PA's Office a contract will need to be put together in order to get the mowing done for those who either can't or won't. Mr. Mondor would prefer to use a contracted company to do this work vs. his department doing it. The Board asked to be kept updated on the timeframe for this.
- Eric Arthur has indicated that he would prefer to just send weed complaints manually to Mr. Mondor vs. using a program to do it because often complaints come in with multiple issues. The Board would like to see it divided out from the beginning, all issues concerning weeds should go to Mr. Mondor. Discussion ensued regarding the best way for weed complaints to be submitted – it was decided that the Weed and Pest page will remain with the email address for complaints to be submitted to. There will also be a link added to the DSD webpage directing people back to Weed and Pest if they have a complaint.
- There will be an 8-10 day wait period after a property is noticed.
- Commissioner Smith noted that the code enforcement section of the Development Services page needs to be updated in regard to problem weeds. Mr. Mondor said he would email Eric Arthur and Joe Decker regarding the updates.
- DSD administrative staff will be responsible for sending property notice letters.
- Mr. Mondor explained that his tracking is done in an Excel file by his staff and Commissioner Smith requested it be brought to his monthly meeting.
- Mr. Mondor has spoken with HR and adding code enforcement to his list of duties is beyond the scope of duties he was originally hired to do. It was suggested by HR to update his job description to reflect the addition of code enforcement. In his conversation with Director Foster, they estimated this addition will take up approximately 10% more of his time and he would like to increase his salary by 10%. The Board will speak with Director Foster regarding the job description.

The meeting concluded at 2:58 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 ACTION ITEM

The Board met today at 3:02 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 Leslie Van Beek, Deputy P.A. Zach Wesley (left at 3:13 p.m.), DSD Director Steve Fultz, DSD Planner Kate Dahl (left at 3:13 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing a memorandum of understanding with the City of Melba for Rural City Planning:***

Director Fultz and Ms. Dahl recently met with the City of Melba to discuss the services DSD can provide. Currently they are looking for help with a subdivision ordinance as they are getting an abundance of applications. Additionally, they are just getting busier than their city clerk can handle. This is a basic contract for service for DSD to assist with writing staff reports, communicate with the applicant and present to their planning commission and city council. There was also discussion regarding economic development so Ms. Dahl will be developing an economic strategic plan in order for them to have a starting place moving forward. Commissioner Van Beek asked about being able to balance these additional tasks with the already heavily weighted workload in DSD. Director Fultz said they are working thru the process of identifying staff time and creating a strategic plan to balance everyone's time and projects. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the memorandum of understanding with the City of Melba for Rural City Planning (see agreement no. 21-104).

Director Fultz updated the Board on the following:

- Activity report for October – total number of permits is down 20% compared to 2020 but valuations are up from 2020; gross dollar in was \$290,308, net (minus impact fees) was \$270,069.
- 3 task forces have been developed within the department to address customer service, project management and engineering services.
- Mid-year evaluations of staff have been implemented.
- An offer has been made for the Economic Development position, they will be starting on the 22<sup>nd</sup>; Sr. admin position has been filled, the previous person left last week and the new person will start on the 15<sup>th</sup>; a new Planner II started a week ago and is doing well.
- Planners are working on the original parcel date; workshops will be set up to getting it moving as soon as possible.
- There has been a lot of feedback from the public regarding the comprehensive plan and many are asking for additional opportunities to view the plan.
- Director Fultz would like to continue working with the Board regarding a county engineer. He feels that perhaps parks may also have use for engineering services. A job description has been sent to HR and the Board for review and he will meet with Controller Wagoner this week regarding funding.

- The project management position is still being evaluated.
- Interviews for a building inspector will be conducted this week.
- There was a meeting last week with the City of Caldwell and the URA Board regarding two large projects they are currently working on. Discussion ensued regarding being able to view the plan before the county enters into anything. At this point it seems like the city is willing to work with the county but the ordinance and resolution need to be reviewed.
- In regard to the FEMA issue there are 4 properties that remain. A call to discuss options for compliance has been requested.
- Director Fultz recently did a tour thru Canyon County with Alan Mills and will be going out again this week.
- On Friday, DSD will be meeting separately with the cities of Middleton and Nampa on their city impact areas.
- Currently the P&Z commission consists of 5 members, however 2 will be leaving as of December 1<sup>st</sup>. An interview will be conducted next week and Director Fultz would like to talk about another application that was received.

The meeting concluded at 3:46 p.m. An audio recording is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO NOVEMBER 2, 2021

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

#### APPROVED CLAIMS ORDER NO. 2203

- The Board of Commissioners approved payment of County claims in the amount of \$1,757,849.10 for a County payroll

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change forms for Brook Olin, Interpretive Specialist; Gail Friend, Fee Collector

#### APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

- The Board approved the transfer of sick leave time to vacation time for J. Schmeichel; G. Rast; T. Martinez; V. Holliday; A. Hollis; E. Cahalan; R. Britton

#### CONSIDER SIGNING NOVEMBER 2, 2021 ACTION ITEMS

The Board met today 9:03 a.m. for a legal staff update and to consider signing the November 2, 2021 action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy PA Sam Laugheed, Deputy PA Alex Klempel, Deputy PA Zach Wesley, Chief Deputy Sheriff Marv Dashiell, Captain Harold Patchett, Lt. Martin Flores, and Deputy Clerk Monica Reeves. The items were considered as follows:

#### ***Fourth Amendment to Inmate Telecommunication and Tablet Services Agreement No. 15-139 with Telmate, LLC***

Chief Dashiell said Telmate, LLC, was the previous vendor that was bought out by Detail. This year the FCC made modifications to the amount providers can charge and so the amendment is based on those changes where they have to meet a certain cap on the amount they can charge. The primary change we'll see is on the administrative commission we receive because they are reducing the inter-state maintenance costs from 7 cents per minute to 3 cents a minute; the intrastate will remain at 7 cents per minute. The tablet applications, messaging, video visitation remains at the previous rate provided to us. Upon the motion Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the fourth amendment to sign the Fourth Amendment to Inmate Telecommunication and Tablet Services Agreement No. 15-139 with Telmate, LLC. (Agreement No. 21-105.)

#### ***Consider signing Request for Proposals and Legal Notice for Thermal Imaging Kiosk for Dale Haile Detention Center***

Chief Deputy Laugheed said this is the next phase of a project that started last year where the County had gone through an IFB process and there was a conclusion made that an RFP process would be superior because it would give the County more flexibility. The equipment offered by the vendors that we've seen so far isn't really apples to apples and an RFP process will allow us to look at those differences and look at the references. Commissioner Van Beek said the Board looked at the specs for what's been considered at the last jail inspection and got a great feel from Captain Patchett on what it looks like. There is a company who won the bid last time and she thinks it would be good for the Sheriff's Office to look at that and make sure we get everything back in, and we don't want price to be the only factor driving it so we should build that into the RFP to make sure it fits the constraints. The Board asked facilities staff to evaluate enlarging and removing a non-load bearing wall so the equipment can be installed in one piece instead of taking it apart. Commissioner Van Beek made a motion to sign the Request for Proposals for a Thermal Imaging Kiosk for Dale Haile Detention Center, and to sign the legal notice requesting the same. The motion was seconded by Commissioner White for discussion and she asked if the Sheriff's



Office has seen the equipment in person. Captain Patchett said of the four proposals, he has seen three in operation at different facilities. There is one he has not seen and the closest one he can find is in Colorado but he's trying to find one that's closer. That was the company that offered three different machines as an option and the cost variance was significant between the top model and bottom model and so it would be nice to have more information. Chief Deputy Laugheed said other firms might be identified that the County would want to visit as well. The motion carried unanimously. The meeting concluded at 9:15 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 9:36 a.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 Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Caldwell Economic Development Director Steve Jenkins, and Deputy Clerk Monica Reeves. Assessor Brian Stender arrived at 9:47 a.m. The Executive Session concluded at 9:50 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER A REQUEST BY JACK & KIRSTEN ALVORD FOR A REZONE, CASE NO. RZ2020-0030

The Board met today at 10:05 a.m. to conduct a public hearing in the matter of a rezone request by Jack and Kirsten Alvord, Case No. RZ2020-0030. Present were: Commissioners Keri Smith and Pam White, DSD Planner III Kate Dahl, TJ Wellard, Jack Alvord, Kirsten Alvord, and Deputy Clerk Monica Reeves. The Planning & Zoning Commission denied the case on August 19, 2021. The Board of County Commissioners tabled the case on September 1, 2021, in order for the applicant to limit the request to R-1 Zoning on the proposed one-acre parcels on the east side of the property (2.64 acres total) only. The remaining 21 acres would remain in the agriculture zoning district. Kate Dahl gave the oral staff report and said this is a rehearing for a zoning amendment on the eastern 2.64 acres of Parcel R37984010 from "A" (Agricultural) to "R-1" (Single-Family Residential). The property is located on Cemetery Road in Middleton. The original request was to rezone the full 24 acres to an R-R rural residential zone with the intent to develop two one-acre lots on the eastern corridor due to a number of neighbor concerns and no development agreement. The P&Z Commission denied the request and the applicant brought the request to

the Board who heard it and now they are coming back to request an R-1 zone of the two acres on the eastern side of the parcel. The 21 acres to the west will remain in the agricultural zoning district. The original 79-acre parcel was split three times via an administrative land division 2014. The parcel is located in an area that is designated residential on the future land use map, and there are 20 subdivisions within a one-mile radius of the property. The applicant is proposing lot sizes of just over one acre. The property contains moderately suited soils and is considered prime farm land. As far as agency comments, there are no major impacts anticipated. Although staff received a number of concerns at the P&Z Commission hearing most were centered around full buildout of the parcel, but since the applicant is just requesting two lots there were no concerns from the neighbors. Staff is recommending approval of the rezone request. TJ Wellard testified in support of the request stating there will be 21.5 acres left in agriculture with a building permit and the two one-acre parcels will be in the R-1 zone. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner White said the applicant has done what the Board asked at the last hearing and she supports it. Commissioner Smith said it's a great way to keep family local to farm. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the request by Jack and Kirsten Alvord for a rezone, Case No. RZ2020-0030 and to approve the FCOs and sign the ordinance directing amendments to the zoning map. (Ordinance No. 21-036.) The hearing concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH CANYON COUNTY ELECTED OFFICIALS

The Board met today at 1:36 p.m. with Canyon County Elected Officials. Present were: Commissioners Keri Smith and Pam White, Assessor Brian Stender, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Commissioner Smith spoke about a letter that was sent earlier by Clerk Yamamoto regarding redistricting. She believes that a unified letter vs. individual letters would carry the same amount of weight. The deadline to oppose the legislative boundaries is tomorrow at 10:00 a.m. After discussion and evaluation of the proposed maps the elected officials will all sign a letter asking the legislature to reevaluate the maps based on the letter drafted and emailed earlier by the Clerk.

Commissioner Smith said she would like to see a group put together to address handling the ARPA fund requests and coming up with a plan for the money. Controller Wagoner reminded everyone that there needs to be a connection between COVID-19 and the use of the money. He is very hesitant about sub-granting; the county is responsible to and report to the federal government how the funds were used. \$6M of ARPA funds have been included in the FY2022 budget. On December 31, 2021 a new revenue replacement number will be calculated which can be spent on government services. Controller Wagoner would like to wait until after December 31<sup>st</sup> so he can see what the revenue replacement number looks like. Based on a question from Commissioner Smith, Controller Wagoner said that building a jail would qualify as a government service so the

funds could be used toward that. Conversation ensued regarding requests from other cities for a portion of the ARPA monies allocated to Canyon County. Controller Wagoner noted that 10% of the funds can be kept as a de minimis administrative fee and spoke about how the money is tracked within its own fund. He said that the funds have to be encumbered by December 31, 2024 and spent by 2026, although he'd like to see it spent by December 31, 2024 so that there are no questions. At the request of Commissioner Smith, Controller Wagoner addressed how the budget will be impacted once the funds are no longer available.

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

#### MEETING TO DISCUSS FY2022 FUNDING FOR CANYON RECOVERY COMMUNITY CENTER

The Board met today at 2:39 p.m. to discuss funding for the Canyon Recovery Community Center. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner,

CRCC Director/Owner Aaron St. George, Clinical Director Don Schultz, Office Manager Hayden Tena and HR/Accountant Cindy Munson and Deputy Clerk Jenen Ross.

Commissioner Smith stated that the amount allocated in the FY2022 budget was the same as the previous year. It was stated in the original budget meeting for the Canyon Recovery Community Center (CRCC) that the doors would be closed if they were not fully funded at the \$125,000 requested. Commissioner Smith asked the question, why fund anything if the doors will be closed anyway?

Mr. St. George explained that he owns a private company which has been making donations to the CRCC; financial activity statements for 2020 and 2021 were provided for Board review and are on file with this day's minutes.

Discussion ensued regarding the return on investment and Mr. St. George provided some of the statistical numbers of the populations they serve and services they've been able to provide.

Mr. St. George explained they are not in the running for any state money this year so the only funding they may receive is from Canyon County. The grant they were hoping to receive in 2021 ended up being reallocated elsewhere due to COVID related issues.

The CRCC staff spoke of the struggles the clinic faces along with how a large portion of the population they serve fall into gaps in coverage and the lack of available services.

In response to a question from Commissioner Smith about other sources of funding, besides donations from Serenity, Mr. St. George said they have applied for some COVID monies and believe they should be receiving approximately \$100,000. Their operating budget has not increased, the issue is finding the money for the budget. Controller Wagoner spoke about his

concerns in not seeing a permanent source of revenue to fund \$450,000 of permanent, annual, on-going expenses. Mr. St. George explained that it is written into the bylaws of the recovery centers that they are not allowed to bill Medicaid or insurance and that the program has to be funded thru local community support, which is one of the problems they work against.

Commissioner Van Beek said that she realizes this program may not continue long-term but for the time it does continue she wants to give to it because it will help someone.

Commissioner Smith expressed her desire to continue with funding but would like to see a clearer picture of what the plan is and what the commitment from the county looks like.

Mr. St. George expressed his frustration in lack of funding from other governmental agencies; neither the cities of Caldwell or Nampa will entertain a meeting to discuss funding. He will continue applying for grants but those are always a bit unknown.

Commissioner Van Beek reiterated she would still like CRCC to receive what was allocated to them during the budget season and would like to see a reevaluation of ARPA funds to assist. She would also like to see CRCC reevaluate their model to be sustainable.

Commissioner Smith said \$37,500 was budgeted for FY2022 and would like to continue with that but any other funding would need more information. She would also like to see a more sustainable plan moving forward. Mr. St. George thinks the most sustainable plan would be to close the recovery centers and find treatment centers that are willing to take pro bono clients.

With Board support Commissioner Smith indicated to Mr. St. George that a letter will be sent out indicating the amount the CRCC will be funded. Controller Wagoner requested that CRCC send an invoice requesting payment so that a claim and payment can be processed.

The meeting concluded at 3:28 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 3, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 579243 to 579269 in the amount of \$46,325.88
- The Board has approved claims 579214 to 579242 in the amount of \$15,679.68
- The Board has approved claims 579093 to 579149 in the amount of \$70,732.47
- The Board has approved claims 579197 to 579213 in the amount of \$12,378.00
- The Board has approved claim 579021 in the amount of \$2,077.35
- The Board has approved claims 579070 to 579092 in the amount of \$64,506.33
- The Board has approved claims 549093 to 579147 in the amount of \$70,682.47
- The Board has approved claims 579150 to 579196 in the amount of \$232,180.99

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Homero De Los Reyes, Heavy Equipment Mechanic; Richey Britton, Interim Director of Operations & Facilities; Erin Lancaster, Legal Support Specialist I; Tammie Halcomb, Economic Development Specialist

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Architectural Glass in the amount of \$10,385.00 for Facilities Department
- LLCO Services Products in the amount of \$10,802.25 for Facilities Department

#### MEETING TO REVIEW REMODEL PROJECT AND BUDGET OF BOCC MEETING ROOM

The Board met today at 2:07 p.m. to review the remodel project and budget for the BOCC meeting room. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro, Assistant Facilities Director Rick Britton, IT Director Greg Rast and Deputy Clerk Jenen Ross.

Director Navarro spoke about capital improvement projects scheduled for fiscal year 2022 which include the BOCC front lobby entrance; Extension office LID; conversion of old vault into an office in IT; new gate for juvenile probation parking area; gun range fencing, gate at Lake Lowell shop and mezzanine at the Crossroads Museum for Parks; carwash and gate system for Fleet; painting the Weed and Pest office and shop; a request to remodel the public defender's conference room has been withdrawn; Facilities department projects include a chiller at the juvenile detention center, key cutting machine, fiber optic pole, pod 5 roof, 12<sup>th</sup> St. storefront, upgrade to cellular dialers, water heater in the courthouse, expand reliable control system, replacement of windows at DMV, sealcoating and striping of parking lots.

The pedestrian bridges/abutments to cross Wilson Drain, audio/visual for the expo building, concrete floor polishing at the expo building and space needs analysis projects are all waiting in legal. The Board requested that Director Navarro add the dates that the projects were submitted to legal to the list he recently provided via email to the Board.

Other projects include the booking area, body scanner and concrete cutting for CCSO; a “mini” DMV on the 2<sup>nd</sup> floor for the Assessor; partial removal of a vault in the Clerk’s Office; small remodel for the Coroner’s Office; 6 courtrooms on the west side of the 2<sup>nd</sup> floor, east side is being done now.

A document outlining costs for the BOCC meeting room was reviewed. As proposed, the total cost is \$25,975.00; \$6852.00 was funded in the FY2022 budget, \$19,123.00 are unfunded remodel costs. Discussion ensued regarding items that could be removed for cost savings such as the storefront. Some of the cost overruns include the dais, floating soffit, updated light fixtures, and revisions to the desk. Commissioner White noted the most important item to her is for the audio to be fixed. Additionally, there are other space needs that are a higher priority and she is not in favor of a \$60,000 - \$70,000 remodel of the meeting room. Commissioner Smith feels that other space needs are being addressed and that is another issue and another discussion. There needs to be a facilities plan developed in regard to the DMV and the Assessor. She is in favor of the meeting room being remodeled. Commissioner Van Beek feels that the room needs to represent a government organization that looks respectable and presentable to the public.

Director Rast said that for his portion of the project the cost is now down to \$59,000. He does not like the current audio system that is being used and would like completely overhaul it.

Commissioner White reiterated that she is not in favor of the project right now. Commissioner Smith noted that the project has the support of two commissioners and can move forward.

Discussion ensued regarding some of the design features being considered for the room.

Facilities will schedule to work on the room the last week of November thru possibly early January. There will be a secondary project once the IT equipment arrives in early 2022. There is a 14-week lead time once the order is placed and a purchase order will be to the Board soon.

The meeting concluded at 2:58 p.m. An audio recording is on file in the Commissioners’ Office.

NOVEMBER 2021 TERM  
CALDWELL, IDAHO NOVEMBER 4, 2021

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Neology in the amount of \$89,920.05 for Canyon County Sheriff

APPROVED JULY 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:48 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Financial Specialist Lina Millar, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-1048, 2021-1039, 2021-1030, 2021-1047, 2022-0080 and 2022-0065. Commissioner White made a motion to issue initial denials with written decisions to be issued within 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

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

MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-903

The Board met today at 9:04 a.m. to conduct a medical indigency hearing for case no. 2021-903. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services Yvonne

Baker, Deputy P.A. Alex Klempel, Bryan Nickels on behalf of St. Alphonsus and Deputy Clerk Jenen Ross. Deputy P.A. Zach Wesley arrived at 9:08 a.m., the applicant and spouse arrived at 9:23 a.m. and Interpreter Mercedes Lupercio joined via teleconference at 9:23 a.m. Following testimony provided by Director Baker, Mr. Nickels and the applicant and spouse and Board discussion Commissioner White made a motion to continue the case to February 10, 2022. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:07 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-481

The Board met today at 10:17 a.m. to conduct a medical indigency hearing for case no. 2021-481. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Deputy PA. Zach Wesley, Applicant and spouse and Deputy Clerk Jenen Ross. Following testimony provided by Ms. Baker and the applicants and Board discussion Commissioner White made a motion to deny the case with a written decision to be issued within 30 days. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 10:35 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.

Commissioner White made a motion to continue case no. 2021-899 to December 2, 2021. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner White made a motion to approve case no. 2021-898 with a written decision to be issued within 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

Neither the hospital nor the applicant appeared for case nos. 2021-901, 2021-857, 2021-873 and 2021-889. Commissioner White made a motion to issue denials on the cases as read into the record with written decisions to be issued within 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 10:38 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 10:39 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek (arrived at 10:45 a.m.), Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Assessor Brian Stender, IT Director Greg Rast (left at 10:41 a.m.), IT Business Manager Caiti Pendell (left at 10:41 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 10:45 a.m.), Director of Juvenile Detention Sean Brown (left at 10:46 a.m.), Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Assessor Business Manager Jennifer Loutzenhiser, Chief Deputy Assessor Joe Cox, Assessor's Admin. Property Supervisor Greg Himes and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution classifying records of the Canyon County Information Technology Department and authorizing the destruction of financial records:*** Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution classifying records of the Canyon County Information Technology Department and authorizing the destruction of financial records (see resolution no. 21-218).

***Consider signing mutual assistance compact for law enforcement services between Ada County and Canyon County:*** Chief Dashiell gave overview of this MOU stating that the City of Star now has properties in Canyon County proper. The City of Star contracts law enforcement services thru the Ada County Sheriff's Office and this MOU grants them the authority to work in Canyon County under an agreement with the Sheriff's Office. They will have their own jurisdiction although both agencies could respond to an emergency and details will be worked thru on the back-end; for any major incidents that Ada County responds to they will have an obligation to notify Canyon County. There is a clause that addresses critical incident response if there is an officer involved shooting or similar event, Ada County will take the primary role however, Canyon County will shadow the investigation. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the mutual assistance compact for law enforcement services between Ada County and Canyon County (see agreement no. 21-107).

***Consider signing Juvenile Detention Housing agreement between Washington County and Canyon County:*** This is the standard agreement and there are no changes. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Juvenile Detention Housing agreement between Washington County and Canyon County (see agreement no. 21-106).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:48 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Assessor Brian Stender, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Assessor's Business Manager Jennifer Loutzenhiser, Chief Deputy Assessor Joe Cox and Assessor's Admin. Property Supervisor Greg Himes. Assessor's Office staff left the executive session at 10:58 a.m. The Executive Session concluded at 11:24 a.m. with no decision being called for in open session.

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

MEETING TO REVIEW NEW CLAIM APPROVAL PROCESS

The Board met today at 11:31 a.m. to review the new claim approval process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Accounting Specialist Reyna Villanueva (left at 12:00 p.m.), Accountant Sarah Winslow (left at 12:00 p.m.), Assistant IT Director Eric Jensen, IT Director Greg Rast, ECM Administrator Teresa Urvina, Programmer Analyst Ryan Cronrath, Project Manager Shawn Adamson, Development Manager Rick Fisher and Deputy Clerk Jenen Ross.

Ms. Urvina provided a demonstration of how the OnBase claim approval process works and addressed questions asked by the Board.

Director Rast spoke about being able to process blue sheets and purchase orders electronically. He feels like the first step would be to get purchase order and claims into an electronic format and everyone trained and then they would move to making blue sheets electronic. He anticipated it could be a 6-month project.

Ms. Reeves requested that all the administrative staff have access to the claims section of OnBase. Discussion ensued regarding the creation of a document that could be printed for the daily folder record keeping portion.

The meeting concluded at 12:07 p.m. An audio recording is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 5, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$6,321.24 for Information Technology Department
- Dell in the amount of \$1,382.73 for Information Technology Department
- Newegg in the amount of \$1,097.45 for Information Technology Department
- Dell in the amount of \$1,378.11 for Information Technology Department
- Paessler-PRTG in the amount of \$1,901.88 for Information Technology Department
- A-Gem in the amount of \$1,470.00 for Canyon County Sheriff
- Tree Maintenance in the amount of \$7,900.00 for Facilities Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Terrence Martinez, IT Business Analyst; Benjamin Larson, Systems Administrator I; Mark McMinn, Operations Manager; Don Dutton, DevOps Team Lead

#### CANVASS NOVEMBER 2, 2021 ELECTION - CANYON COUNTY ELECTIONS OFFICE

The Board canvassed election results for the November 2, 2021 General Election. The official documents were presented by Elections staff and were signed in the Elections Office.

CONSIDER RESOLUTION DESIGNATING A POLLING LOCATION FOR THE NOVEMBER 30, 2021  
MAYORAL RUNOFF ELECTION

The Board met today at 1:36 p.m. to consider a resolution designating a polling location for the November 30, 2021 Mayoral runoff location. Present were: Commissioners Keri Smith and Pam White, Chief Civil Deputy PA Sam Laugheed, Clerk Chris Yamamoto, Elections Supervisor Haley Hicks, Elections Specialist Brandi Long, and Deputy Clerk Monica Reeves. The O'Connor Field House/Caldwell Event Center located at 2207 Blaine Street in Caldwell has been selected as the polling location for all Caldwell precincts. Elections staff will conduct two weeks of early voting from November 15 through November 26, 2021, with the exception of November 25 which is Thanksgiving Day. Staff plans to have more lines and equipment on Election Day in order to process all the voters. Clerk Yamamoto spoke of the issues associated obtaining polling locations and keeping locations; he also talked about how the Elections Office has outgrown its current location. Commissioner White inquired about utilizing the former Rite Aid location in Caldwell. Clerk Yamamoto said he has been in contact with the owners, he also said the ideal solution would be to have one location in Caldwell and one in Nampa, and with ARPA funds there is an opportunity to look at other options as well. Haley Hicks talked about the list of stipulations from the Department of Justice they have to adhere to when considering polling locations. Staff goes through the checklist of measurement requirements, height requirements, etc., and then they have to submit a report along with pictures 30 days prior to using the site as a polling location. Additionally, they have to monitor the sites on Election Day and send a report showing they continued to have ADA compliance throughout the election. There are buildings that look enticing but once she goes through the DOJ requirements they find the location is not suitable. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the resolution designating the polling location for the November 30, 2021 runoff location. (Resolution No. 21-219.) The meeting concluded at 1:49 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 8, 2021

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

APPROVED CLAIMS

- The Board has approved claims 579043 to 579069 in the amount of \$81,727.07

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Justin Hutton, Hazardous Waste Screener

#### FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for September 2021, and the Quarterly report for July 1, 2021 thru September 30, 2021, and the annual report for October 1, 2020 thru September 30, 2021

#### PUBLIC HEARING – REQUEST BY TROOST FAMILY LIVING TRUST AND BEST INVESTMENTS, LLC FOR A REZONE, CASE NO. RZ2020-0029

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Troost Family Living Trust and Best Investments, LLC, for a rezone, Case No. RZ2020-0029. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Greg Troost, TJ Wellard, Greg Bullock, Gary Beers, Kristina Beers, Lorri Barrett, Jan Harper, Sarah Laurensen, Bryan Laurensen, Theresa DiMauro, Joe Flynn, Suvine Greenway, Dora Law, Steve Smith, Antonio Salazar, Jr., Terry Zabel, David Law, Georgia Hawkes, Thomas Tingey, Pat Flynn, Kevin Domenighini, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she used to live close to the subject property and is friends with several audience members but she has not had any conversations with friends or neighbors about this request, nor does she have any financial gain related to this property. Dan Lister gave the oral staff report. The request is for a zoning map amendment from an agricultural zone to a rural residential zone. The matter came before the Board in late August and was tabled to be re-noticed so it could be considered for approval. The end result would be a 2.03 average acre lot size. The future land use is designated as residential on the future land use map and the City of Caldwell designates the area as low-density residential, and it is within Caldwell's area of city impact. The area contains a mix of agricultural and residential uses. The primary zoning is agriculture and there is R-1 zoning on the east side of Farmway Road, one-half mile east of the subject property. There are 30 subdivisions within a one-mile radius totaling 1,181 lots with an average lot size of .69 acre. The property contains best to moderately suited soil and the majority of the property is designated as prime farmland if irrigated. Around the subject property there are lot sizes between 3-4 acres, and 1-2 acres, with much smaller lots to the north. Access to the public road will be through the existing private road, Tranquil Place. A road users' maintenance agreement will be required at the time of platting, and requirements to improve the private road to county standards for an average daily trip that exceeds 100. There will be individual wells and septic. The area is not a nitrate priority area. According to Canyon Highway District, the proposal does not meet the threshold for requiring a traffic impact study. Over 19 letters of concern/opposition were received expressing the following concerns: water impacts, quality and quantity; impacts to the existing ag operations

and character of the area; increase of residential lots; decrease in agricultural properties; cumulative traffic impacts; and impacts to essential services. There is a petition supporting the request with 39 signatures, and a late exhibit from Gary Beers in support of the request. The P&Z Commission hearing resulted in a tie vote which is a denial, and it came before the Board in August, and staff was directed to re-notice the hearing to consider approval. Staff recommends approval finding the application complies with the criteria and with the comprehensive plan. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in favor of the request:

TJ Wellard gave testimony regarding Exhibit 8A which is a lot and subdivision report showing over 1,100 lots within a one-mile radius averaging 0.69 acres. The site has been split through administrative land divisions, and is not in a place where it can be commercially farmed very well. Tranquil Place is the existing private road. The proposal is to have 2+ acre lots, other than the two lots on the west side of Tranquil Place because is not enough acreage to have two 2--acre lots although they are close. They are proposing a straight rezone. The property is within the Caldwell impact area. Through conversations with the neighbors the developer has reduced the property to 10 residential lots with one private road lot. They have a meeting with SWDH to go over the engineering report and wells/septics. The property does have irrigation and the developer will work through the irrigation plan during the platting phase to see what best fits. According to Mr. Wellard, they will make sure there is a functioning irrigation system so the lots have surface irrigation water for the large lot size. Following his testimony Mr. Wellard responded to questions from the Board.

Greg Bullock testified a road users' maintenance agreement is in place with the existing homes and they will participate in an updated users' agreement for anybody who comes on line. He testified that the developer will pave the road. He spoke of the beautiful homes that will be built with matching shops. There is a three-acre piece that fronts Tranquil Place which was sold to an existing neighbor. He spoke of the administrative splits that have occurred as well as those that are proposed. Mr. Bullock said this is the perfect type of transitional plan for the two-acre parcels as you move out to the agricultura area. He appreciates the time spent with neighbors and he spoke of how they have worked with the neighbors to come up with this design. At the P&Z Commission hearing the neighbors were told if the property is annexed into the city there could be three lots per acre, with 60+ lots that will include city services and the rural character will be lost. He has talked with Bryan Laureson about the irrigation needs and he has committed to help the Lauresons create a greater volume going through his property and onto the rest of the lots. Prior to the plat, there will be an access agreement with the Lauresons.

Jan Harper testified she agrees with Greg Bullock's testimony and said the neighbors have worked really hard to make sure that this is compatible with the rest of the neighborhood. She is concerned that if they don't do something about rural residential zoning now the city will make sure it's high density and that's what the neighbors are fighting – they want rural residential rather than high density.

Kristina Beers addressed the misinformation related to the collecting of signatures on the petition in support of the rezone. She said Gary Beers did not collect any signatures. She went with some neighbors asking other neighbors if they would like to sign in support of rezoning the acreage along Tranquil Place from agriculture to rural residential. The purpose of the petition was clearly stated on the first page and all had the opportunity to read it. They told people the acreage will be rezoned to rural residential which is the lowest density rezoning with an average minimum lot size of two acres each. She believes one of the neighbors has confused some people. She said Ken McIntyre was under the impression he was signing something against the development/rezoning and that is not what was submitted, and he said he feels any future development should be in line with the housing in the surrounding area, 1.5-2 acre lots. Ms. Beers said it was clearly explained that it is agriculture and rezoning to rural residential would avoid high density and bringing in city water and sewer.

Sarah Laurenson testified she does not want to see farmland disappear but we have to be realistic when looking at the facts. The property is in the impact area which could allow as many as three homes per acre. The acreage is not owned by farmers, it's currently owned by developers so it will get developed one way or the other. A two-acre minimum is better than a high-density development, and a RR zone is the lesser of two evils, and it is in keeping with character of the area. She said we cannot overlook the fact that the land surrounding the 24 acres is owned by developers who intend to have a much higher development. Her concerns are the same as the other neighbors – those who live on Tranquil Place have been meeting on the concerns about wells, irrigation access, traffic, and road impacts, and they support two-acre minimums because they oppose higher density development. According to Ms. Laurenson, Mr. Bullock said he will put in a separate new head gate to address irrigation issues.

Gary Beers testified that the purpose of the petition was to help neighbors understand what is being said, that it is rural residential, and the goal is for two-acre lots. He said there are 60 acres across from his property that will be zoned for high density if the city gets its way. Mr. Beers would love to see this proposal set the precedent for two acres in a rural residential zone. He has worked to facilitate and work with the Tranquil Place landowners.

The following people testified in opposition to the request:

Joe Flynn testified his main concern is about the aquifer. He is retired from the Army Corps of Engineers. The nitrate level in his water is 9; 10 or above is considered unhealthy. Putting in new wells are going to draw down the aquifer and nobody has addressed that. His neighbor had to drill a new well because the old one was no longer sufficient to serve his home. The request is for 12 new wells or one community well, it will draw down the water in the aquifer. Mr. Flynn said Linden Road is a narrow country road and is not intended for a lot of traffic.

Theresa DiMauro collected letters from people in the neighborhood and said she was available to answer questions if the Board had any. She spoke of her concerns regarding the water supply in the Treasure Valley and the news articles which reported on wells going dry. Ms. DiMauro said we need to stop and take into account that the state is not as full of water as it used to be.

David Law testified about concerns regarding dense developments and negative impacts to wells. He also stated he would rather see a few houses instead of rows of houses.

*(Note for the record: At 9:59 a.m. an error message was displayed indicating there was an issue with the recorder so the Board took a brief recess to check on the equipment. After a few minutes the Board went back on the record after confirming a recording was in place.)*

Thomas Tingey testified that his major concern is taking out prime farm land that is easily irrigable. Wheat is down over 25% in the state this year and approving subdivisions on farmland creates an untenable situation for a new farmer trying to come in. We need to be very careful and support the farm economy in Canyon County.

Georgia Hawkes indicated she agrees with the testimony provided by Joe Flynn and Thomas Tingey.

As part of the rebuttal process, Greg Bullock was available to respond to questions.

Commissioner White made a motion to close the public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Van Beek said this is an interesting case and the building sites going in support that this would be preferred development to help stave off higher density development. She would rather see custom homes, not tract homes, with larger parcels in a transition area that meets the goal of the city and the County. Commissioner White said the neighbors are a community and they want to protect the area and most of them are looking at this from the right point of view which is density – to keep it open and rural and this is a nice transitional piece to protect that way of life. She supports the project for the positive aspects it brings. Commissioner Smith has been very passionate about preserving farm ground, and she knows the development potential in that area especially with the land between Linden Road and Logan Road. It's platted subdivisions. The City of Caldwell has looked at this repeatedly and they are coming into that area and she wants to protect the rural residential part of the community. She said staff did a great job with the findings from the last hearing in considering the eight (8) items. The request is very consistent with the area and she supports approval. Following the Board's deliberation Commissioner Van Beek made a motion to approve the rezone request from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, as well as approve the FCO's and the ordinance for Troost Family Living Trust and Best Investments, LLC, Case No. RZ2020-0029. The motion was seconded by Commissioner White and carried unanimously. (Ordinance No. 21-037.) The hearing concluded at 10:21 a.m. An audio recording is on file in the Commissioners' Office.



## CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO VAPE DBA VAPOR, LLC

The Board met today at 10:26 a.m. to consider a resolution granting a new alcoholic beverage license to Vape dba Vapor, LLC. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. The premises are located on 12<sup>th</sup> Avenue in Nampa and it's for retail sales of beer and wine. Commissioner Van Beek made a motion to sign the resolution granting a new alcoholic beverage license to Vape dba Vapor, LLC. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the granting of the license. The motion carried by a two-to-one split vote as noted. (Resolution No. 21-220.) The meeting concluded at 10:29 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:05 with the HR Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster and Deputy Clerk Jenen Ross. Director Foster updated the Board on the following:

- Pay for part-time employees; the need for them to be included in the COLA; determination as to whether they are paid at market wage; how PERSI is affected.
- Review of turnover numbers for the past couple of years.
- Request to reclassify the investigator position to \$35/hour, working 25 hours weekly.
- Review of open positions and strategy for filling them.
- Review of workers compensation claims.
- Board requested a report on demographics of Canyon County employees.
- Discussion on the salary rate request forms regarding employment checks, previous job experience, application of step program, funding for position and background checks.
- The Board would like to know at what year employees are leaving county jobs.
- Discussion regarding the Weed and Pest position and a requested increase in salary. Director Foster was asked to evaluate the case volume for the Code Enforcement Officer and compare it to the primary role of the director and the supplemental responsibilities.
- Review of revisions made to the status change forms.
- Discussion regarding dividing positions into pay grades.
- Revisions to be made to the handbook include veteran preference in hiring, discrimination and harassment policies. Her preference would be to start with the ICRMP handbook then just add the items that are specific to Canyon County. Commissioner Smith asked Director Foster to make the revisions and forward it to the Board and Prosecutor's Office for review with a deadline date.

The meeting concluded at 11:57 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:34 p.m. for a monthly meeting with the Administrative District Judge and TCA to discuss general issues. Present were: Commissioners Pam White and Leslie Van Beek, Judge Davis VanderVelde, TCA Jamie Robb and Deputy Clerk Jenen Ross.

Ms. Robb updated the Board on the following:

- The new Eviction Court Mediation Coordinator started today and they hope to have it up and running next Tuesday. She has a lot of mediation experience in working with Ada County.
- Jury trials are set to resume at the beginning of December. Summons are out to jurors and they anticipate COVID protocols will probably still be in place based on what the SC dictates.
- Discussion ensued regarding courtroom remodels.

The meeting concluded at 1:42 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:02 p.m. for a monthly meeting with the Parks Director to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Parks Director Nicki Schwend, Assistant Parks Director Laura Barbour and Deputy Clerk Jenen Ross.

Director Schwend updated the Board on the following:

- Publications are being updated in conjunction with the new email addresses
- Parks master plan
- Discussion regarding potential funding options to improve the department
- Facilities/project management change and where the Parks department is at on their projects
- DDat Jazz event to happen at Celebration Park June 22-24, 2022
- Need for additional field trip supplies; purchase orders will be coming thru to purchase the necessary supplies
- Discussion regarding legal need prioritization

- Commissioner Van Beek asked if Director Schwend could help design a form that could be used during budget time for funding requests made by community groups. Director Schwend feels the format used for the Historic Preservation Commission grant application could be useful.

The action items were considered as follows:

***Consider signing Historic Preservation Support Award agreements with Historical Society of Middleton, Melba Valley Historical Society and Canyon County Historical Society:*** Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Historic Preservation Support Award agreements with the Historical Society of Middleton (see agreement nos. 21-11 and 21-112), Melba Valley Historical Society (see agreement nos. 21-109 and 21-110) and Canyon County Historical Society (see agreement no. 21-108).

The meeting concluded at 2:43 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

The Board met today at 3:10 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. Director Fultz reviewed the following with the Board:

- A new planner has been with DSD for a few weeks and is doing well. A new Sr. Admin will start Monday.
- A working group meeting between the BOCC and P&Z is being coordinated to discuss the originality date; hopes to have it adopted by the end of January.
- Updated org chart has been created which will be presented to the Board within the next couple weeks.
- Space issue discussions have continued with the Public Defender's department. Options such as outside locations are still being explored.
- Considerations of hiring an in-house engineer are still being discussed. A meeting is scheduled for later this week to discuss this as well as other staffing needs.
- A discussion has been had with Canyon Highway District regarding the impact fee and the needed amendment to the comprehensive plan to include their CIP; Canyon County will be the collection agency for their impact fee.
- A P&Z candidate will be interviewed tomorrow. Discussion regarding filling the two seats that are currently vacant and a possible re-interview with Tanya Robinson. Consideration of adjustment to terms and filling/back-filling of terms.
- There will be a meeting tomorrow regarding the Star impact ordinance.
- Met with planners for Middleton and Nampa regarding their impact areas.

- Commissioner Smith asked about certain amendments outside the original parcel dates, Mr. Lister is working on that and they hope to present in December. She also feels that the criteria for rezones should be different depending on the zone/area and asked for someone to evaluate. Additionally, she recently met with Greg Timinsky who has requested to meet with someone from DSD.

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

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO NOVEMBER 9, 2021

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

#### APPROVED CLAIM

- The Board of Commissioners approved payment of County claim in the amount of \$13,712.00 for County Election workers

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for B&N Legacy LLC to be used 11/13/21

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Space Saver Intermountain in the amount of \$5,068.68 for Canyon County Sheriff
- Asphalt Driveways and Patching in the amount of \$1,800.00 for Solid Waste Department
- Consolidated Supply Co. in the amount of \$3,986.70 for Solid Waste Department
- Imprint City in the amount of \$4,005.08 for Facilities Department

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Pam White, Commissioner Leslie Van Beek (arrived at 9:05 a.m.), Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley (arrived at 9:22 a.m.), Landfill Director David Loper (left at 9:16 a.m.), IT Director Greg Rast (left at 9:13 a.m.), DSD Director Steve Fultz, DSD Planning Official Dan Lister, Chief Deputy Sheriff Marv Dashiell (left at 9:16 a.m.), HR Generalist Jennifer Allen (arrived at 9:28 a.m. and left at 9:32 a.m.), Director of Juvenile Detention Sean Brown (arrived at 9:28 a.m.), Controller Zach Wagoner (arrived at 9:30 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution appointing Eva Gohr to the Canyon County Board of Community Guardians:*** Mr. Laugheed provided information of the application process and resolution. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution appointing Eva Gohr to the Canyon County Board of Community Guardians (see resolution no. 22-221).

***Consider signing FY2022 Pickles Butte Sanitary Landfill Geotechnical Boring Project agreement with Holt Services Inc:*** Director Loper said project is set to start mid-November. Mr. Laugheed addressed Commissioner Van Beek's question regarding liquidated damages. Director Loper noted there will also be a work order coming thru for Tetra Tech, in order to have the third-party engineer on site for the project. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the FY2022 Pickles Butte Sanitary Landfill Geotechnical Boring Project agreement with Holt Services Inc. (see agreement no. 21-115).

***Consider signing a memorandum of understanding for Information Technologies Services between Canyon County Mosquito Abatement District and Canyon County:*** This is a standard MOU for services and Director Rast said they've been working thru project details since March. The charge for IT support services will be \$45/hour and there will be a one-time charge of \$5000 for the website redesign. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the MOU for Information Technology Services between Canyon County Mosquito Abatement District and Canyon County (see agreement no. 21-113).

***Consider signing master service agreement with Konexus:*** Chief Dashiell said this is for an emergency messaging system which is separate from the reverse 911 system. This upgrade will allow them to hit a geographic area based on cell towers and works in conjunction with state emergency broadcasting system for weather or disaster alerts. There is an increase of about \$5000 from the current contract and will be paid from E911 funding. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the master service agreement with Konexus (see agreement no. 21-114).

Commissioner Smith let Mr. Laugheed know that the priorities list is still being worked on but they will get it to him as soon as it's completed.

Commissioner Smith spoke about getting agreements in place with subrecipients. She said that at a meeting yesterday Commissioners White and Van Beek spoke with Director Schwend who offered to help. She spoke with Controller Wagoner yesterday and his concern is who will manage the subgrants. Commissioner Smith's understanding is that Director Schwend would just help with setting up the application so that the same thing is asked from every non-county entity requesting funding. Mr. Laugheed thinks it's really important for the Clerk's Office to be part of that process. Discussion ensued regarding the process of submitting the application, scheduling of the meetings and presentation of the information to the Clerk.

Discussion ensued about the contracts with the extension office and 4-H. Mr. Wesley suggested that there should be a meeting with Controller Wagoner regarding the details to be included in the MOU. Commissioner Smith would like to see parameters in place so that there is more accountability to the county funding that is allocated to the extension office. Commissioner Van Beek asked about University of Idaho extension employees having the option of driving fleet vehicles to save on mileage charges. Mr. Wesley spoke about how there are other factors that affect that including insurance issues.

***Consider signing resolution adding four (4) positions in Juvenile Detention:*** Commissioner Smith explained this need has been previously reviewed with the Board. There are no concerns from Controller Wagoner, he explained there are fees generated that will help cover the costs. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution adding four (4) positions in Juvenile Detention (see resolution no. 21-222).

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

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

Commissioner White made a motion to go into Executive Session at 9:32 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, DSD Director Steve Fultz and DSD Planning Official Dan Lister. The Executive Session concluded at 9:56 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.

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 10:04 a.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 Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Ron Amarel, and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:38 a.m. with no decision being called for in open session. Commissioner Smith noted that staff will start the process to appoint a new P&Z Commissioner.

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

The Board met today at 10:40 a.m. with the Director of Information Technology to discuss general issues, set policy, and give direction. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, IT Director Greg Rast, Assistant IT Director Eric Jensen, and Deputy Clerk Monica Reeves. The topics of discussion were as follows:

General Discussion:

3 vacancies in IT – 2 desktop techs and 1 system admin

Courts website and new URL will be completed this month *thirdjudicialdistrict.idaho.gov*

Courtroom remodels – 211-215

Working with Supreme Court/Facilities/TCA

Equipment and audio/visual overhaul

Email overhaul for Canyon County Mosquito Abatement District: *2CMAD.org*; and website redesign and host

CAD-2-CAD project: Canyon, ADA, ISP working on project (passing calls back and forth between dispatches). Working with Ada/CCSO dispatch

DSD – Online building permits and status project kicking up slated to start January, 2022

Working through project management philosophy and how to apply to DSD

GIS (ESRI) imaging data – Pictometry Eagleview/COMPASS

DSD receipting problems in CAPS are now fixed. Reconciling revenue reports and impact fees.

Asked to work with Facilities, DSD, HR, to help with admin. tasks and director transitions

Disaster recovery efforts and Skype phone replacement project (June 2023 deadline)  
Purchase order for fiber work on 12<sup>th</sup> Avenue – weather dependent  
Budgeted \$12,000 – new quote came in at \$14,000 based on material costs

BPMS Data – importing into CAPS (last stage of data conversion)  
BPMS, Black Bear, Accela into CAPS location  
2021 Jury wheel data refresh – deadline of November of every odd year  
Elections/Driver’s license data de-duplication effort  
Testing currently by Jury Commissioner

Finalized project in closing:

Assessor – Finalizing online homeowner exemption application via website  
Coroner case management solution – reports, asset reporting for Treasurer, decedent chain of custody, on-scene witnesses, photo gallery, added functionality and data to be tracked  
Fairgrounds website project for 2021 (May-October)  
OnBase infrastructure upgrade  
IOT/Switch replacement project – countywide (3-year fiscal effort)  
Replaced all switches throughout the County

BOCC related discussion:

OnBase purchase order/claim/claim batch approval process/blue sheet

BOCC recording – purchase order the week of November 15  
Two-phase approach – construction and A/V overhaul  
Microphone demonstration

Working with Caldwell DSD – Brent Orton on fiber work  
Caldwell Airport/Sewer Project (Darigold area to fairgrounds)

Commissioner Smith asked when the new process for the employee status change form (blue sheet) will be completed. The new form itself will be rolled out soon via paper process soon, but workflow process will take six months to complete. She asked if IT tracks the number of hits on website because she wants to compare old stats vs new stats. Director Rast said hits are tracked per page, per office. Commissioner Van Beek wants a cost estimate and scope of work for IT to assist the Ambulance District. Director Rast said that is a Board decision. Commissioner Smith left the meeting at 10:48 a.m. The items discussed were general in nature and did not require Board action. The meeting concluded at 11:14 a.m. An audio recording of the meeting 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 2:38 p.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek,



Code Enforcement Officer Eric Arthur, Director of Development Services Steve Fultz (arrived at 3:02 pm) and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Abatement process
- Current case load
- RV ordinance and ideas for new processes

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

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 2:58 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss records exempt from public and personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Leslie Van Beek, Code Enforcement Officer Eric Arthur, and Steve Fultz (arrived at 3:02 pm). The Executive Session concluded at 3:24 p.m. with no decision being called for in open session.

The meeting concluded at 3:25 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 10, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Dustin Moore, Maintenance Technician; Luke Gallagher, Shop Technician

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Elmrige Protection in the amount of \$1005.95 for Canyon County Sheriff

### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:57 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-1055; 2021-1053; 2022-1; 2021-1054; 2021-1058; 2022-0071; 2021-1056; 2021-1057 and 2022-2.

Liens and lien releases were presented for Board signatures.

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

### MEETING WITH FACILITIES DIRECTOR AND ASSESSOR REGARDING DMV FACILITY

The Board met today at 9:36 a.m. with the Facilities Director and Assessor regarding the DMV facility. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Controller Zach Wagoner, Interim Director of Facilities Rick Britton, EOM Christine Wendelsdorf and Deputy Clerk Jenen Ross.

Mr. Britton said he's been working with Assessor Stender and EOM Wendelsdorf to get UV air sanitizers into some of the high traffic areas in order to help circulate and sanitize the air. Ms. Wendelsdorf said they are used in the dispatch area and there seems to be less illness. With the large volume of people coming through the DMV it is believed the sanitizers could really be useful. Ms. Wendelsdorf spoke about a couple different light options and how they operate. She agrees with Mr. Britton that the lights could really be beneficial where the public or large groups often congregate. A handout was provided outlining locations the lights would be placed and the cost of the lights, replacement lamps and additional power outlets. Controller Wagoner said that ARPA monies could be used for this purchase under the category to address the health emergency. Money would not be pulled from the revenue replacement portion. Commissioner Smith is supportive of this plan and the purchase of the lights. She also encouraged Ms. Wendelsdorf to work with the TCA to determine if they would like them installed in the courtrooms. Lights will be installed on both sides of the DMV and Ms. Wendelsdorf has spoken with both the Sheriff and

Chief Dashiell who are in favor of the lights being installed. Additionally, Commissioner Smith would like the public meeting rooms to be included; Ms. Wendelsdorf said she would get an amended quote to include them. Ms. Wendelsdorf also suggested it may be beneficial to have them in room 201 which is the Court Clerk's office and the Sheriff's records office. The Board suggested working with the Courts on what they'd like. A PO outlining the purchase will be processed for Board approval. The meeting concluded at 9:53 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION AUTHORIZING TRANSFER OF COUNTY PROPERTY BY QUITCLAIM DEED TO THE CALDWELL HOUSING AUTHORITY

The Board met today at 10:04 a.m. to consider a resolution authorizing the transfer of County property by quitclaim deed to the Caldwell Housing Authority. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Mike Dittenber and Rosario Soto from the Caldwell Housing Authority, and Deputy Clerk Monica Reeves. *There were two properties noticed for transfer, however, the property located at 301 E. Elgin Street in Caldwell was redeemed by the owner and is no longer being considered for transfer.* Treasurer Lloyd said the property located at 2407 College Avenue in Caldwell was taken in July for tax deed and as of today the outstanding taxes total \$13,231.24 through the 2021 tax year. The owner is deceased and the Treasurer's Office has had communication with the family but they have not shown interest in redeeming the property. The Caldwell Housing Authority has shown an interest in the property and has requested the County consider transferring it to them. Chief Deputy Sam Laugheed said the standard of review is that the Board find that the grant or exchange in property be in the public interest. There is a resolution that memorializes the necessary law and it gives the Board an opportunity to make that finding and there is a quitclaim deed attached to it. Commissioner Smith said she has a hard time taking property that has value and not giving it back to the family after the taxes have been made. Commissioner White spoke of the benefits the housing authority provides to the community through their efforts to assist the vulnerable population. Mike Dittenber spoke of the times the housing authority has cleared blighted properties and constructed new buildings which includes considerable time and expense. They are not looking to make a lot of money, they want to make affordable housing available to the community. Commissioner Van Beek asked if due diligence has been done to locating the deceased owner's family. Treasurer Lloyd said her office has been in communication with the family members. Mr. Dittenber said if the County decides to transfer the property the housing authority cannot get title policy, sell it, or get a lender to lend against the property for about 16 months to 2 years. If there is a complaint or suit brought against the property the housing authority would probably transfer it back to the County. Commissioner White supports the property transfer. Commissioner Smith had questions about the auction process if the property was sold. Treasurer Lloyd said if there were excess funds after the taxes were paid it would be turned over to the State of Idaho as unclaimed property. Any party in interest can submit a claim if they had an outstanding lien. There is a significant medical lien (approx. \$60,000) on this property and that may be the reason the family chose not to redeem it.

Mr. Dittenber said even though the liens of record go away, there is a lengthy quiet title process that has to be completed and where they will file suit against 11 or 12 people to have them come forward in a court of law and say the lien needs to be paid, or say it will be forgiven, or agree to negotiate it down. The housing authority will have a considerable amount of legal fees and time involved. Discussion ensued about the process followed in other cases. Commissioner White made a motion to sign the resolution authorizing the transfer of County property by quitclaim deed to the Caldwell Housing Authority. The motion was seconded by Commissioner Smith who asked the Treasurer for comments. Treasurer Lloyd said when the MOU with the housing authorities (Nampa and Caldwell) first came forward she was not in favor of it, however, she has seen it do some good and she believes in what they do and she believes this could be a positive outcome for this property. In this case she does not see a problem with it, especially because her office has had so much communication with the family. Commissioner Van Beek likes the idea they can still redeem with the housing authority, but there is a lot to this process and she is not able to make that decision today. The motion carried by a two-to-one split vote with Commissioner Van Beek voting against the motion to transfer the property. (Resolution No. 21-223.) The Board signed the quitclaim deed for the property located at 2407 College Avenue in Caldwell. The meeting concluded at 10:31 a.m. An audio recording is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 12, 2021

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

There were no meetings held this day.

NOVEMBER 2021 TERM

CALDWELL, IDAHO NOVEMBER 15, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$6498.47 for Information Technology Department
- Dell in the amount of \$2581.89 for Information Technology Department
- Dell in the amount of \$8588.00 for Information Technology Department
- Dell in the amount of \$7233.00 for Information Technology Department

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:32 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson (left at 9:46 a.m.), EOM Christine Wendelsdorf (left at 9:37 a.m.), Controller Zach Wagoner (left at 9:46 a.m.), Sr. System Analyst Steve Onofrei (left at 9:46 a.m.), Treasurer Tracie Lloyd (left at 9:46 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider extending the COVID-19 Emergency Declaration:*** Ms. Wendelsdorf said Canyon County is still in crisis standards of care mostly due to staffing numbers although patient numbers are going down. She has reached out to Director Zogg with Southwest District Health and she doesn't see a need to extend the emergency declaration. There is no surge in cases and numbers are falling. There are no indications of the situation getting worse in the foreseeable future and that it is manageable right now. Ms. Wendelsdorf anticipates seeing numbers increase early in the year. The recommendation at this time is to let the declaration expire. Ms. Wendelsdorf doesn't see any need to renew it as it can always be renewed if necessary. No action was taken and the current declaration will expire on November 22, 2021.

***Consider signing a resolution amending a process established by resolution 14-017 for including charges, other than property taxes, on tax notices, as authorized by Idaho Code § 63-902(11):*** Mr. Robertson noted that the subsection changed from (10) to (11).

***and***

***Consider signing a resolution authorizing the inclusion of certain charges, other than property taxes, on tax notices, as authorized by Idaho Code § 63-902(11):*** Mr. Robertson explained this is to

included abatement fees for the City of Nampa on the tax notices. Controller Wagoner said there is a \$5.00 per account administration fee charged back to the City of Nampa.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign both the resolution amending a process established by resolution 14-017 for including charges, other than property taxes, on tax notices, as authorized by Idaho Code § 63-902(11) (see resolution no. 21-225) and the resolution authorizing the inclusion of certain charges, other than property taxes, on tax notices, as authorized by Idaho Code § 63-902(11) (see resolution no. 21-226).

***Consider signing Historic Preservation Support Award agreements with Warhawk Air Museum and American Legion Joseph H. Murray Post 18:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Historic Preservation Support Award agreements with the Warhawk Air Museum (see agreement no. 21-116) and American Legion Joseph H. Murray Post 18 (see agreement no. 21-117).

***Consider signing resolution granting a new alcoholic beverage license to Vapor LLC dba Vape and Tita's LLC dba La Playita:*** Commissioner Van Beek asked about vape businesses being tied to selling alcohol. She is concerned about the tolerance for encouraging this in county growth. Commissioner Smith feels that it is allowed by law although the Prosecutor's Office could be asked for some guidance. She thinks that perhaps the only way to control it would be thru zoning but this business is within the city limits and the county doesn't have jurisdiction. Commissioner Smith would like to know what authority the Board has. Commissioner White said she is not convinced that vaping isn't harmless and doesn't think this is in the best interest of society. Commissioner Van Beek supports Commissioner White's position and would like to take a deeper look. She also expressed her concerns about the need for services at the location but Commissioner Smith doesn't know that this is something that is in the Board's purview because there hasn't been a resolution adopted outlining the standards for approval.

***Tita's LLC dba La Playita:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution for Tita's LLC dba La Playita (see resolution no. 21-227).

Commissioner Van Beek made a motion to continue the consideration of a resolution granting a new alcoholic beverage license to Vapor LLC dba Vape to November 16, 2021 at 9:00 a.m. The motion was seconded by Commissioner White and carried unanimously.

***Consider signing resolution appointing Ron Amarel to the Canyon County P&Z Commission:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution appointing Ron Amarel to the Canyon County P&Z Commission (see resolution no. 21-224).

The meeting concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO VAPOR LLC DBA VAPE

The Board went back on the record at 10:08 a.m. to consider signing resolution granting a new alcoholic beverage license to Vapor LLC dba Vape. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Smith explained this license was originally approved on November 8, 2021 but there was an issue with the address that needed to be corrected. This information was not realized at the earlier meeting when the resolution was originally considered. Commissioner Van Beek made a motion to sign the resolution granting an alcoholic beverage license to Vapor LLC dba Vape. A vote was taken on the motion with Commissioners Van Beek and Smith voting in favor and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote (see resolution no. 21-228). The meeting concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

BOARD DISCUSSION REGARDING LEGISLATIVE BOUNDARIES

The Board met today at 10:10 a.m. to have a discussion regarding legislative boundaries. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross.

Commissioner Van Beek said that last week she attended the legislative and congressional boundary map meetings held at the capitol. Pursuant to those meeting the Board sent a letter to that Board indicating that there may be litigation due to the boundaries not being adjusted to follow the guidelines. She explained that the matter was taken up on Thursday but there was not a lot of discussion prior to a vote passing the map; the new map is called LO3. At the conclusion she spoke with Commissioner Keith Bybee regarding the objections that have been raised. He explained that it's a negotiation and that nobody gets everything. Both Canyon and Ada Counties got 2 of 3 requests so for Canyon County part of the legislative district will extend into Washington County and part of Ada County will go into Gem County.

Commissioner Van Beek spoke to the following points:

- Jim Rice would have to share a legislative district with Abby Lee.
- There would be affects for Rick Youngblood and Todd Lakey.
- Goal was to get to a 0% population deviation.
- Jeff Agenbroad and Brent Crane said this was probably as good as it will get.
- She believes Ada County may have a different interest that Canyon County.
- With the adjustment of the boundary lines Mike Moyle now represents Canyon County and the City of Star.
- Brent Crane indicated to her that if a county got 2 of 3 requests to just leave it. Jeff Agenbroad explained to her that it was a well thought out, broad based plan that was developed by Bart Davis and his feeling is that if this goes to court the county will not win.

- Brent Crane indicated that with the new maps, representation will change from 8 Representatives to 10 and from 4 Senators to 5.

Commissioner Van Beek said that, overall, based on the information and feedback she has, Brent Crane said he would let Ada County pursue litigation on their own. Commissioner Smith said she is good in moving forward how things are. She feels that Canyon County gained a little more representation and that serves the community best.

The meeting concluded at 10:22 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY LTD STRO., LLC, FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NO. OR2021-0015 AND RZ20201-0032

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by LTD Stro., LLC, for a comprehensive plan map amendment to change the designation of parcel No. R30395 from Agriculture to Residential. Also requested is a rezone of 39.08 acres from "A" (Agricultural) to an "R-1" (Single Family Residential) zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, Matt Wilke, Mike Chidester, Hethe Clark, Arron Elton, Emily Riley, Doug Srosnider, April Wilke, Doug Critchfield, Alan Mills, David Ferdinand, and Deputy Clerk Monica Reeves. Commissioner White disclosed she has known Doug Strosnider for 20+ years and they had a brief conversation this afternoon but it did not involve this case. Commissioner White disclosed that she has known Mr. Strosnider for years, and she briefly spoke with him but they did not discuss this case. Elizabeth Allen gave the oral staff report. The applicant, represented by Matt Wilke, is requesting a comprehensive plan map amendment to change the designation of Parcel No. R30395 from Agriculture to Residential. Also requested is a rezone of 39.08 acres from an "A" (Agricultural) to an "R-1" (Single Family Residential) zone. The subject property is located at 17672 N. Can Ada Road in Nampa. The property is an original parcel and a government lot and is eligible for an administrative land division with the potential for four lots. The existing land use surrounding the site is active farmland primarily; the land uses to the south and north include agricultural parcels, a platted subdivision, residential uses and the city limits. The average lot size of the area is 24.32 acres. The subject property is located within the Nampa impact area and a city subdivision is planned on the parcel to the east, Phase I of Sand Hollow. For the County's future land use, the property to the north on the southwest corner of Ustick Road and Can-Ada has a future land use designation of residential. The current future land use map designates the property as agriculture, and Nampa designates it as residential, mixed use. The request is not consistent with Nampa's comprehensive plan or future land use map. Within one mile there are 35 platted subdivisions. The site has been actively farmed and is currently surrounded by active and viable agricultural land. Ms. Allen reviewed the agency comments. Although the property is contiguous to the Nampa city limits no sewer or water is currently available to the parcel. The property is located within a nitrate priority area and SWDH requirements shall be met including but not limited to a nutrient pathogen study throughout the platting phase of the development. Ms. Allen reviewed the comprehensive plan



policies. The Nampa P&Z Department requests denial of the application because the land use is not consistent with the city's comprehensive plan future land use map as the proposed zoning would likely generate a gross density of one dwelling unit or less. The city noted concerns of incompatibility with current and future residential development densities and land uses in the area. The original staff report had different impacts mentioned and when it was transferred to another staff member they identified different impacts which include the prime farmland and the incompatibility with Nampa's designations. On October 7, 2021, the P&Z Commission recommended approval of this request. Staff has provided FCO's based on the P&Z Commission's recommendation. Following her report, Ms. Allen responded to questions from the Board.

Testimony in favor was as follows:

Matt Wilke testified that within one mile there are 35 platted subdivisions with a .43-acre average lot size; the site has Class 2 and Class 3 soils; it is not prime farm ground. The project will have an average lot size of 1.1 acres. Neighbors are supportive of the lower density. The cost to move the sewer line is astronomical with bids ranging from \$5 million to \$20 million a mile. The applicant has owned and farmed the property since 2007. They have a preliminary NP study which states the lots will be well within the proposed development with the width requirements on a lot orientation for 65% nitrate reduction system on each lot. A test well is less than 900 feet to the south that's had 2,567 measurements between 1993 and 2019. In regards to the letter from the Vallivue School District stating their elementary and high schools are at capacity, Mr. Wilke said this project with just 29 homes will have less of an impact than a higher density project.

Mike Chidester is the project developer who testified about the variance request with the Nampa Highway District. The property will have one-acre lots with homes on the medium to high-end of quality scale. In August they asked the City of Nampa about their plan and the feedback was they don't generally get into County issues too much. The city's stance has changed quite a bit since initial conversations, and the challenge is the city has said they are against it because it doesn't fit the zoning which puts the developer in a bind where they can't do anything, and the city has no plan to do anything.

Hethe Clark works with the purchaser group, and he testified about the legal challenges and conundrum where they are pinched between the planning and the practicalities of the situations. They have a project that Nampa would like to see developed at a higher density but it's miles away from sewer with a significant cost (\$20 million a mile) associated with that. There's been no written opposition other than the City of Nampa and concerns raised by the Vallivue School District. Nampa is adjacent but it doesn't have the ability to serve the property; there is no timeframe for the construction and there is no plan to pay for it so the question becomes is the landowner then expected to sit on their hands and hope there is a better plan for how to pay for a 30-foot deep sewer line for 2.5 miles. This is a question of balance, and we have to balance the planning against the practical and look at balance in terms of the comprehensive plan.

Doug Strosnider stated acknowledging a school has issues with capacity is not unusual, unfortunately there is no way in the state that allows us to address that with impact fees or other

ways especially for smaller subdivisions that do not have a large impact. He was surprised to see school districts talking about streets, streetlights, etc. One-acre lots will have a lesser impact on school capacity than a higher density development will have. The applicant tried to work with Nampa on the existing lift station but they said no because they are at capacity. Due to the costs involved he doesn't see where sewer lines will be brought to the area.

Testimony in opposition was offered as follows:

Doug Critchfield, a planner with the City of Nampa, gave testimony regarding Nampa's planning and zoning interest in the property. They have been working with the developer for some time, and one of the concerns they have is with it being adjacent to city properties. The city has a policy of not servicing property with utilities until it's annexed and there are no utilities directly immediately adjacent to the property. There is water approx. 700 feet to the south and there may be some options through city engineering to bring water to the property which may allow a reduction in lot size. The primary concern is with density. The area is slated for much higher density development in the future. As the city encounters subdivisions that were developed in the county, they are finding incompatibility issues with the neighbors. In the new comprehensive plan, the County is attempting to preserve ag land and drive development back towards annexed properties in the city and they support that approach. They favor development of the site if it were to be annexed in the future, but currently they don't think it will be compatible with future development in the area. Following his testimony, Mr. Critchfield responded to questions from the Board.

Rebuttal testimony was offered by Matt Wilke who said they have a road variance request with the highway district, and they do have access to the property. They have not seen any construction since 2019 and they cannot get sewer and he believes the city is trying to strongarm them. Their letter received on October 7<sup>th</sup> is dated August 18<sup>th</sup> and they were not able to respond to it. After the October 7<sup>th</sup> hearing they met with the city again to try to work on a solution but there is nothing they can do. It's a unique property where it shows agriculture on the future land use map for the County but we know it's going to develop, and Nampa wants medium to high density but they cannot provide the utilities so what's the landowner supposed to do?

There was discussion about subdivision improvement waivers. Commissioner Smith said it's important to have an analysis of the impact area agreement, and she noted that subdivision standards could be addressed at the subdivision hearing. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek is not in favor of a lower-end subdivision; we have the ability to evaluate what goes in and the quality of the development based on the criteria we are given. She wants the County to develop into desirable partnerships that interface between the County and the city. She wants the applicant and the city to figure out what is in the best interest long term. Commissioner White said there was testimony that it would be a higher standard, not starter homes subdivision. The location with access to Highway 20/26, the interstate, and the marketplace speaks to better quality than starter homes. Commissioner Smith said this is a straight rezone to R-1 and we cannot control housing quality. Following discussion Commissioner

White made a motion to approve the request for a comprehensive plan map amendment and rezone and direct staff to amend the FCO's to include an area of impact finding and note that consideration was given to the Nampa on their maps and information. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. The ordinance and resolution will be signed once the FCO's have been amended. The hearing concluded at 3:00 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH CANYON COUNTY AND CITY OF CALDWELL REGARDING THE CALDWELL URBAN RENEWAL AGENCY'S PROPOSAL FOR A NEW REVENUE ALLOCATION AREA

The Board met today at 3:11 p.m. with officials from the City of Caldwell regarding the Caldwell Urban Renewal Agency's (CURA) proposal for a new revenue allocation area. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planner III Kate Dahl, Chief Deputy Sheriff Marv Dashiell, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Assessor Brian Stender, PIO Joe Decker, Steve Onofrei, Mark Hilty, Doug Waterman, Brent Orton, Carol Mitchell, Ophelia Morales, ElJay Waite, Middleton Mayor Steve Rule, Middleton City Clerk Becky Crofts, Tonn Peterson from Ball Ventures Ahlquist, Aaron Lake from AT Industrial, other interested citizens, and Deputy Clerk Monica Reeves.

*Summary: The CURA is proposing a new revenue allocation area that would include approximately 1,000 acres of area outside the city limits of Caldwell. The majority of the proposed district is along Highway 20/26 west of Interstate 84 (Exit 26.) This is a similar plan to the 2019 draft submitted for consideration, however, as part of this plan, the draft includes the recognition of the County-owned property identified for the jail site (within the proposed draft) and provision of infrastructure construction to support the jail site. Further, the draft plan proposes substantial infrastructure upgrades to the region, a seat/vote on the Urban Renewal Board (as appointed by the BOCC) and other improvements over the course of the 20-year period.*

Commissioner Smith said the plan is similar to what urban renewal district tried to pass two years ago. In a previous position at Destination Caldwell, she was actively involved with urban renewal and she understands and appreciates its value, and she witnessed what Caldwell and Nampa's urban renewal districts have done for the growth of their communities and subsequently the growth for Canyon County, and she is excited to hear how this plan considers those things.

Comments were offered as follows:

Mark Hilty said the City of Caldwell is looking for approval of the intergovernmental agreement and approval of the plan which is required because a significant portion of the area lies outside city limits. The city is looking for partnership with the county because the developments that go forward and the infrastructure that will attract them and the increasing tax base off the

developments they anticipate will locate here. They want to build on the success that's been realized at Sky Ranch. The current urban renewal area (URA) will sunset in the next year and will add \$1 billion of property tax increase during the lifetime, which blows away all projections they had for that area, and they believe the same thing can be accomplished in this new area. Sky Ranch is out of room and the City is looking to continue what has been started there. Mr. Hilty said they realize there are concerns about tax dollars, project costs, and philosophical concerns about urban renewal, but the Board should keep in mind the well-paying jobs created by the industrial users, and the strong families that can come from secure jobs. The area was identified in 2019 and parts are within a mile of downtown Caldwell. There is a lack of infrastructure, access, and utilities which make it difficult to extend the infrastructure that's necessary for industrial users. The goal of the plan is to find a way to incentivize through tax increment, the development of the infrastructure so they can market the areas as shovel-ready for industrial use. The area has not developed because the infrastructure is not there and there isn't a cost-effective way of getting it there and urban renewal can bridge that gap. It's the perfect spot for another Sky Ranch. There is substantial interest in industrial development in Caldwell, and we need an URA to create shovel-ready properties for them to develop on. The County will have to do without the increment that will be used to fund these projects. A base assessment roll is set and taxes will continue to be received on that, but the increase in property value will go to fund the UR projects. It's a fraction of one percent (1%) of revenue that's generated from this area for the County right now and pulling it out is not going to have a significant impact on budgets. Whatever is being generated in the area now, which is low, the County will still get that in addition as those properties come out of ag exemption the increased property value for the dirt is added to the base basement roll so taxes will increase even with the reallocation area in place. The plan is substantially for low-burden uses; there are some areas that are probably appropriate for high-end residential around reclaimed ponds, but significantly industrial and commercial developments that don't generate the burden on law enforcement or fire services. Caldwell is actively looking for an annexation path for these properties they think will get there soon, if approved. As properties are annexed it alleviates some of the burden the County would have for providing services. Yes, there will be a reallocation for tax increment dollars, no, we do not think it will adversely affect County taxes. It will help profoundly in the long-term. There should be a County representative on the urban renewal board, not just for this area but for the other projects the city has and other areas that might be considered in the future. Following his comments, Mr. Hilty responded to questions from the Board. ElJay Waite provided information on the feasibility required by statute and the probability of determining the funding of all the project costs based on the revenues that would be received. The City provided information on levy rates, tax codes, and construction values for the top 10 projects in Canyon County since 2017, which was significant when looking at what taxable values are on the rolls right now. He talked about how he converted the information on values into cost-per-acre for construction values and looked at the top 10 projects. He made calculations then put it into the spreadsheet which created a model that said for all properties that would develop into large industrial or commercial north of the Boise River and railroad tracks would be funded, the high priority items would be funded with discounted dollars to today's value and that discount rate was 4%. The city wants investments that are supportive of the agricultural community and that is what the first project consists of. There are approximately 1,875 acres in this revenue allocation area of which 1,090 are being targeted for the first-phase development

which would continue through the first three-quarters of the urban renewal life. The infrastructure costs for streets and utilities being paid for by developers and reimbursed over the remaining life of urban renewal, up to, but not to exceed the value of the improvements they paid for. There is no interest being allocated to the developers. Market assessment designation and industrial and commercial development projections over the 20-year term of CUR are partially based on key economic indicators detailed in the Canyon County 2020 Comprehensive Annual Financial Report, and additionally demand for large shovel-ready sites in the CEUR agency area exceeds supply. In the revenue model the projections for the “CNURA increment property tax revenue” utilized projections from large development taxable assessed values since 2017 and actual assessed values added to the property tax rolls by the Assessor countywide and for the Sky Ranch Business Park. The assessed value of this property provided by the County is \$36,003,565. An estimate of the value of the revenue coming from the levy rates was used in the plan as a fixed levy rate during the 20-year period and started with only a 1.5% deviation from actual numbers. Mr. Waite spoke of how the City and the County both have economic development persons to help bring the best type of development to the area. There was a review of revenue generation. They are showing no revenue for the first three years because they are only showing revenue from developments or redevelopments of property. There is no increased value for assessor reappraisals or inflation – it was simply to show what the development would provide against the cost that the development has to pay. There will be two full years to find the right developer to begin and complete construction before the tax rolls return revenue to the agencies. He expects the first revenue to return in 2025 from the first project, and he expects the economic development team will have developments in line waiting for their opportunity to begin construction over the life of this plan. Every year there is a new development coming online. The base value revenue of the \$36M (\$381,000) is only 1.5% higher than what has happened based on the estimated levies in this plan, that stays with the County. Any land increases that happen during the development will come to the County and other taxing entities. When we put in the properties that would be developed at the values already on the County books we are showing that over the 20-year period the value that’s brought in is \$1.9 billion. The taxable value that has decreased is \$2.388M and the net cumulative taxable value is \$1.9 billion and the gross incremental revenue is \$173M. The last year is \$13,877,456. We are taking a revenue of \$381,000 for taxing districts to a revenue of almost \$14M. The revenues have been discounted at 4% back to today’s prices so we can compare what the project costs are to the revenues we generated. The net revenues available to pay projects costs are \$156M total and the discounted rate is \$91,862,000 and that is adequate to pay the high priority project costs. If the URA outperforms many of the low priority projects will be completed. Not only is this probable, it should be our goal to turn this area into a mecca for industry that will support our ag community and provide good jobs and opportunities for the residents. Commissioner Smith asked if he did any projections on how it might help the County jail. Mr. Waite said there is time to develop a plan of what the County needs to happen out there, but they have not taken the liberty to say it would be a jail of this size; that is for County to determine what that is and the City can look at how it can help. The infrastructure is included in what gets paid back. There is revenue to put the infrastructure on that property and he assumes the urban renewal would do the infrastructure around it. Commissioner Smith asked what it means if we find a mechanism to fund a jail on that site within the next few years? Mr. Waite said the project moves ahead, comes to 2025/2026. The 24 acres the County has is prime property for

what its trying to do and as quickly as it can get there it would be a project that could move forward and be reviewed by the agency. If the agency needed to provide infrastructure for the streets it could be paid with an urban renewal bond. Aaron Lake owns AT Industrial and he said they just finished the largest industrial building built speculatively in the Treasure Valley, with other projects underway. They were attracted to this area over other areas in Boise because of the advanced investment made in Sky Ranch. Tonn Peterson, from Ball Ventures Ahlquist, a commercial real estate company, spoke about the benefits of the Sky Ranch Business Park and how the residual benefits of urban renewal and how it keeps on giving. They have users coming to this area from other states because of the shovel-ready attractiveness of Caldwell/Canyon County because of what urban renewal can provide. He talked about how the demand for the industrial component is key to making the industrial work. Steve Fultz spoke about the economic development team, and the partnership between the City of Caldwell, the Caldwell URA, and Canyon County. The issue continues to be the demand for shovel-ready ground. There is a food processing prospect who is considering Canyon County, and they were looking at more than 70 sites throughout the U.S. and have narrowed it down to two, and Caldwell/Canyon County is one of the two they are considering. They are looking at building 1.1 million square feet of a food processing manufacturing area, with an investment of approx. one-half of a billion dollars, and 400+ jobs with an average wage around \$52,000 per year. A project of this magnitude would be a top 10 economic development project for the U.S., not just Idaho. The issue for companies seems to be the tax increment financing (TIF) opportunities to help offset some of the costs they would incur for the infrastructure needed (power, sewer, water, gas), and the need for a clear understanding of what that partnership is and how it comes about. Time is of the essence but there are things we need to look at in regard to that element. Currently there is no pathway of annexation, so the partnership becomes even stronger as we move through that process. He is in favor of the proposal but said we must build a strong partnership between the City of Caldwell, the Urban Renewal Agency, and the County to make this work. Clerk Yamamoto spoke of his experience with land use over the years and he posed the question: *how much growth do you want?* The proposed plan sounds like it will be good for the agricultural community, but the problem he has with urban renewal is that for 20 years all taxpayers, to some degree, subsidize that. He is dismayed that the new revenue allocation area has had time to put this presentation together, but the County has not done the tax work on it and yet the Board is voting on it tomorrow and he has problem with that. The property tax impact worries him. Commissioner Van Beek said this is basically the same proposal from 2019 and there has been two years for elected officials who have objected to this plan to come forward and provide additional information to the Board that would either inform the urban renewal committee of the concerns or provide feedback. This proposal is to take an area that generates \$383,000 and taking it to almost \$14M, and she spoke of the partnership and visionary leadership that says we are going to gain revenue in the long term and that is convincing. Clerk Yamamoto disagrees. Doug Waterman said the city has had an update on the district agendized as an attorney report for nearly every urban renewal board meeting for some time, and there will be a final public hearing on the plan, assuming it moves forward today. There was a public meeting on the area and the declaration that has deteriorated and that was related to the plan. There have been public meetings for both urban renewal and the agreement, and the plan and various aspects of it and reports on the progress of the plan over the last year. Commissioner Smith said the County knew the City was doing this and there were opportunities beyond what is

happening today to work with the URA. She asked Assessor Brian Stender about Mr. Waite's statement that the proposed area is a fraction of the current assessments. Assessor Stender said he is not sure what the fraction is, perhaps it's a fraction of what will be generated eventually, what we are currently receiving as the tax base out there. There is a lot of this area that is currently farm ground and it's upsetting we are promoting the development of farm ground. He is not a fan of urban renewal, but he is a fan of having a shorter duration – not 20 years – if it's properly funded like the current one, if we could have paid it off earlier and returned the increment back to the property owners, he would have been a bigger fan. He's not 100% against urban renewal, there is a lot of that area that is subpar that needs some effort. He wants a copy of the information so he can review the numbers that were presented. If this does move forward, he asked if there is a possibility of paying it off earlier perhaps in 8-12 years. Mr. Waite said they scheduled those so they were the lowest bond payment possible when the bonds were issued so that they did not infringe upon the integrity of the revenue stream. They had to guarantee certain revenue in reserve when they put them together, and if there were to be a stampede of developers and it built out in the first 10 years instead of the first 15 years then those revenues will come in and when they hit that point that's the purpose of having commissioners from the City and the County to say when can we pull the trigger to de-annex. When they first did urban renewal, de-annexation was not something that was on the table 23 years ago, but it's there now. It is feasible during 20 years and if it goes sooner it will happen sooner. Doug Waterman said the urban renewal plans of 2021 are not the plans of 1992. They have attempted to contemplate every project and every project cost that may arise in that area. To Assessor Stender's point, if this builds out immediately and the projects that are contemplated are completed there is nothing else we are allowed to do. If that is 8, 10, or 19 years from now - in the year in which all of our projects are paid for with revenue we have that is the year we terminate the plan. That is one of things that will apply to this that did not apply in the past the same way. There is nothing we want more than to have this plan terminate in year 7, 8, or 9 because all that development goes back on the tax rolls and we look for a Caldwell Urban Renewal Area South in the year 2035. Commissioner White asked what's different from when the plan was presented in 2019? Brent Orton said a couple of facets are different: 1. The area is a little different. We don't include agricultural property in the proposed allocation area unless the written consent of the owner is obtained. There are some areas that have not been included that were last time, and some areas that have been included that were not last time based on industry that has shown interest in coming to Caldwell. The 8-project parcel is the last parcel in Sky Ranch but there have been multiple points of interest in this general area including one that has a site selector on site today looking at this area and they have expressed the importance of having infrastructure built. The change in the area and adapting to the things we learned last time when concerns were expressed, and we are being responsive to those concerns in what we proposed this time. There is a sewer line and a water line out there, but they would not be sufficient to support the area; the City would have to duplicate the lift station that's out there to support much industry/growth. We need additional water infrastructure. We are excited for the prospect of being able to bring in the infrastructure that would allow it to happen. The entire Pond Lane acreage is included in this plan. The City is pleased to include anything that can legally be included to assist with the jail project. Commissioner Van eek said this is a great selling point and marketing strategy and she is in favor of moving forward with the jail at that location because it's been included in the urban renewal. To have a work release

program where there might be places to employ or train people for the market is exciting. Brent Orton said another thing that's different about the plan is the feedback on some of things the City had proposed, such as a parking structure so they took that out. He explained the reason it was included is because the law requires you to include anything that might be built with it. It has been removed. Assessor Stender said the plan still includes something parking related. Robb MacDonald said there is accommodation in the plan for some public parking that could be used by the public at any location where it may be needed at some point within the allocation area. Assessor Stender said there are administrative costs included and economic development costs already built in, and since this is a partnership what is the possibility of some of that helping to fund the County's new economic development position. Commissioner Smith said when we pitched the idea for a County economic developer, we talked a lot about how Caldwell and Nampa have adequate teams and our goal was to support the smaller cities and rural agricultural areas, but to your point, we are working with urban renewal in this area. Director Fultz said if funding was available, he wouldn't turn it down, but it needs to be a concerted effort between the two organizations and communities to tag team these efforts. Land use is another one where we may be able to look at other opportunities within these areas for land incentives that may be available through that. It's very possible to do something like that. Commissioner Smith wants to get a recommendation from the Caldwell team tomorrow on that. Director Fultz said one of the visions in filling the position was not only addressing the building, planning, and the code enforcement, but also on the economic development end and how it all ties together and developing these close relationships. The County has never had an economic development person in place, so he sees it as an opportunity to partner and bring some expertise, and while the focus is on the smaller communities and strategic planning, a partnership with the larger cities saying we are team that works together. Controller Zach Wagoner said he's heard there will be mixed use, industrial and maybe some apartments and that will result in an increased demand for County services, how will those services be paid for? The property taxes paid by those new developments will be allocated to the URA, it will not come to the County. Commissioner Smith asked if there is any data showing Sky Ranch and North Ranch have caused a burden on public services? Controller Wagoner said the current urban renewal is bigger than Sky Ranch, and there are a large number of residential developments in the existing revenue allocation area and he sees that growth will cause an increased cost for all types of services: public safety, EMS, property tax, administration, billing, collection. Commissioner Smith said one of the services we lack is a jail, and this would be one funding source to meet that need that we don't currently have. Controller Wagoner said taxpayers have been asked if they want increased property taxes for a jail and they have said no. This is property tax, and he questions if it's a backdoor property tax to fund a jail? Commissioner Smith said it's not a backdoor property tax, it's the only method out there that the legislature has approved. It's legal. Commissioner Van Beek said the biggest obstacle she heard was the cost of \$198M to build a jail and we chose not to go through an RFP process. There is more to the story that would have to be told with that "no". It does not diminish the amount of revenue we are currently receiving so there is a counterweight there and the question would have to be asked, what do you see as the need for increased services in an industrial area. It would represent less risk than a high-density low-income housing. Controller Wagoner said the revenue goes to the URA, not to the County or other taxing districts, and his concern is for residential property taxpayers. We have heard repeatedly from taxpayers about their property tax bills skyrocketing.



Commissioner Smith asked about the impact with the current revenue allocation area sunsetting and the difference from the original value to the value now. What impact will that make to the taxpayers? Controller Wagoner said that depends on what we decided to do with our property tax dollars. We could leave our property tax dollars the same, that new value would then drive down the levy rate and that would benefit all County property taxpayers, or we could increase our property tax dollars to reflect what's currently being paid to the urban renewal. It's our choice. It could be a funding mechanism for the jail, or we provide some property tax relief to current property taxpayers. Commissioner Smith said we also are missing an adequately sized jail and it's our job to fund that. That's another potential funding mechanism, when that sunsets, and capitalizing on that. Brent Orton said the indications they think they have from discussions are that the creation of an allocation area there will probably prompt an annexation path of the things closest to the City soon and that's where people have talked to the City about the possibility of apartment buildings. Another thing to look at is the proportion of the tax that would be missing that is drawing upon those services, especially EMS. Lastly, with the current allocation area bringing about a higher tax base at the end of the day which came with job creation and a lower tax burden for the public in general because you have this big value density that comes with industrial, this is possibly a time to think about a way of investing in ourselves and eek by with maybe less revenue for those services during the life of the allocation area, and finally, that once those properties are developed to the point that once they are developed out, perhaps partial de-annexation, although he doesn't know if that is possible. There are couple ways that could be outs. Annexation into the City would mean the City would have to provide those services that are in question, and de-annexation from the agency once they are developed out is a possibility that has been raised. Commissioner Smith asked Legal Counsel what safeguards the Board should evaluate. Zach Wesley said he has reviewed the documents and they are very similar to the documents reviewed in 2019 so they do provide a path to accomplish this. He reviewed the three items on tomorrow's agenda:

- Make a declaration about the area so that it falls under the urban renewal definition of deteriorated.
- There's a transfer of power agreement between the County and City that would basically turn over the County's authority in this area for these urban renewal purposes to the City and so the biggest change between these agreements and the way they were in 2019 was the language that would require the City to appoint a County representative to the urban renewal agency.
- His review is limited to the form of the documents that are prepared and will they accomplish what you have set out to do and to that question he can say yes, we are ready to go on that end, but that is not a review of the entirety of the plan or the groundwork that's been done by the URA.

Commissioner Smith asked what a release of power means. Mr. Wesley said it's about the allocation of tax dollars; Director Fultz made some comments that he will work to get incorporated into another draft for tomorrow. There will be some benefit from having clarity about the zoning authority, making explicit that until annexation occurs or there's an area of impact agreement, the zoning doesn't change in this area unless it goes through the County

zoning process. The same would be true for services in the area; until the City annexes and provides the law enforcement out there the Sheriff's Office would be the primary law enforcement entity to respond. No Board action was taken. The meeting concluded at 4:56 p.m. An audio recording is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 16, 2021

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

#### APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

- The Board approved the transfer of sick leave time to vacation time for A. Anderson; E. Romo

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Uniforms 2 Gear in the amount of \$20,104.00 for Canyon County Sheriff
- 3C in the amount of \$14,102.00 for Information Technology Department
- SHI in the amount of \$2,659.38 for Information Technology Department

#### 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 (left at 9:04 a.m.), Deputy P.A. Doug Robertson, Chief Deputy Sheriff Marv Dashiell, Cpt. Harold Patchett, Kent Smart with Tech 84, Jack McLoughlin with Command Sourcing, Landfill Director David Loper (arrived at 9:03 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing a resolution approving award of Officer's Badge and Duty Weapon to Sgt. Shawn Naccarato:*** Chief Dashiell said Sgt. Naccarato will be retiring at the end of the month and provided

his work history with Canyon County. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution approving award of officer's badge and duty weapon to Sgt. Shawn Naccarato (see resolution no. 21-229).

Mr. Robertson explained that Mr. Smart and Mr. McLoughlin are in attendance today for the preproposal conference for the body scanner. A brief review of the timeline for the project was given and discussion ensued regarding demolition of partial wall in the booking area.

The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH LANDFILL DIRECTOR TO DISCUSS BEAUTIFICATION PROJECT

The Board met today at 9:21 a.m. with the Landfill Director to discuss the beautification project at the landfill. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Landfill Director David Loper and Deputy Clerk Jenen Ross.

Director Loper provided draft copy of project costs for the beautification project, a copy is on file with this day's minutes. Currently the project is broken into three phases – phase I is the monument sign, phase II is the paving and phase III is the landscaping. \$100K was included in the FY22 budget for asphalt, there was also \$75K budgeted for beautification. Director Loper would like to focus on the sign first. His preference would be to do a large engraved landscape type rock as opposed to a lighted sign or sign board. He will work with Mr. Robertson to determine if an RFP will be necessary based on the Board's preference on the project.

Phase II of the project is for earthwork and hardscape in relation to the paving portion. Although it is related to the beautification project it is also its own project that has already been planned separately from the beautification project. Director Loper would like to move forward with the asphalt portion which is \$100,000. Additionally, he would like to do some of the ribbon curbing near the office. There is a lot of work that can be done by landfill staff such as demolition of the asphalt, relocation of traffic signs, removal of bollards and some of the culvert work. Ideally, he would like to keep the entire project within \$150,000 to \$175,000 as budgeted. If the Board is amenable to this plan Director Loper said he will put together a more detailed price point plan for presentation to the Board.

Director Loper explained phase III will be considered in fiscal year 2023. For now, he would like to focus on the first two phases.

In response to a question from Commissioner Van Beek, Director Loper spoke about gate modification and the ingress/egress.

The Board is supportive of the conceptual plan. Director Loper will put together more specifics regarding details and pricing.

The meeting concluded at 9:46 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:03 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Director of Misdemeanor Detention Jeff Breach and Assistant Director of Juvenile Detention Shawn Anderson (arrived at 10:09 a.m.), Director of Juvenile Probation Elda Catalano (arrived at 10:11 a.m.) and Deputy Clerk Jenen Ross.

Director Brown updated the Board on the following:

- Today they have 30 juveniles in custody; 3 DJC, 2 Gem County, 1 Washington County, the remaining are Canyon County kids which are being held longer. Over the weekend they had 34 juveniles in custody.
- In regard to email he sent about overtime and on-call, he doesn't believe he has received approval from anyone but Commissioner Van Beek at this point. Commissioner Van Beek read an email dated November 10, 2021 from Commissioner Smith into the record providing her approval. A recap of the situation was given for Commissioner White. Director Brown explained that he is at a point he has to implement mandatory overtime and on-call just to ensure staffing levels but wanted to make sure he has proper authorization. Commissioner White provided her support for the overtime as necessary.
- There are currently 6 open positions; 2 contingent offers were made and accepted; 3 more contingent offers will be made tomorrow.
- All schooling aspects are going well.
- Kids are very high maintenance right now with a lot of behavioral issues which is an added stress for staff. Behavior room doors are not holding up but he's worked with maintenance to get them retrofitted to make sure they are secure.
- In response to a question from Commissioner Van Beek, Director Brown spoke about some of the things they try to do for the holidays.

The action item was considered as follows:

***Consider signing Juvenile Detention Housing agreement with Valley County:*** This is the standard annual contract, there are no changes. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Juvenile Detention Housing agreement with Valley County (see agreement no. 21-119).

The meeting concluded at 10:15 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:15 with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach and Deputy Clerk Jenen Ross.

Director Catalano updated the Board on the following:

- A lot of juveniles are being placed on diversion.
- She is working on staffing needs; 1 person has been out on maternity leave and another left in July. She will be posting her vacant position due to increased workload.
- Brief discussion regarding space needs.
- There has been an increase in juvenile gang activity in Canyon County.

Director Breach updated the Board on the following:

- COVID has been going thru his department so they are managing being shorthanded; 2 staff members will be going out on FMLA.
- A new PO will be starting the week after Thanksgiving; they will be coming in with 2 years of experience.
- Review of cases numbers: 996 active cases; 508 on bench warrant status; 304 in the community service program.
- He has spent some time visiting with 3 new judges and the need to keep court days where they are. He has also visited with TCA about similar issues.

The meeting concluded at 10:26 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:30 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross.

Director Tolman updated the Board on the following:

- There have been a few accident claims recently.
- Equipment is coming in; still waiting on vehicles to arrive.
- A new tech was recently hired and will start Monday.
- The carwash project is moving slower than expected but continuing to move forward. In the meantime, there are a few vehicles that need to go to an outside carwash. Commissioner Van Beek requested a list of the vehicles and the cost. Director Tolman's suggestion is for individuals to use their county credit card to pay for the carwash and bill it back to the Fleet line. The Board is supportive of this plan.
- Commissioner Van Beek said they are working towards updating the fleet policy and anticipates it being ready in January. Discussion ensued regarding risk management as far as what can be done and the savings it can provide to the county. Director Foster is working to collect statistics over the past couple of years regarding claims. Director Tolman is working to collect information on claims that have been subrogated.

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

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

The Board met today at 2:34 p.m. with the HR Director to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster, HR Generalist Jennifer Allen, HR Sr. Administrative Specialist Bailey Allen and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing resolution to approve the title and job description to one (1) position in Maintenance:*** Director Foster spoke about how a survey was done of several other counties and the average salary for this position is around \$93,600 as a minimum. Currently the position is starting is \$77,904. Director Foster is suggesting there should be an amendment to compensation plan.

An overview was provided regarding applicant for the open Director of Facilities and Maintenance position. There are about 11 highly qualified candidates and another 7 that are well qualified; most candidates are requesting \$100,000 - \$110,000. A list and applications of qualified candidates were provided to the Board.

Commissioner Smith noted that it is not on the agenda today for the Board to consider making changes to the compensation plan. However, they can consider changes to the title and job description.

Discussion ensued regarding a review/recommendation committee and decided that Cpt. Harold Patchett, Fair Director Diana Sinner, IT Director Greg Rast, Controller Zach Wagoner and Coroner Jennifer Crawford will be asked to participate. The Board will review the applications and meet again tomorrow to discuss the candidates they'd like to interview; interviews will be conducted next week.

Ms. Allen gave overview of changes to job description; the only major change is to the title changing it from Director of Operations to Director of Facilities and Maintenance. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to approve the title and job description to one (1) position in Maintenance (see resolution no. 21-239).

Commissioner White made a motion to continue the meeting with the HR Director to tomorrow, November 17, 2021 at 3:00 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 3:12 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING MEMORANDUM OF UNDERSTANDING BETWEEN U OF I CANYON COUNTY EXTENSION AND CANYON COUNTY FAIR FOR THE 4-H YOUTH DEVELOPMENT PROGRAM

The Board met today at 3:12 p.m. to consider signing the memorandum of understanding between the U of I Canyon County Extension office and the Canyon County Fair for the 4-H youth development program. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Commissioner Smith said this MOU has been in the works for a long time. It has been reviewed by Fair Director Sinner and is what she was wanting. Mr. Wesley said the MOU outlines the rules and responsibilities and divides up tasks and responsibilities in order to get the 4-H show at the fair prepared in a timely and efficient manner. This agreement will renew automatically every year and there is a 60-day termination clause; this is a written understanding but requires both the university and the county to appropriate the funds and staff within the budgets. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the memorandum of understanding between U of I Canyon County Extension and Canyon County Fair for the 4-H youth development program (see agreement no. 21-120).

The meeting concluded at 3:16 p.m. An audio recording is on file in the Commissioners' Office.

## DEMONSTRATION BY CGI DIGITAL FOR A COUNTY SHOWCASE VIDEO PROGRAM

The Board met today at 3:18 p.m. for a demonstration by CGI Digital regarding a County showcase video program. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker, Amy Velez with CGI Digital (via conference call), and Deputy Clerk Monica Reeves. Joe Decker was contacted by CGI Digital and advised that Canyon County had been selected to participate in a showcase video program, which we are eligible for as a NACo member. CGI will produce a series of six (6) different videos for our website at no cost to the County. The content can be customized on a variety of topics including economic development, parks and recreation, agritourism, wine region, real estate, relocation, quality of life, etc. CGI receives no funds for the program and they offset their costs by creating public/private partnerships and working with businesses across the country. Video tour links will appear on the website, and around the perimeter of the link there will be logos for various businesses that provide marketing opportunities for local businesses. Each business logo will have a video as well. They also highlight nonprofit community organizations at no cost. The Board watched videos CGI has prepared for Barrow County, Georgia and Kootenai County, Idaho and were impressed with the content and quality displayed. The County's only commitment would be to provide Mr. Decker's time to assist with the project. Their script writers will write each 90-second video and send it to the County for edits and then filming will begin followed by post-production work and review/edits, and then CGI will provide a link to have all videos displayed on the website. They will come back every two years to update the content at no cost. The Board unanimously agreed to authorize Mr. Decker sign the letter of introduction and agreement in order to start the process. The meeting concluded at 3:46 p.m. An audio recording is on file in the Commissioners' Office.

## CONSIDER SIGNING DOCUMENTS RELATED TO THE URBAN RENEWAL AGENCY OF THE CITY OF CALDWELL

The Board met today at 4:05 p.m. to consider signing documents related to the Urban Renewal Agency of the City of Caldwell. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, PIO Joe Decker, Chief Deputy Sheriff Marv Dashiell, Controller Zach Wagoner, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Assessor Brian Stender, DSD Director Steve Fultz, City of Caldwell officials: Mayor Garret Nancolas, Caldwell Finance Director Carol Mitchell, Attorney Mark Hilty, Attorney Doug Waterman, Steve Jenkins, Brent Orton, and Robb MacDonald, Rachel Spacek from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Yesterday a workshop-type meeting was held to solicit input on the urban renewal project, and at the conclusion of the meeting the Board asked for changes to a couple of the documents.

Doug Waterman reviewed the changes as follows:

### Changes to the intergovernmental agreement:

He said Zach Wesley asked for specific wording and the first change is in Section 2 where they removed the reference at the end of the first paragraph of Section 2 to City resolution No. 317-



21, which declares the area to be deteriorated. That particular action is covered by the County resolution also declaring that area deteriorated, and it was to avoid duplication or confusion.

They added a new paragraph at the very end of the agreement. There was concern that the agreement impacted the agreement between the City and the County as to the impact area, and this language was added for the sake of clarifying that this agreement does not supersede or modify that agreement in terms of it being a part of the land use planning toolkit. The new section states: *The parties agree that this agreement constitutes the entire agreement between the parties hereto, which is a way of making sure you are only looking within the four corners of the document. This agreement should not modify, transfer, waive, limit, or remove duties, jurisdiction, or authority imposed or allowed by law except where undertaken herein, but not limited to, duties, jurisdiction, or authority for zoning and building permitting.* It's saying you have to look within the four corners of this document. This document shouldn't be construed to do something that it doesn't explicitly do. Zach Wesley said the changes were made in response to comments from Director Steve Fultz. Commissioner Smith said there was a question about funding for an economic development position. Mark Hilty said that is a legitimate expenditure of urban renewal funds under the law to pay for staff, and the agency is willing to work with the County on that. The difficulty is what the agency pays for has to be for the benefit of the urban renewal area so if we have a countywide economic person we will have to figure out a way to quantify what work is actually for the benefit of the URA. If we can figure out what is a fair portion of the time and effort of that position expended for the benefit of the URA then the City would work with the County on the compensation. The other limitation is there is not much revenue expected in the first 2-3 years because there won't be much increment there, and that could be a hurdle as well. As we get beyond the first couple of years there will be significant revenue likely and this will be a relatively minor expense for what can be a significant benefit to the agency particularly when it comes to coordinating the certain users who qualify for the tax exemption process.

Commissioner Smith said there was a lot of discussion regarding annexation at the 2019 hearing, and a perceived theory that we were going to wait for the land to be annexed. What is happening with annexation? Mayor Nancolas said the City has had numerous meetings with property owners and all the property owners out there that are of agricultural use have signed and are willing to be a part of it. The key piece is there is a landowner in the middle that does create a link that has expressed a desire to begin developing as soon as they can and that requires annexation so that does link to the Caldwell property which links to the Harris property which begins that process. He expects it to be annexed within the next few years as there is a very strong annexation path. Caldwell Housing Authority wants to be annexed into the City of Caldwell and they are working with some of the property owners to create an annexation path. The goal is that it will all be annexed. Commissioner Van Beek said the question was answered yesterday, and some of the property in the urban renewal area is located less than a mile from the Caldwell impact area and the reason it hasn't gone is there are unique challenges to that area that urban renewal is designed to solve and if it could be developed it would be developed. Mr. Waterman said that is the assertion of the finding by the City that the area is deteriorated and the purpose the County would be making is a similar assertion by adopting the resolution to find that area deteriorated. The

bridge, for annexation purposes, is deteriorated in a way where it needs the benefit of urban renewal to develop. Mayor Nancolas said there is a path but at this moment, there is no project. Commissioner White asked if there are plans for force annexation. Mayor Nancolas said he is not aware of the City forcibly annexing anyone. However, there were some people who needed sewer, but it was a unique set of circumstances and so the City approached the property owners and asked them to be willing to submit to being a part of the revenue allocation area and one of the reasons it took a while to get the final numbers to the Assessor is there were people who didn't want to be included and so they had to change boundaries. The City does not use force annexation on anyone, however, if someone requests services they enter into a services agreement that says when you can be annexed you agree to that. It's a partnership, not a forced annexation.

Commissioner Smith said nearly 100% of the taxable parcels are in the County and the plan includes the City to receive some administrative costs that are covered that are received from the allocation. Should any money be recouped by the County for some of those administration costs? Mayor Nancolas said if there's a way to show a link and a nexus between that, then certainly. If you had a staff member who was dedicating time and working cooperation with the City then yes, that would be an eligible expense and something we would have to agree to and make happen. Mr. Waterman said the agency is obliged to purchase the services it needs. Commissioner Smith asked if that is a change to the agreements. Mr. Waterman said no, it can be accommodated under the current plan.

Commissioner Smith asked if all parks are identified as city parks, and whether any parks are annexed or considered County property. Mayor Nancolas said there is a state park (Caldwell Ponds) which is owned by Idaho Fish and Game, and there is a contemplated partnership for those ponds. The parks are unincorporated and so they will not be able to use established impact fees for those parks. *A correction was made later which stated Curtis Park is annexed in to the City, but it does not change the need for using increment on the other parks. The Rotary Pond Park is also part of what connects to Curtis Park.*

Commissioner Smith asked how the levy rate is established? Mr. Waterman said the levy rate is established in the ordinary way it is year over year. He said for the purpose of the feasibility study ElJay Waite is aware of inclusions and exclusions within the code so those portions of the school levy that are excluded from urban renewal under Idaho Code were excluded. Highway districts were included and the City contemplates they will participate. Mr. Waite knows the code applicable to which levies remain with the entity levying them and which portions come to urban renewal and the levy rate established in the feasibility study reflects those facts. Mayor Nancolas said urban renewal and/or revenue allocation areas are not allowed to levy tax so whatever the levy rate of the County or highway district is at the time is what is used in the revenue allocation area. HB389 affected the existing revenue allocation area dramatically because it artificially lowered levy rates which then reduced revenue.

Commissioner Smith asked if there is any willingness to have a definitive statement within the agreement that would force the urban renewal to terminate if the revenue exceeds projections and all projects are completed? Mark Hilty said the difficulty is with the absolute nature of the

request. Levy rates are out of control of the agency so the revenue is a projection and is not known for sure and so there are high priority projects and low priority projects we have to remain flexible on. Canyon County will have a seat to make those decisions as they come along. With national companies who want to speculate on industrial property in Caldwell it could very rapidly advance what has been projected in the feasibility study and if that happens we will fund projects and we'll be done. Once the projects are completed the agency is over. Whether that happens in 5 years or 20 years, we don't know.

Commissioner Smith asked if you bond any of the projects do you not need that annual income to pay off the bonds? Mr. Hilty said you do, but you can generally pay those bonds off sooner or you can set aside the funds if you have them to service the debt. You can retain an amount necessary to pay those bond payments as they come due and still sunset the revenue allocation area. They have done their best to forecast what this looks like. Urban renewal is about growing the tax base and getting eventually those increased taxes onto the rolls for all taxing districts.

Commissioner Smith asked if we can have the plan written to drop County out of the levy component of properties if annexed into the city? Mr. Hilty does not think that will be feasible. Commissioner Van Beek is in support of this. The City of Caldwell has received national attention for the product they produce through an urban renewal tool and it benefits not only the City of Caldwell, but also the County. She wants to partner with the cities to have working partnerships that benefits all residents of Canyon County. Right now, the County is receiving a little over \$300,000 for the value of that property and in 20 years we are expected to get a \$14M return and that is pretty significant.

Commissioner Smith asked if they can confirm the numbers of what the original allocation, the total levied amount of for the communities were when Sky Ranch started and what they are projected at now? Mayor Nancolas said the original and existing revenue allocation area known as the Caldwell East Urban Renewal Agency was formed in 1998, and the total assessed value of the city was \$660M, so by law no more than 10% of that (\$60M) could be included in the original revenue allocation area. That \$60M has grown to nearly \$1 billion because of the investment made by urban renewal and of course that \$1 billion, the majority of it has come into play the last few years especially in the Sky Ranch Business Park and now North Ranch, and those will hit the tax rolls as we begin the sunseting process in February/March of next year and will hit the tax rolls the year after that. The revenue allocation area that started at \$60M will leave (upon sunset) well over \$900M. At the same time, the remaining \$600M that was not included in the revenue allocation area is now estimated at \$2.4 billion. The efforts inside the revenue allocation area provide benefits outside the revenue allocation area which translates into decades and decades of benefit that are on the tax rolls. Commissioner Smith said it was a good partnership with the City and the high-quality good jobs are being provided and that serves all residents. One of the big reasons she supports the plan is because the area includes our future jail site. When she served on the Caldwell Economic Development team they talked about the location of that and there was some discussions on that, but Caldwell is supportive if that that remains the jail site and this plan would allow a funding source for the infrastructure. Mayor Nancolas agreed.

Commissioner Van Beek said the County has had some difficulty getting bonded support for that jail project and a partnership that would help the County get that site improved for a much-needed facility is a win and she is supportive of it. Commissioner White asked about the infrastructure for the Pond Lane property. Mayor Nancolas said the infrastructure we're talking about that urban renewal can participate in is, for example, when a developer comes in they have to improve the road frontage, including curb, gutter, sidewalk, and stormwater, and bring in water and sewer, and they have to have power, gas, etc. There is a broad spectrum of infrastructure that does qualify under urban renewal law that can be paid for. Power has to be brought in for this area, and natural gas, roads need to be widened, and stormwater if appropriate, and parking lots can be built to help the jail – that is what is referred to in the plan as infrastructure. There is water and sewer, the city has already made that investment, but the other pieces of infrastructure that also fall under that umbrella would need to be improved. Brent Orton said water and sewer came in some time after the project was attempted. It came in when the Caldwell Housing Authority had a consent order on the wastewater treatment facility so that was a partnership with them to get the sewer in and the City put in the lift station and the Board of Commissioners provided an easement that allowed sewer to be on the south side of the County's property and it was extended by the owners of Canyon RV.

Commissioner White said this decision is not based on how much she respects or admires the Mayor and her admiration for what Caldwell has done with their downtown area, it is based on her role as an elected official where urban renewal has always been an issue. She does not support urban renewal. Her decision is based on what is best for the taxpayers and citizens.

Commissioner Smith said she ran for office with a platform that supported urban renewal. She believes in urban renewal and entrepreneurs would not be in our hometown if it was not for that. She's not heard from one constituent who doesn't support it, but she has heard from elected officials who do not support it. The people in her world understand the value urban renewal has brought to the community and the jobs it brings and the revenue that will be flowing back into the County when the first urban renewal district sunsets, which will do two things: provide property tax relief, or it will become another funding source for a jail we desperately need. The City will work with us to identify some of the administrative costs and if our Assessor finds questions with the feasibility and has minor changes in the next 30 days we can make those necessary changes. She wants to make sure the communities are growing and thriving with a plan and the City put a plan together that will help us moving forward.

Commissioner Van Beek made a motion to:

Sign the resolution declaring that certain property within the county is deteriorated and deteriorating, declaring a need for urban renewal and declaring a need for the urban renewal agency of the City of Caldwell, Idaho to extend its area of operation beyond the boundaries of the City of Caldwell, Idaho and into unincorporated Canyon County, Idaho;

Sign an ordinance providing for the transfer of powers necessary for creation of an urban renewal plan and a revenue allocation area located partially within and partially outside

the City of Caldwell, Idaho and approving execution of the intergovernmental agreement for roles and responsibilities under Idaho Code Section §50-2906; and

Sign the intergovernmental agreement for roles and responsibilities under Idaho Code §50-2906

The motion was seconded by Commissioner Smith. Commissioner White said with the sincerity and the soundness of her reasoning she will be voting no. The motion carried by a two-to-one split vote. (Resolution No. 21-230, Ordinance No. 21-038, and Agreement No. 21-118.) Commissioner Smith told the elected officials and audience members that she is committed to work with the City on changes, if they are minor, and if anyone has any changes or suggestions please let her know what they are. The meeting concluded at 4:56 p.m. An audio recording is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 17, 2021

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

#### APPROVED CLAIMS ORDER NO. 2204

- The Board of Commissioners approved payment of County claims in the amount of \$1,902,016.82 for a County payroll.

#### APPROVED CLAIMS

- The Board has approved claims 579270 to 304 in the amount of \$27,631.09
- The Board has approved claims 579392 to 579424 in the amount of \$40,659.85
- The Board has approved claims 579694 to 579778 in the amount of \$143,325.95
- The Board has approved claims 579326 to 579362 in the amount of \$81,103.67

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Platt in the amount of \$2,289.28 for Facilities Department

- Staats in the amount of \$3,368.67 for County Fair Department
- Tarp-Omatic Inc. in the amount of \$1,096.00 for Solid Waste Department
- Dell in the amount of \$2,095.35 for Information Technology Department
- Dell in the amount of \$1,233.50 for Information Technology Department

CONSIDER SIGNING RESOLUTIONS GRANTING REFUNDS TO TODD SIMONSEN, MIKE BELL AND DEANNA RHINEHART FOR INCORRECTLY COLLECTED NAMPA FIRE DISTRICT FEE

The Board met today at 1:35 p.m. to consider signing resolutions granting refunds to Todd Simonsen, Mike Bell and Deann Rhinehart for incorrectly collected Nampa Fire District fees. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Director Fultz reported the department erroneously assessed fees for Mr. Simonsen for impact fees for the Nampa Fire District when the site is actually located in the Marsing Fire District which has a different level of impact fees and so they want to refund the Nampa Fire District charge of \$560 and do a reassessment of impact fees for the Marsing Fire District at \$1,238. Mr. Bell's and Ms. Rhinehart's properties are in the Upper Deer Flat Fire District but they were assessed fees for the Nampa Fire District which was incorrect, there is no charge for the Upper Deer Flat Fire District. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolutions for refunds in the amount of \$560 to Mike Bell, Todd Simonsen, and Deanna Rhinehart for an incorrectly assessed Nampa Fire District fee as explained by Director Fultz. (Resolution Nos. 21-231, 21-232, and 21-233.) The meeting concluded at 1:37 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - APPEAL BY MARK STEVENS OF A DIRECTOR'S DECISION REGARDING THE INTERPRETATION OF A VARIANCE IN REGARDS TO MODIFYING AN AGRICULTURAL BUFFER SETBACK WITHIN DIAMOND RIDGE SUBDIVISION, CASE NO. PI2021-0425-APL

The Board met today at 1:38 p.m. to conduct a public hearing in the matter of an appeal by Mark Stevens of a director's decision regarding the interpretation of a variance in regards to modifying an agricultural buffer setback within Diamond Ridge Subdivision, Case No. PI2021-0425-APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, Mark and Terri Stevens, another interested person, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report and said Mark Stevens' appeal is regarding an interpretation made by the DSD Director regarding a variance to an agriculture buffer within the Diamond Ridge Subdivision. The property is 3.55 acres, identified as lot 14, block 1 within the Diamond Ridge Subdivision. It is zoned agriculture and the comprehensive plan designates it as agriculture. On August 26, Mr. Stevens with the Director and staff and discussed his request for a variance for an accessory structure within the 100-foot setback within the subdivision. In 2020 the DSD Director and the Board of Commissioners

provided correspondence saying the variance process was not available and that the platting process is required. Mr. Stevens provided an interpretation of the variance process. On September 20, 2021, staff provided a letter stating it concurs with the Director and the Board's decision in 2020 that the variance process is not available to a setback created by a plat. The appeal was filed on October 4, 2021 for the following reasons:

- The plat process is costly and unreasonable when the variance process provides the same goal
- The 100-foot setback was meant to apply to houses, not accessory structures
- Mr. Stevens believes the current ordinance supports the variance for this modification

The property is surrounded to the east and south by agricultural properties. It was built upon in 1995 by the original owner and the Stevenses purchased it in 2018 with the existing house and plat stipulations. It has a 100-foot setback on the east and south side of the subdivision, and with plat note #9 it states lots 2,3,8,9 and 14 through 19 of block 1 shall maintain a 100-foot setback to provide separation from adjacent agricultural uses. It comes from a decision in 1994 through a CUP where a condition of approval stated the final plat must note a plan for enveloping on the south and east lots for the placing of homes so that the interests of the farmers are protected. Mr. Lister reviewed sections of the ordinance and the state law pertaining to a variance. A variance cannot vary something that was created through a CUP; the only way to fix that is to amend that CUP and/or amend the plat by removing or modifying that setback of that plat note. Even if this came through a variance process staff would recommend denial because they do not see a hardship. It's a 3.55-acre property and there are plenty of places to put the structure. Staff believes the replat of the Stevens lot is a substantial modification and it needs to be re-noticed through the short plat process. Another option would be to do a plat vacation to remove the plat note and the 100-foot setback. This would require a modification to the CUP to modify or remove that condition. Or, find a different location for the structure that meets the plat and county setbacks. Staff recommends denial of the appeal. Following his report, Mr. Lister responded to questions from the Board. Zach Wesley said this setback is not one the County's ordinance can correct. Board discussion ensued regarding the interpretation process the ordinance outlines. Mark Stevens testified that today's hearing was supposed to be about interpretation, but it has now spilled over into a denial of a variance request, but no variance request has been applied for because the application would not be accepted. He said there was no process for the letter to be generated except that it was put together by planning and zoning, and one of the things that has been left out is the definition of a setback. County Code, Section 07-02-03 defines the setback as the space on a lot required to be left open and unoccupied by buildings or structures, either by the front side or rear yard requirements of this chapter, or by delineation on a recorded subdivision map or record of survey. There is no differentiation made in the law between the two and as such two separate processes that have been put together as a result of procedure and policy have nothing to do with the law. They are one in the same. The CUP conditions state the setback is for homes, but he wants to build a shop and he believes he is being overly regulated as a result of a mistake that was not caught by the County in the review process prior to the plat being recorded. According to Mr. Stevens the farmland has not been farmed in a decade and the lower right corner is where he wants to place the shop which is the best place for it. He spoke of the unusable portion of his land which represents a good size of his property. He believes he has

un undue hardship. He expressed due process concerns and said he has made several attempts to obtain the code section that states that you cannot use a variance for this process, but no section has been provided. The costs involved will total \$10,000 to do a replat and he said it's not fair he has to pay that cost to accomplish the same means that could be done with a variance. The setback is one and the same whether it's on the plat or in the code doesn't make any difference. He said staff informed him his options are to: pay \$6,000 to \$12,000 for a plat vacancy or replat, or build the shop where it will not only devalue his property, but other properties in the neighborhood because of desirability. Mr. Stevens said where he wants to put the shop is the most desirable spot because it's a flat area and out of the way. He doesn't want it to block the views of the neighbors. He said no legal reason has been given to support the Director's decision. The envelope was supposed to be there for homes, not other buildings that would otherwise be found on ag property. Mr. Stevens believes a variance is allowed in this case. The existing ordinance indicates a variance can be used to modify the setback; there is nothing that expressly states that a setback delineated on a map or plat cannot be modified with a variance. Requiring the property owner to file more paperwork and pay more fees and pay hard costs associated with paying an engineer to draw a new plat is burdensome and expensive and likely violates the law. County staff should have known and they should have made corrections prior to the plat being recorded. Following his testimony, Mr. Stevens responded to questions from the Board. Discussion regarding the definition of a variance. Commissioner Smith questioned the cost estimate of \$6,000 to \$12,000 seems excessive because she knows people who will do a simple change to the plat for \$1,000. Dan Lister said a minor replat does require a final plat to be signed so it does require a mylar. A simple change to a recorded plat is for very minor changes, and substantial changes are done through a short plat process. He talked to Mr. Stevens about the different processes that are available. There was extensive discussion whether a variance would result in a change to the plat, and there was a review of the ordinance including sections 07-17-19 and 07-17-21, as well as Idaho Code, Section 67-6516A which states: "*A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.*" Commissioner Van Beek said it looks like Mr. Stevens has some options other than the southern portion of his property for locating his shop and while she is sympathetic to his argument, the intent of the law is to protect the farmer. She agrees that the process seems cumbersome but in purposes of clarification for changing a plat note and applying for a variance she hopes the process has become clearer. Commissioner Smith said a variance can be done but Mr. Stevens still has to apply for the subdivision replat. Section 07-17-03 lists the exceptions, and the only way the Board can help is if it can find this is a simple change to a recorded plat and then he would be able to have a surveyor provide a record of survey with the change. An engineer should not have to be involved with a simple change. Mr. Lister summarized the options again. Mr. Stevens said he doesn't disagree with the 100-foot setback, but it should not include outbuildings. Commissioner White said Mr. Stevens has the space with 3.5 acres to place the shop in some other location on his property. The Board took a break from 3:03 p.m. to 3:06 p.m. 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 first item to consider is staff's interpretation of a definition of a variance. Mr. Wesley gave comments on the ordinance section and further discussion ensued. Mr. Lister, the purpose of today's hearing is an interpretation of



the variance and if it can apply to a plat setback. If we give Mr. Stevens the processes again we could probably tell him which ones are possible and what would need to happen and staff could come back to the Board and talk about that interpretation. Discussion ensued. Commissioner Smith said we should just be looking at our interpretation of the definition. If he can show this is an ordinance provision that affected his setback then yes, he could apply for a variance, but it's not an ordinance provision. There is already a process identified in the ordinance to amend conditions of approval so we cannot skirt a set process with another process. Mr. Stevens could amend the CUP condition, but he would still have the plat note. Staff told him to vacate the plat note. Commissioner White understands the applicant's frustration, but she does not believe the shop should be placed in the agricultural setback. Commissioner Van Beek made a motion to deny the appeal by Mark Stevens of a Director's decision regarding an interpretation of a variance in regards to modifying an agricultural buffer setback because there are: a) either other options for placement of the structure, or b) the applicant could apply to modify the CUP and follow up with a request to vacate that plat note recommended by staff. Commissioner Smith agrees with denying it but she doesn't like the prepared findings of fact which mention the replat because all we should be looking at is the variance. The Board should be look at the standards for a variance based on the definition and why this request does not meet the variance. It doesn't have anything do with replatting. She agrees with the interpretation that's on the record of what a variance is and what it applies to. Staff will bring back revised FCO's to reflect the discussion so it talks about the definition and remove everything about the characteristics of the site because that's not what we are talking about today. We are only talking about the definition of a variance. Commissioner Smith restated the motion to support the Director's decision regarding the interpretation of a definition of a variance and to modify the denial to include the discussion and breakdown of variance, per the Board's interpretation. Commissioner Van Beek amended her motion to deny the appeal and uphold the Director's decision for the interpretation of a variance and that staff includes discussion on that interpretation of the variance and why the applicant was not successful in approval for the appeal. The motion was seconded by Commissioner White and carried unanimously. Staff will bring back the FCO's for consideration. The hearing concluded at 3:32 p.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 3:37 p.m. for a properly noticed meeting with the HR Director. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 3:38 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 and HR Director Kim Foster. The Executive Session concluded at 4:05 p.m. with no decision being called for in open session.

The Board instructed Director Foster to schedule candidate interviews to be hosted next week.

The meeting concluded at 4:05 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 18, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Cascade Fence Co Inc in the amount of \$4800.00 for Parks Department

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:48 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-22; 2021-1059; 2022-4 and 2022-13.

The Following case does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue a final denial with written decision within 30 day on the following case: 2021-766

Liens and lien releases were presented for Board signatures.

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

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

The Board met today at 9:06 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz, Assistant Plan Examiner Stephanie Hailey, Code Enforcement Officer Eric Arthur, Ryan Morgan with Keller and Associates, Director of Juvenile Probation Elda Catalano and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing Juvenile Justice Annual Financial Report 10/1/2020-9/30/2021:*** Director Catalano explained that due to funding received from the Idaho Department of Juvenile Probation this report is completed annually. Highlights of the report were reviewed including supervised diversion, supervised probation, petitions filed during reporting period, recidivism, restitution and community service. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Juvenile Justice Annual Financial Report for 10/1/2020-9/30/2021. A copy of the report is on file with this day's minutes. Director Catalano will collect remaining signatures and return a fully executed copy to the Board.

*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 White made a motion to go into Executive Session at 9:21 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 Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Steve Fultz, Assistant Plan Examiner Stephanie Hailey, Code Enforcement Officer Eric Arthur and Ryan Morgan with Keller and Associates. DSD staff and Mr. Morgan left the meeting at 9:56 a.m. The Executive Session concluded at 10:01 a.m. with no decision being called for in open session.

The meeting concluded at 10:01 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

DISCUSSION OF UPCOMING CITY OF CALDWELL PROJECT TO REPLACE SEWER LINE ALONG ALBANY STREET IN CALDWELL

The Board met today at 1:33 p.m. for a discussion regarding the upcoming City of Caldwell project to replace the sewer line along Albany Street in Caldwell. Present were: Commissioners Leslie

Van Beek and Pam White, City of Caldwell Officials: Brent Orton, Project Manager TJ Franz, and Robb MacDonald, Jerry Taylor with Milestone Construction, Interim Facilities Director Rick Britton, DSD Director Steve Fultz, Assessor Brian Stender, Treasurer Tracie Lloyd, Juvenile Detention Director Sean Brown, Director of Misdemeanor Probation Jeff Breach, Chief Public Defender Aaron Bazzoli, Chief Deputy Sheriff Marv Dashiell, PIO Joe Decker, IT Director Greg Rast, and Deputy Clerk Monica Reeves. Jerry Taylor explained that they will be performing significant excavation work on Albany that will go past the administration building and the courthouse and there will be a significant barrier between the courthouse and normal parking areas. They will install orange fencing and chain link fencing to keep people on sidewalks and prevent jaywalking through the work zone. It's deep work to dig up a street and it will be messy, noisy, and it will take a while. Albany Street will be closed from 9<sup>th</sup> Avenue to 11<sup>th</sup> Avenue but access to the parking lot and pedestrian traffic will be left alone. Interim Director Britton talked about plans for access to the parking lots and said there will be a pathway on the backside of the rock shop to give an easement/temporary roadway so employees can utilize the parking lot. The City of Caldwell will inform the public, and PIO Joe Decker will notify employees on how the closure will affect them. Treasurer Lloyd, Assessor Stender, and Chief Public Defender Bazzoli want to make sure patrons can access the administration building during the construction work. Chief Dashiell had questions about how many north/south movements will be restricted at the same time during construction. According to Mr. Taylor, no more than two. The first part of their work will be at the 10<sup>th</sup> Avenue overpass with bore work that will start the first week in December and there will be pedestrian signage as part of traffic control plan, and local traffic will be allowed. There are two phases to the project: the first includes the bore work at the overpass and when that work is done they will do the bore pits at 21<sup>st</sup> Avenue (near the fairgrounds); and with the second phase they will come back to Darigold and start working through towards the overpass and then cross in front of the administration building and the courthouse and down Albany Street towards 15<sup>th</sup> Avenue and that is where there will be a lot more significant impact. The target completion date is the Fall of 2022. Interim Director Britton said he and IT Director Rast are working on a project to install fire optic conduits, one for the City of Caldwell and one for Canyon County, from Darigold through the fair expo building as the sewer line work is in progress. Brent Orton expressed his appreciation for the cooperation in letting the city put in the sewer line because it will be a big improvement and will eliminate the 21<sup>st</sup> Avenue lift station which has been problematic. No Board action was required or taken as the meeting was held for informational purposes only. The meeting concluded at 1:57 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2021 TERM  
CALDWELL, IDAHO    NOVEMBER 19, 2021

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

APPROVED CLAIMS

- The Board has approved claims 579732 to 579777 in the amount of \$85,618.72
- The Board has approved claim 379325 in the amount of \$258.75
- The Board has approved claims 579465 to 579499 in the amount of \$88,931.66
- The Board has approved claims 579425 to 579464 in the amount of \$14,262.07
- The Board has approved claims 579617 to 579657 in the amount of \$66,045.67
- The Board has approved claims 579500 to 579544 in the amount of \$23,012.76
- The Board has approved claims 579454 to 579567 in the amount of \$11,807.00
- The Board has approved claims 579568 to 579616 in the amount of \$56,060.56
- The Board has approved claims 579658 to 579693 in the amount of \$113,402.60

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Samantha Ball, Agricultural Programs Coordinator; Brenden Azevedo, Misdemeanor Probation Officer

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO Engineered Systems in the amount of \$34,320.00 for Facilities Department
- Mattson Distributing in the amount of \$13,366.90 for Solid Waste
- Gunarama Wholesale in the amount of \$9,084.00 for Canyon County Sheriff

CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR OCTOBER 2021

The Board met today at 9:40 a.m. to consider signing the Treasurer's tax charge adjustments by PIN for October 2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The total adjustment for 2019 is \$158.72 and 2020 is \$442.68. 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 October 2021. The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

## NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 22, 2021

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

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Neurilink, LLC in the amount of \$10,049.85 for Information Technology Department
- Neurilink, LLC in the amount of \$32,217.77 for Information Technology Department
- Carbon Networks in the amount of \$6400.00 for Information Technology Department

### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar LLC to be used 12/03/21, 12/05/21, 12/08/21, 12/09/21, 12/10/21, 12/12/21, 12/15/21, 12/21/21, 12/30/21; Moad LLC to be used 12/09/21, 12/10/21, 12/18/21

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

The Board met today at 9:01 a.m. for a meeting with the City of Star/Canyon County area of impact committee regarding impact area negotiations. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, Spencer Kofoed, Richard Edgar, Kevin Wheelock, Mayor Trevor Chadwick, Councilman Michael Keyes, Councilman Kevin Nielsen, Attorney Chris Yorgason, Star City Planner Shawn Nickels, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Pam White arrived at 9:13 a.m. (*Copies of the two (2) maps and ordinance that were discussed today are on file with this day's minute entry.*) The committee reviewed the latest map that was agreed upon at the last meeting in October, 2021. Mayor Chadwick reviewed the changes on the map that included one small corner on the bottom to address the two properties that were not included at the last meeting. (This change was noted in

an October 22, 2021 email from Councilman Keyes to the committee of nine members and it stated, in part, there are 2 parcels that are not part of Leighton Lakes that should be included in the area of impact.) The properties belong to Earl Hafer, and Idaho Private Lands; the only properties they left out were the Leighton properties to the west. The map is based solely on the motion and approval at the last committee meeting. The committee also reviewed the latest draft of the ordinance dated November 17, 2021. Mayor Chadwick said they originally proposed the same ordinance the County is using for other Canyon County cities, and the only difference they added was that the City of Star's comprehensive plan would apply in the area of impact, and through discussion it came back to list Canyon County's comprehensive plan instead. Chris Yorgason said the ordinance defines the maps, the other purpose is to identify which plans and ordinance apply in the impact area. Commissioner Smith said if we are evaluating leaving the P&Z Commission or the Board and they've made application to us, we would only apply the County's comprehensive plan and our documents would be binding. The Mayor and the City would be able to provide testimony if they wanted an applicant to follow Star's documents, they could consider if they choose, but they don't have to. Unless it's a request for annexation. They added a piece to talk about Star's economic corridor access management plan (roadway map) and they want the County to consider and utilize the map for continuity for roads. Commissioner Smith asked if it lines up with Canyon Highway District's proposed impact fees. Mayor Chadwick said it does, and it lines up with the City of Middleton's for back-age and frontage roads. The bypass is another issue with the state of Idaho and Hwy 44's improvements. Chris Yorgason said in Section 9 it's written that the Canyon County Zoning Ordinance will also apply in the impact area. They used the Caldwell ordinance as a template, but they included the specific Star Subdivision Ordinance that would apply. They have identified landscaping and trees so that as subdivisions are built they will look like Star's subdivisions on the zoning and comprehensive plan even though they are in Canyon County. Discussion ensued regarding waivers, deferrals, and variances. Regarding applicable transportation plans, Commissioner Smith said we have not seen that in an ordinance that the County would comply, especially from the Board level. Zach Wesley said we could include some language to indicate we would consider the transportation plan in the impact area during our processes and not have it state *shall apply*, but *shall consider*. Mayor Chadwick said the City has put a lot of effort into this to make sure they have continuity through that side of the valley and not solely relying on Canyon Highway District. Commissioner Smith said the County follows Canyon Highway District's recommendations, and they are a signatory on the plat. Councilman Nielsen said the City and County are in the exact same position and they rely on the highway district just as the County does. It should say neither agency will try to change the plan that the highway district is already a part of or try to apply anything different than what the highway district is planning to do there. Commissioner Smith said that's fair. This map would replace the functional classification map; it's a preservation of the corridors. Zach Wesley said perhaps we could reframe that language so it fits within the bounds of what we have for everything else that way if there is a need for a waiver we wouldn't be bound by the map. Both Commissioner Smith and Mayor Chadwick like that idea. Councilman Keyes said although it's referred to as a plan, there are no other words beyond the map. Star is in the process of working on a full-blown transportation plan and they have a lot of those ingredients, but for this process they are looking to adopt this map. It's important to maintain these open corridors and they have worked to make sure they align with Middleton's corridors because getting east/west traffic off Highway 44 is going to be critical for

years to come. There was discussion regarding the coordinated efforts with all agencies working together on the transportation plan. Michael Keyes said the City of Star recently met with Canyon Highway District, the City of Middleton and the County to implement impact fees within the highway district and this map is the basis upon which those impact fees and the planning around it was based upon for the Star section of that project. Commissioner Smith referred to language in the ordinance regarding the conflicting language pertaining to the functional classification map. Discussion ensued. Zach Wesley said the ordinance leaves Star's map in the impact area as the controlling map subject to a waiver. He asked if we want to build in a process to resolve conflicts with the highway district's map. Commissioner Smith said if we put it in the ordinance that this is the map we will follow with the waiver possibility, but the highway district should respond. Mayor Chadwick said the highway district can be the ruling authority. Zach Wesley and Chris Yorgason will come up with suggested language on this issue. Mr. Yorgason asked if the highway district is required to follow the 2016 map, or are they allowed to make their comments based on the work that's been done? Commissioner Smith said the highway district is following whatever plans they have adopted up to that point, not anything the County has referenced. Mr. Yorgason said if the highway district adopts a similar map and when an application comes before the Board, the comments will reference the map not the 5-year-old functional class map. Commissioner Smith said we need to make sure our GIS person has the current map so that in that area we are only pulling in the correct map, not the old map and she thinks moving the language to that other section would accomplish that. She has seen times where the highway district and fire district have included things in their letters that were not required that the County has not enforced. Mayor Chadwick said it would be a form of "F". Commissioner Van Beek said the criticism she's heard is that with four highway districts in Canyon County some are operating with different standards when they are supposed to be commensurate with that and so this is an opportunity to clean that up and make sure everyone is on the same page and not overreaching on the enforcement or inclusion of things that are not outlined in the ordinance. Committee members Wheelock, Edgar, and Kofoed said today is the first time they have seen the ordinance. Commissioner Smith talked about having more time review the documents, but the committee's recommendation deadline is Sunday, November 28, 2021. Mayor Chadwick said we can approve the ordinance with the changes the council comes up with for the transportation portion of it. Commissioner Smith asked how we enforce the two impact areas (Star and Middleton) that overlap. Zach Wesley said the conclusion of the committee is to have a recommendation on the map and ordinance and then the County and Star each have time to adopt the recommended changes. State law requires the cities to have a conversation and try to work it out and if they can't work it out there is a process that can be followed. Commissioner Smith asked which ordinance applies when there is a conflict? If the committee passes the ordinance and map and then we have to adopt it within a certain time period, it will instantly conflict with the City of Middleton's map. Mr. Wesley said hopefully they can work through that other process before there is an actual application. Chris Yorgason said the comprehensive plan and the zoning ordinance won't change; the subdivision ordinance is the piece that will be the conflict. He doesn't know how the County would figure that out, but if we don't adopt it there isn't a way to get to the next stage. If nothing is adopted there is no overlap. He agrees with Zach Wesley. Mr. Wesley said that's the way the state law envisions the process working. It puts the County into a position where if the cities haven't worked it out and not gone through that process and they are coming



to us from a tie-breaker the Board would be able to make that call. Discussion ensued about the issue of overlap and the review process. Councilman Michael Keyes made a motion that the Committee of Nine recommend the Board adopt the ordinance as amended today. The motion was seconded by Commissioner Van Beek for discussion. She asked Mr. Wesley if he is comfortable this protects the County and is the right step to move forward with the amended language on the ordinance. Mr. Wesley said this is very close to what the County has agreed to with the City of Caldwell and the City of Nampa; it's not a question of protection but a question of the County and the City agreeing on what processes are applicable through the land use processes. With the change to the comprehensive plan this will be a similar arrangement to what we have with Caldwell and Nampa. Commissioner Van Beek said it keeps it consistent in protection only in that the County is not giving up its ability to make decisions in what happens on County ground. Councilman Keyes amended his motion include moving the economic corridor access and roadway connection map, as proposed, to Section 09-01-09. Commissioner Van Beek seconded the amended motion. Commissioner Smith said when looking at Section 09-01-09 from the planning perspective, it's difficult when they fill in the blanks with a date because they are constantly looking at old ordinances and the city has replaced ordinances, and so the words "*or as may be amended*" are helpful because it keeps things current. A roll call vote was taken with Commissioners Smith, White and Van Beek; Committee Members Edgar, Wheelock, and Kofoed; Councilmen Keyes and Nielsen; and Mayor Chadwick voting in favor of the amended motion which carried unanimously. The record shows that the committee accepted the correction to the map from the previous approval. The timeline is now set for adoption by the City of Star and Canyon County 60 days from today. The meeting concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD VOTE FOR 2021 CATASTROPHIC HEALTH CARE COST PROGRAM DISTRICT 3 BOARD MEMBERS

The Board met today at 10:05 a.m. to discuss and vote for the 2021 Catastrophic Health Care Cost Program District 3 Board members. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. Commissioner Van Beek asked Commissioner White about the meeting schedule and who she reports back to on the meetings. Commissioner White gave a brief overview on some of the discussion topics at recent meetings. Commissioner Van Beek made a motion to re-elect Commissioner White to the CAT Board. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 10:09 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 10:09 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross.

Director Fultz discussed the following with the Board:

- He has had numerous discussions with HR and Controller Wagoner about bring on an in-house engineer position. They are in the final stages of creating the job description and pay range; they anticipate presenting it to the Board in the coming weeks. The hope would be to have someone start the first of the year. Based on a question from Commissioner White, Director Fultz spoke about some of the issues in contracting with an outside company for engineering work. Commissioner Smith said she's spoken with Controller Wagoner about understaffing within the DSD department and he expressed he would like to see a full approach vs. just a piecemeal. Director Fultz said he has met with the Controller to review his proposed org chart thru 2022 and 2023. Discussion ensued regarding potential personnel needs for the department. One position being considered is an engineering assistant. Commissioner Smith expressed that she would really like to see additional code enforcement personnel as that seems to be an area with a greater need. Commissioner White said she sees the value in an engineering assistant because that person can help with the backlog which in-turn affects revenue generation. Director Fultz said he would do an evaluation of the department for development of a full plan.
- Director Fultz said that Mr. Arthur has been working with the court on collecting fines.
- The new Economic Development person started today and Director Fultz gave brief background of her work history. As part of her responsibilities she will be reaching out to area mayors and economic developers.
- Director Fultz is still attending WAED meetings and they are working on handoffs on some projects. Mr. Fultz intends for the county to continue working with WAED for their assistance on grants.
- Two Planning & Zoning Commission interviews will take place in the upcoming weeks. Commissioner Smith said she may not be able to attend the interviews but would still like the Board to move forward with the interviews. She also stated that she is supportive of both candidates.
- An interview with a possible building inspector was conducted recently and Director Fultz anticipates making an offer.
- There is a joint workshop between the BOCC and P&Z regarding originality dates which will take place on December 15th.
- Meetings are being scheduled in December with area farmers regarding the comprehensive plan. Additionally, another series of workshops are being planned. A joint

workshop should happen in January or February with the comprehensive plan to be taken to P&Z in March/April and then to the Board in May. Commissioner Smith would like a report on the response from tax bill mailer.

- Several committees within DSD have been convened to work on recreating all SOPs among all the divisions to become more efficient and they are still looking at a possible project management position to keep things on track and working more efficiently. Director Fultz has continued working with IT on the online permitting process; they anticipate the project to start in January. The preference is to go with an online permit process but their mission statement is to serve the public and will still accept walk-in applications.
- They are currently in discussions with an outside person regarding training for the P&Z Commission and possibly other city planning and zoning departments. They are looking at possibly January for the training.
- At the request of Commissioner Van Beek, Director Fultz gave a brief overview of URA funds to build a jail based on a newspaper article that was written last week. The information in the article was incorrect and the Board may contact Mr. Decker to see about having a retraction/correction printed. Director Fultz said he will also speak with Mr. Decker about this.
- Commissioner Smith would like to meet with Director Fultz and Chief Timinsky regarding the fire ordinance.
- Commissioner Smith said she would like one of the planners to contact someone she knows at IDWR in order to have a contact when collecting data regarding decreases in well water.

The meeting concluded at 10:50 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 11:02 a.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd (left at 11:05 a.m.), Clerk Chris Yamamoto (left at 11:33 a.m.), DSD Director Steve Fultz (left at 11:33 a.m.), Interim Facilities Director Rick Britton (left at 11:33 a.m.), Controller Zach Wagoner (left at 11:33 a.m.), Chief Public Defender Aaron Bazzoli (left at 11:33 a.m.), Deputy P.A. Doug Robertson (left at 11:33 a.m.), Ms. Kinda (left at 11:05 a.m.) and Deputy Clerk Jenen Ross.

***Meeting to consider a hardship application on behalf of Jean Kinda Trust:*** Treasurer Lloyd explained this is actually more of a casualty loss but due to the loss happening on August 17, 2021 after the close of Board of Equalization it turns into a tax cancellation. The value at the time of loss was \$131,600 making the taxes \$1121.07. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant the hardship on behalf of Jean Kinda Trust.

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

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 11:07 a.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, Clerk Chris Yamamoto, DSD Director Steve Fultz, Interim Facilities Director Rick Britton, Controller Zach Wagoner, Chief Public Defender Aaron Bazzoli and Deputy P.A. Doug Robertson. The Executive Session concluded at 11:33 a.m. with no decision being called for in open session.

At the conclusion of the executive session the action items were considered as follows:

***Consider new alcoholic beverage license for The STIL LLC dba The STIL:*** Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the new alcoholic beverage license for The STIL LLC dba The STIL (see resolution no. 21-235).

***Consider transfer alcoholic beverage license for County Line Wine Company LLC dba County Line Wine Company:*** Commissioner Van Beek stated this transfer is due to change in officers and both the mailing and physical addresses and Commissioner Smith noted this is a mobile bar service. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the transfer alcoholic beverage license for County Line Wine Company LLC dba County Line Wine (see resolution no. 21-234).

The meeting concluded at 11:37 a.m. An audio recording of the open portion of the meeting 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 DIRECTOR OF FACILITIES

The Board met today at 1:03 p.m. for an Executive Session to interview and evaluate candidates for the position of Director of Facilities. Commissioner Van Beek made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (a) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, HR Director Kim Foster, IT Director Greg Rast, Fair Director Diana Sinner, Controller Zach Wagoner, Captain Harold Patchett, and Deputy Clerk Monica Reeves. Tommy Heard participated

via Webex from 1:06 p.m. to 1:57 p.m. Rick Britton arrived at 2:07 p.m. and left at 2:59 p.m. Doug Pigman participated via Webex from 3:25 p.m. to 4:25 p.m. The Executive Session concluded at 4:34 p.m. While in open session Commissioner Smith noted that candidate interviews and evaluations will continue tomorrow. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 23, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 579363 to 579391 in the amount of \$30,891.53
- The Board has approved claims 579305 to 579324 in the amount of \$27,427.75
- The Board has approved claims 579779 to 579808 in the amount of \$115,062.17

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Air Science in the amount of \$1,387.88 for Canyon County Sheriff
- Boise Valley Economic Partnership in the amount of \$2500.00 for Development Services Department
- Full House Junk Removal in the amount of \$2250.00 for Development Services Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Hutching Enterprises LLC to be used 12/02/21

## MEDICAL INDIGENCY DECISIONS

The Board met today at 8:48 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-141; 2022-63 and 2022-64.

Liens and lien releases were presented for Board signatures.

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

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell (left at 9:10 a.m.), Captain Harold Patchett (left at 9:10 a.m.), Interim Facilities Director Rick Britton (left at 9:07 a.m.), Landfill Director David Loper and Deputy Clerk Jenen Ross.

***Consider signing declaration and notice of sole source procurement of a Trane Chiller Model CGAM for the Southwest Idaho Juvenile Detention Center:*** Director Britton explained this is a one-for-one replacement at the juvenile detention center and provided the reasons sole source is the best way to go. This will be a one-for-one switch out of units and there will be no re-engineering necessary. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the declaration and notice of sole source procurement of a Trane Chiller Model CGAM for the Southwest Idaho Juvenile Detention Center.

***Consider signing extension notice of temporary Detention Facility Equipment Lease Agreement:*** Controller Wagoner said this is the annual lease with ADS. The agreement is structured so that every year it is subject to appropriation of budget and assessment of need. The \$1.4M annual payment has been included in the FY22 budget and will be paid with American Rescue Plan monies. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the extension notice of temporary detention facility equipment lease agreement.

***Consider signing declaration and notice of sole source procurement of Stertil-Koni Heavy Duty Lifts:*** Director Loper said these are portable lifts they'd like for the shop to replace a stationary floor

mounted lift. These lifts will help with safety and allow better utilization of the shop space. The old lift may be set to go to auction. Purchase is part of the GSA purchasing and was included the FY22 budget. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the declaration and notice of sole source procurement of Stertil-Koni Heavy Duty Lifts.

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

#### MONTHLY MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND DISCUSSION REGARDING TRANSFER STATION

The Board met today at 9:17 a.m. with the Solid Waste Director to discuss general issues, set policy and give direction and to discuss a transfer station. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Landfill Director David Loper, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Director Loper felt this discussion was necessary based on an email he sent to Mr. Robertson and Mr. Laugheed with copies to Controller Wagoner and the Board in an effort to continue discussions with a business that had questions regarding the transfer station concept.

Commissioner Van Beek said what she took away from one of the last meetings is that the county is not interested in competing with private industry so there was some discussion about the subsidized cost of bringing in clean wood and the cost for it to be hauled out.

Director Loper said that in the email he sent he recommended and outlined the path forward in which the county could still operate the transfer station and not compete with recycling interests. The county would continue on with what is already being done at the landfill and when the county moves forward with a transfer station it would be structured so that it wouldn't compete with the recycling efforts; meaning the rates at the transfer station would be higher than a recycling company. Any wood that did come in would be put out for competitive bid for pick up just like is done at the landfill, so at that point the costs would be recovered. Wood waste picked up at the transfer station wouldn't be subsidized. Director Loper feels this is really a good middle ground, it provides good options for the community allowing them to make a choice but also incentivize the recycling of the wood. Commissioner Van Beek agrees it's a good middle ground and it is not putting the county in a position of favoring one private owner over another. Additionally, Director Loper's recommendation is to leave the fee structure at the landfill as it is in order to keep the wood out of the airspace.

Discussion ensued regarding the cost to have wood removed from the landfill. Currently, the landfill is paying approximately \$30/ton to have it removed. The cost to bring in wood waste is \$12.50/ton. Director Loper said that more defined numbers were provided in a previous email which he can resend to the Board if necessary. Mr. Robertson spoke about how many, many years are saved on the backend of landfill longevity by not filling it with wood, in turn it saves millions of

taxpayer dollars by extending the life of the landfill. Controller Wagoner said he is comfortable with the incoming and outgoing charges for wood waste as they end up being a wash when preservation of the airspace is account for. Director Loper anticipates costs for wood waste at a transfer station to be in the \$15-\$20 range at the minimum.

Director Loper said he has had additional conversations with the business owner who has reached out and it has been requested for Mr. Loper to compose an email with the concepts. The email referenced earlier was precipitated from this conversation. Mr. Loper has delayed in sending the email as he wanted to have this meeting with the Board to make sure everyone was on the same page. The email being referenced is dated November 12<sup>th</sup> and includes the landfill fee schedule and a draft. Commissioner Smith said that she has reviewed that email and it is good to go. The Board agrees that Director Loper should send the email.

In response to a question from Commissioner White, Director Loper provided reasons as to why this particular business is so invested. Additionally, Director Loper said that he is really only in favor of providing a full-service transfer station providing everything that is done at the landfill. He thinks that this particular person/business has some concerns that this might be a competing interest but he is doing what he can to mitigate the concerns.

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

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

The Board met today at 10:31 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. The following topics were discussed:

- CGI has requested any relevant business materials in relation to the county for the video they're creating. Commissioner Smith suggested Valerie at Destination Caldwell may be a good source as they have information regarding the Sunnyslope Wine Trail and Ag-Venture. Additionally, the comprehensive plan would be good to share and Mr. Decker will point them in the direction of the local chambers of commerce. Commissioner Smith also suggested having CGI contact the Nampa and Caldwell Economic Directors, BVEP and Canyon County's new Economic Developer for their business materials.
- He will be meeting with the county's new Economic Developer next week to get her set up on her own social media accounts.
- There was an article put out last week by Rachel Spacek regarding urban renewal – the headline insinuated that the county may use urban renewal monies to build a jail which is inaccurate. Mr. Decker said that if the Board has any direct responses he can assist with those. Commissioner Smith thinks there needs to be progress on the jail in general but



doesn't think there is any correction to the story needed. Discussion ensued regarding a couple inaccuracies within the article but at this point it was decided to just let it be.

- Further discussion ensued regarding the CGI videos – Mr. Decker has some footage he will offer to them; Commissioner Smith noted that people don't travel places because it looks pretty, they travel places because it looks fun so she feels people need to be captured in the videos. Potential video subjects include: introduction, economic development, Sunnyslope Wine Trail/wine region/agri-tourism, Indian Creek Plaza, farm-to-fork, rodeos/western heritage/horse park, Canyon County Parks, Cultural and Natural Resources and education.

The meeting concluded at 10:53 a.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 11:02 a.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. The following topics were discussed:

- All of his office reports have been submitted to the PDC and he has worked with the conflict attorneys to help them get their information submitted. A meeting with the PDC is anticipated to happen in a few weeks and the grant process will start in January. Mr. Bazzoli recently met with Pine Technologies and is working with them to refine some of the reports.
- Nearly 1000 cases were taken in during October – broken down as: 22 child protection, 265 felonies, 2 guardianship, 106 juvenile, 51 mental, 526 misdemeanors.
- They've had 6 homicide cases in the last few months. They are trying to keep as many as possible in-house vs. conflicting out.
- Last week Mr. Bazzoli attended the executive leadership conference.
- Currently have two open attorney positions; one entry level and one felony.

The meeting concluded at 11:17 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner White made a motion to go into Executive Session at 1:03 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on

the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster (left at 4:20 p.m., rejoined at 4:35 p.m. and left at 4:58 p.m.), IT Director Greg Rast (left at 4:20 p.m.), Fair Director Diana Sinner (left at 4:20 p.m.), Controller Zach Wagoner (left at 4:20 p.m.), Captain Harold Patchett (left at 4:20 p.m.), Eddie Brathwaite (participated via Webex from 1:03 p.m. to 1:52 p.m.), Scott Carpenter (participated via Webex from 2:16 p.m. to 3:15 p.m.), Edwin Perez (participated from 3:27 p.m. to 4:03 p.m.) and Interim Facilities Director Rick Britton (participated from 4:59 p.m. to 5:15 p.m.). The Executive Session concluded at 5:18 p.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said there will need to be another meeting next week for continued final negotiations and to discuss the next steps. The meeting concluded at 5:19 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 24, 2021

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

There were no meetings held this day.

NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 26, 2021

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

Commissioners' Office closed for the Thanksgiving holiday

NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 29, 2021

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$2,413.76 for Information Technology Department
- Motorola Solutions in the amount of \$11,880.48 for Trial Court Administration/District Court

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

The Board met today at 10:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Pam White, Commissioner Leslie Van Beek participated via teleconference and left the meeting at 10:05 a.m., Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 10:16 a.m.), Capt. Mike Armstrong (left at 10:16 a.m.), Capt. Harold Patchett (left at 10:13 a.m.), Interim Facilities Director Rick Britton (left at 10:10 a.m.), DSD Director Steve Fultz (left at 10:06 a.m.), Assessor Brian Stender (left at 10:05 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

**Consider signing summary of ordinance no. 21-038 an ordinance of Canyon County providing for the transfer of powers necessary for creation of an urban renewal plan and revenue allocation area located partially within and partially outside the City of Caldwell, Idaho and approving execution of the intergovernmental agreement for roles and responsibilities under Idaho Code Section 50-2906; and providing for an effective date:** Mr. Wesley explained this is a follow-up to the ordinance signed earlier this month. At that meeting a resolution, an inter-governmental agreement and a final ordinance were signed. Once the notice is published the ordinance will be legally effective. Commissioner Van Beek made a motion to sign the summary of ordinance no. 21-038. The motion was seconded by Commissioner Smith. A vote was taken with Commissioners Smith and Van Beek voting in favor and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote. The summary is scheduled to publish on December 3, 2021 in the Idaho Press and a copy is on file with this day's minutes.

**Consider signing legal notice inviting bids for Canyon County Fair pedestrian bridges project:** Ms. Klempel explained this solicitation for bids is for prefabricated pedestrian bridges at the Fair. There will be an additional IFB for abutments once the bridge design/style is chosen. Mr. Britton and former Director Navarro have been researching these bridges and determined there are three vendors that can provide them. In speaking with Director Sinner, she is supportive of the plans as laid out by the Facilities department. Mr. Britton spoke briefly about the abutment portion of the project. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the legal notice inviting bids for the Canyon County Fair pedestrian bridges project. The notice is scheduled to publish on December 4<sup>th</sup> and 11<sup>th</sup>, 2021 in the Idaho Press and a copy is on file with this day's minutes.

**Consider signing addendum no. 1 to request for proposals for Thermal Imaging Kiosk for Dale Haile Detention Center:** This addendum provides responses to questions received during the bid process. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign addendum no. 1 to the request for proposals for Thermal Imaging Kiosk for Dale Haile Detention Center.

**Consider signing an agreement with Post Falls Police Department for maintenance and data sharing of license plate recognition database:** Mr. Laugheed said this has been reviewed by legal and CCSO and there is no legal reason not to sign. Post Falls holds the data as they host the server that the data feeds into. Cpt. Armstrong said this agreement is for data sharing and maintenance of the server. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the agreement with Post Falls Police Department for maintenance and data sharing of license plate recognition database (see agreement no. 21-121).

**Consider signing Historic Preservation Support Award agreements with GFWC Women's Century Clubs and Friends of Deer Flat Wildlife Refuge:** Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign Historic Preservation Support Award agreements with GFWC Women's Century Clubs (see agreement no. 21-122) and Friends of Deer Flat Wildlife Refuge (see agreement no. 21-123).

Commissioner Smith asked about the contract with U of I. She would like to see parameters put on the programming. In regard to travel she would like to have some constraints in place that the travel benefits the County. Mr. Laugheed recommends going thru the agreement line-by-line to determine exactly what the Board would like in the agreement. Mr. Wesley explained that as of right now the extension office makes a request for a dollar amount and then it's theirs to use throughout the year as they see fit. Mr. Wesley will work on some draft language to be reviewed with the Board. Commissioner Smith will speak about this with Mr. Momont when she meets with him later today.

***Consider signing invitation for bids Canyon County Fair pedestrian bridges project:*** Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the invitation for bids for the Canyon County Fair pedestrian bridges project.

The meeting concluded at 10:25 a.m. An audio recording is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 30, 2021

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

#### APPROVED CLAIMS ORDER NO. 2205

- The Board of Commissioners approved payment of County claims in the amount of \$1,767,028.01 for a County payroll

#### APPROVED CLAIM

- The Board of Commissioners approved payment of County claims in the amount of \$1,051.97 for a County Jury

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- MtnHome Auto Ranch in the amount of \$26,863.00 for Fleet Department

APPROVED AUGUST AND SEPTEMBER 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

CONSIDER FINAL PLAT FOR C-3 SUBDIVISION, AND CONSIDER RESOLUTIONS GRANTING REFUNDS TO DARREL BAERWALDT AND EMMANUEL LAGUNA FOR WITHDRAWN REZONE APPLICATIONS

The Board met today at 9:00 a.m. to consider the final plat for C-3 Subdivision, Case No. SD2021-0004, and to consider resolutions granting refunds for withdrawn rezone applications for Darrel Baerwaldt and Emmanuel Laguna. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Alec Eggurolo, interested citizens, and Deputy Clerk Monica Reeves. Mr. Eggurolo presented the final plat and offered comments. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the final plat for C-3 Subdivision. Director Fultz presented the Board with refund resolutions noting the applications were withdrawn and he recommended a refund to both parties in the amount of \$850. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolutions granting the refunds. (Resolutions No. 21-236 and 21-237.) The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY SUBDIVISION MAKER LLC REPRESENTING ROCKETCHUN HOLDEN FOR A PRELIMINARY PLAT, CASE NO. SD2018-0025

The Board met today at 9:05 a.m. to conduct a public hearing in the matter of a request by Subdivision Maker, LLC, representing Rocketchun Holden, for approval of a preliminary plat and irrigation and drainage plan for Shady Rock Subdivision on Parcel R29542011F. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Darin Taylor, Rocky Holden, Lori Steele, Peter Juris, interested citizens, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The property is zoned "R-R" (Rural Residential), and the plat consists of four residential lots and one road lot. The 9.96-acre property is located at 9825 S. Shadyrock Lane in Nampa. It is within the Nampa impact area. Drainage will be maintained on site and all lots served by individual wells and septic systems. Mr. Lister reviewed agency comments, and noted some corrections that need to be made to the FCO's. The application was originally submitted as a short plat, however, because there will be improvements required by the City of Nampa we can only consider the preliminary plat today. The applicant will bring the final plat back later at a later date. He will also add language regarding waivers to be considered as

part of the preliminary plat approval. On October 21, 2021, the County Hearing Examiner recommended approval of the plat. Following his staff report, Mr. Lister responded to questions from the Board. Darin Taylor testified in support of the plat and stated he concurs with the staff report. He reviewed agency comments and said they will coordinate with agencies during the construction of the project. A right-of-way dedication has been included. The Nampa Planning Department opposed the request stating the project should have more lots; however, Mr. Taylor said it's a little late to do that now. He suggested the addition of a condition which states: Lot 2 shall only have access to Shady Rock Lane to the western boundary, there shall be no access on the north boundary. Following his report, Mr. Taylor responded to questions from the Board. There was also a review of minor changes that need to be made to the FCO's. Rocky Holden testified he has been planning this plat for a long time due to encroachment. Peter Juris, a representative of the Nampa School District, offered neutral testimony and said the district is advocating for sidewalks and access to create safe routes to school. Lori Steele testified in opposition to the request. She and her wife raise animals on their property, and although she understands development will occur she hopes the impacts will be mitigated. Her concerns include: water availability, and the inconsistencies in the application paperwork regarding irrigation, surface water, and easements. Her well went dry in 1992 and she is worried additional wells will cause more wells going dry. Darin Taylor offered rebuttal testimony and said they agree with safe access to schools, but said if they put in a sidewalk now it will be torn out once Lewis Lane is improved. Timing is a factor. The project is a quarter mile away from a school. With regard to proximity to city services, he said it is not close when considering extending sewer or water. He addressed the irrigation and easement issues which were raised by Ms. Steele and said landowners have used the pressurized irrigation system as part of watering their properties since the 1970s. In the 1990s, the landowners referred to easements and how to share expenses. In response to a question by Commissioner Smith, Mr. Taylor stated he would be agreeable to a condition that all lots shall be irrigated by the pressurized irrigation system and only one-half acre shall be irrigated by a domestic well. Commissioner White said she does not like the word *waiver* because that means it's not happening, and she asked Mr. Taylor if he would consider the word *deferral* instead. Mr. Taylor said the word *waiver* is a long-used term in law and it's why you see it in codes, it's the "right here and now." The word *deferral* is used in development agreements or local improvement districts, or impact fees. Although he likes the word *deferral*, we use *waiver* because it's in the codes. Mr. Lister said we are considering the word *waiver* because that's what is used in the agreement with the City of Nampa. Commissioner Smith had questions regarding irrigation. She wants a condition requiring construction drawings to be submitted, and a condition stating no more than one-half acre will be irrigated by domestic well. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to approve the preliminary plat for Case No. SD2018-0025, as presented with a couple of changes to the conditions of approval: delete the last sentence of Condition #4; add Condition #11 which states Lot 2 access to Shady Rock shall be limited to the western boundary with no direct access on the northern boundary; and add Condition #12 that states in accordance with Idaho Code, only one-half acre may be irrigated by domestic well. The Board shall approve the waivers for curb, gutter, and streetlights as recommend by the City of Nampa. All other requirements of the Nampa impact area agreement shall be met. Construction plans are required to be submitted with the final plat. The motion was

seconded by Commissioner White and carried unanimously. The hearing concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY JAY WALKER REPRESENTING TODD CAMPBELL FOR A DEVELOPMENT AGREEMENT MODIFICATION TO AGREEMENT #20-168, CASE NO. DA2021-0002

The Board met today at 10:08 a.m. to conduct a public hearing in the matter of a request by Jay Walker, representing Todd Campbell, for a development agreement modification to Agreement No. 20-168, approved as part of Case No. CR2020-0005. Today's Case No. is DA2021-0002. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Jay Walker, Hethe Clark, Todd Campbell, Danielle Strollo, Dean Waite, Brian Person, Michelle Hasenyager, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she lives one mile from the property but it will not impact her ability to make a fair and impartial decision. Commissioner Smith disclosed that she knows the daughter of Michelle Hasenyager who is attending today's hearing. Commissioner Van Beek disclosed that Bill Hasenyager worked for her family at one point.

Dan Lister gave the oral staff report. The applicant, Jay Walker representing Todd Campbell, is requesting a development agreement modification to agreement #20-168, approved as part of Case #CR2020-0005. The modification removes the restriction for development to not exceed 48 residential lots. The properties, consisting of approximately 108 acres, are located at 19618, 19611, 19503 and 19595 Northside Boulevard in Caldwell; also known as Parcels R34252, R34263012, R34263010, R34263 and R34263011. On October 12, 2021, the Board of County Commissioners heard this case and upon hearing testimony and reviewing all information the Board could not find a necessity required by the code to allow the removal of Condition #2A 1 from the approved development agreement. The Board found the requested modification is a substantial modification to the findings for Case No. CR2020-0005 and therefore a new conditional rezone is required. On October 14, 2021 a letter of reconsideration was received from Hethe Clark, the applicant's legal representative, requesting the Board not to require the conditional rezone to start from the beginning but to treat the development agreement modification request as a modification to the conditional rezone which would include the review of all conditional rezone criterion, not just the modification criterion. Although the Board found this to be a substantial change to that conditional rezone, it requested the case come back through a denial because of the applicant's lack of proof of necessity for the modification. Mr. Lister reviewed the fees process for a modification. He said staff has provided FCO's for the denial of the request based on there being a substantial change, and there is no necessity. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Hethe Clark testified the property is south of the Highway 20-26 corridor and is part of what the City of Caldwell plans for its highway corridor area. Mr. Campbell has acquired some additional



property so the 98 +/- acre area is no longer accurate and so they want to revisit the density because one of the constraints they were dealing with before was that the nutrient property suggested they needed bigger lots and they have done a detailed study and it's not requiring the larger lots anymore and now they can get closer to the density that Caldwell will be having in that area. They are going from 51 lots (48 lots in the R-1 area plus 3 lots in the R-R area), to a total of 73 lots, and from 1.5 acres to 1.1 acres so the distinctions are not as significant as may have been portrayed. They would be making an application for the zone they already have, it would just be to modify the conditions of approval associated with that zone. The necessity points to the justification and they have a good reason to ask for this. There is an additional study showing that although services currently do not exist, additional density could be provided and they would be consistent with Caldwell's planning without running afoul of the nutrient pathogen study requirements. Following his testimony, Mr. Clark responded to questions from the Board.

Jay Walker testified there is an obvious need to change what was presented by the previous owners because there was an additional acquisition of property and much of what they provided at the time was solely for the sale of the property with limited engineering and pre-engineering work to justify the layout the presented to the Board at that time, and there are reasons why it has to be modified. The previous application was solely for a change from an agricultural zone to a residential rezone zone with not much attention applied to the layout, and it had to be redone, it would not have worked as it was provided.

Testimony in opposition was as follows:

Brian Person testified his concerns are about the cumulative effects and when infrastructure and services are at, or beyond, capacity and the resulting impacts to traffic and schools.

Michelle Hasenyager testified she was initially in support of the original plan because it was going to be more like ranchettes, but she is opposed to the increased numbers because it's a big jump, and although she understands they need to make some changes with the additional acreage that was purchased, she doesn't like the number itself because it impacts wells, septic systems, and traffic.

Dan Lister offered additional comments about staff's analysis and findings, and the process for a modification.

Hethe Clark and Jay Walker offered rebuttal testimony. Mr. Clark said ITD has plans for the Highway 20-26 corridor improvements and it looks like the area up to Middleton Road will be done by 2022. They applicant will have to do a TIS. The City of Caldwell has plans for a minimum of 8 units per acre within this corridor. In terms of process, the P&Z Commission recommended approval, and staff recommended approval, and there is confusion about the question of whether an adequate analysis was done. The applicant is going to come back with a preliminary plat that will answer all the questions that have been raised today. Mr. Walker said the adjustments in making the preliminary plat, or a viable layout, in consideration of a more detailed engineering analysis did protect those R-R zoned two-acre, three parcels, and even though Mr. Campbell acquired those they met that condition of rezone and they are retained as two-acre minimum.

There will be no lot less than the one-acre minimum; they will be estate lots that will be a great transition from what the City of Caldwell is anticipating as density and it will support a smooth transition and it will not accentuate disparity between uses next to each other. He testified they utilized Analytical Laboratories, Inc., in their testing that included nitrate levels in the three existing wells and they looked at the well logs and the drawdown from their usage, they took samples and had conversations with IDWR and in the preliminary review with the experts they have sufficient capacity. There is a water source and aquifer that is sufficient for the water quality and capacity that is needed for the wells. Commissioner Smith said the Board has been imposing agricultural buffers and have reviewed the impacts subdivisions do make and it includes 100-foot setbacks and you wouldn't be able to do that on this property and so increasing the number of lots and making that finding for the character of the area and having that buffer is a change. The process should be an amendment to the conditional rezone so the FCO's can be re-established. Mr. Walker said through the process the Board will have the opportunity to hear and condition the plat. As directed by staff they submitted an application for a development modification, and they would have done it otherwise, if directed. Hethe Clark said the applicant followed the process that was identified. The P&Z recommended approval and staff recommended approval initially, and the new staff report was done at the Board's direction after the last hearing. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek said this project looks appealing and there is a lot scheduled for this area; it's productive farm ground and she voted to make it a transition area with custom homes. The infrastructure is behind. She does not know what the right answer is for the balance between farm ground and personal property rights. It comes down to the Board deciding what it can do to help preserve the character of the area and meet the transportation needs, or, if it goes all the way back through. It's still in an impact area, the only way to look at this is to write conditions given the increase in revenue to help pay for things where services are not close for water and sewer. Pulling water and sewer that far would be tough. She does not have a decision yet. Commissioner White said the problem with traffic in the area is scary to her. The homes are magnificent, rural estate homes and she has no problem with 51 lots, but she hasn't decided if she likes the proposal for 20 additional lots. Commissioner Smith believes the original development agreement complies with the FCO's, and the requested change would substantially change the FCO's. The developer submitted a request for reconsideration to change the FCO's, but that is not a part of the application and the ordinance doesn't have provisions for the Board to do that, and it wasn't legally noticed that way for this change. She does not have a necessity for this change. The ordinance has a narrow scope for that because there are no standards for approval, and the times she would change a development agreement would be if it still complied with the original FCO's. If she were making a motion she would approve the FCO's and deny the development agreement as presented by staff. Commissioner Van Beek asked if there is a way to attach conditions that modify the development agreement. Commissioner Smith said that's a substantial change and would require another hearing. Commissioner Van Beek said we have a developer who has a product and she would vote for it over what Caldwell has proposed. Commissioner Smith said the Board already approved this at the current density and noted in the FCO's that this was a transitional area for agriculture, and evaluating what those uses are. Commissioner Van Beek said whether this has 51 lots or 73 lots, the threshold for evaluating this with a traffic impact study is not met. She objects to the letter from Canyon Highway District, specifically the last

paragraph regarding the variance process. What if the developer doesn't want to go back through the hearing process and he sells to a lower quality housing project that would be unfortunate and if the City of Caldwell were to pick this up and provide services that would be inconsistent. The County has greater control at this point in evaluating what the transition zone and what should look commensurate with this. Commissioner Smith talked about the Board's decision at the last hearing and said adding conditions of approval would be a substantial change. Commissioner White made a motion to deny the changes to the development agreement, as presented by staff in the FCO's. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 11:44 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER DECISION REGARDING THE APPEAL FILED BY MARK STEVENS, CASE NO. PI2021-0425APL

The Board met today at 11:45 a.m. to consider the written decision in the matter of the appeal by Mark Stevens of the Director's decision for Case No. PI2021-0425APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The case was heard on November 17, 2021 where the Board denied the appeal and upheld the Director's decision for the interpretation of a variance. Staff was directed to include in the document the discussion on the interpretation of the variance and why the applicant was not successful in approval for the appeal. Dan Lister said the Board wanted to remove anything regarding provisions for variances and what they can do. As options staff wanted to stick to what was being appealed, which is the definition of variance and why a plat setback couldn't be varied through our ordinance. Staff changed the analysis breaking down that understanding of the ordinance into two parts: modification based on our chapter and code, and modification based on other ordinance provisions. The next paragraph talks about why those do not meet either of those and then it goes to denial. He took out the other items and stuck to the Board's reasoning noted at the hearing. Commissioner Van Beek made a motion to sign the order denying the appeal for Case No. PI2021-0425APL. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 11:50 a.m.

#### MEETING REGARDING NATIONAL OPIOID LITIGATION SETTLEMENT PROCESS

The Board met today at 11:50 a.m. regarding the national opioid litigation settlement process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Treasurer Tracie Lloyd, Controller Zach Wagoner, PIO Joe Decker and Deputy Clerk Jenen Ross.

Mr. Laugheed clarified that the Prosecutor's Office does not represent the County or the Board, he is just trying to give an overview of what Crueger Dickinson, LLC has provided to the Board. He summarized the history of how engagement with Crueger Dickinson came to be. The agreement

with Crueger Dickinson is a contingency fee agreement, meaning the county pays nothing until a settlement is reached. Crueger Dickinson has been communicating with Joe Decker and it is now at a point the Board needs to make decisions about participating in the settlement agreement, hiring other outside counsel to relitigate or walking away. Crueger Dickinson's recommendation is to sign the settlement agreement. The anticipated settlement amount is \$26 billion although it is unknown how much of that will be awarded to Idaho's participating entities; any fees will be paid from monies awarded. Additionally, any settlement received will need to be in its own fund as they are restricted use.

The action items were considered as follows:

***Execute as a Board the Idaho Settlement Resolution:*** This is the administrative tool to memorialize what has happened so far from Crueger Dickinson's perspective. It denotes how the monies will be handled, noting that the account is separate from the general fund and not co-mingled. Mr. Laugheed believes that the agreement signed in 2018 designated 25% of the settlement toward attorney fees, however there was a recent ruling that anything over 15% was unreasonable, this resolution and the other agreement make clear that 15% is the cap. This resolution gives Commissioner Smith legal authority to sign documents on behalf of the Board, however that authority would be exercised on a case-by-case basis in order to create a public record. Mr. Laugheed said he has reviewed the document and doesn't see any legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Idaho settlement resolution (see resolution no. 21-238).

***Authorize as a Board that the Chair execute the Idaho Allocation Agreement Sign-On:*** This agreement will allow for local governments to exercise more control of the funds. The agreement defines that monies have to be used for an approved purpose, the governing body has to sign-off, outlines the reporting and accountability requirements which affects the participating local government and health districts. By signing this agreement, it is an assurance to the state and court that the county is following the rules that have been established. Mr. Laugheed said there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize as a Board that the Chair execute the Idaho Allocation agreement sign-on (see agreement no. 21-124).

Generally, class action lawsuits are inclusive unless opted out of, this one requires affirmative action by the participating governments has to be taken to release all the claims there would otherwise be. This makes clear that the county is agreeing to their terms and will not bring a separate lawsuit against them.

***Authorize as a Board that the Chair execute the Janssen Settlement Participation Agreement:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize as a Board that the Chair execute the Janssen Settlement Participation agreement (see agreement no. 21-125).

***Authorize as a Board that the Chair execute the Big 3 (“Distributor”) Settlement Participation Agreement:*** This would release the county claims outside of the settlement agreement and won’t pursue any other litigation against any of the “Big 3”. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize as a Board that the Chair execute the Big 3 (“Distributor”) Settlement (see agreement no. 21-126).

Mr. Laugheed said that the necessary record will be forwarded on to the Attorney General and Crueger Dickinson so they can finalize the county’s participation.

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

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

The Board met today at 1:08 p.m. for an Executive Session to consider a personnel matter. Commissioner White made a motion to go into Executive Session at 1:08 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Interim Facilities Director Rick Britton, and Deputy Clerk Monica Reeves. The Executive Session concluded at 1:47 p.m. with no decision being called for in open session.

#### MEETING TO FINALIZE UPON DEATH FLOWCHART AND CONSIDER SIGNING A RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR THE CREMATION OR BURIAL OF THE INDIGENT DECEASED IN CANYON COUNTY

The Board met today at 1:49 p.m. to finalize the upon death flowchart and to consider a resolution adopting policies and procedures for the cremation or burial of the indigent deceased in Canyon County. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Coroner Jennifer Crawford, Treasurer Tracie Lloyd, Indigent Services Director Yvonne Baker, and Deputy Clerk Monica Reeves. Director Baker said the most current resolution was adopted in 1997 and today’s draft was prepared to help clarify the process for applications for cremation assistance and defining what services are approved in the maximum amount paid of \$1,000, and the process that the County takes in coming to a decision. The group reviewed the draft resolution adopting policies and procedures; the application for cremation assistance; the FAQ’s for the burial cremation process; and the upon death flowchart. (Copies of the documents are on file with this day’s minute entry.) There was discussion regarding the requirements of the Treasurer’s Office, the Coroner’s Office, and the Indigent Services Department and their respective roles when it comes to the indigent deceased and the public administration of estates. Modifications were

suggested to some of the forms. Commissioner Van Beek said she and Director Baker will meet with the funeral directors and field the questions they can. Treasurer Lloyd believes that will create more questions than answers. Director Baker said there have been a lot of misunderstandings and she knows the funeral homes will not like a lot of the answers or the direction the County has chosen, but that's why she wants to be a part of this to let them know about the new application and a resolution so we can make the process clear. The resolution has been reviewed by Legal, there are a few changes to be made to the flowchart, and the FAQ sheet and assistance application are ready. Coroner Crawford said she's waiting for the finalized rotation application. Commissioner Van Beek said she had asked the PA Civil Division if they would work with Coroner Crawford on the language she wanted and have it ready yesterday. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to table this item to December 3, 2021 at 11:00 a.m. to include the changes to the documents. The meeting concluded at 2:22 p.m. An audio recording is on file in the Commissioners' Office.

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

DATED this 5<sup>th</sup> day of April, 2022.

CANYON COUNTY BOARD OF COMMISSIONERS

Leslie Van Beek

Keri K. Smith

Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Jenen Ross, Deputy Clerk