

FEBRUARY 2022 TERM
CALDWELL, IDAHO FEBRUARY 1, 2022

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

APPROVED CLAIMS

- The Board has approved claims 581570 to 581589 in the amount of \$144,405.85
- The Board has approved claims 581677 to 581701 in the amount of \$38,163.01

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Tokasha Huskey, senior deputy coroner

There were no meetings held this day.

FEBRUARY 2022 TERM
CALDWELL, IDAHO FEBRUARY 2, 2022

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

APPROVED CLAIMS

- The Board has approved claims 581636 to 581675 in the amount of \$216,200.57
- The Board has approved claim 581676 in the amount of \$4,103.69

There were no meeting held this day.

FEBRUARY 2022 TERM
CALDWELL, IDAHO FEBRUARY 3, 2022

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

APPROVED CLAIMS

- The Board has approved claims 581787 to 581800 in the amount of \$7,011.00
- The Board has approved claims 581751 to 581786 in the amount of \$60,309.78
- The Board has approved claims 581801 to 581815 in the amount of \$8,914.00
- The Board has approved claims 581702 to 581750 in the amount of \$55,978.12
- The Board has approved claims 581838 to 581881 in the amount of \$99,277.34
- The Board has approved claims 581882 to 581918 in the amount of \$76,515.74
- The Board has approved claims 581919 to 581943 in the amount of \$51,570.56
- The Board has approved claims 581944 to 581966 in the amount of \$40,504.99
- The Board has approved claims 581816 to 581837 in the amount of \$31,429.50

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Advanced Hardware Supply in the amount of \$2,643.10 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Tommy Crosby, building plans examiner; Paige Rook, administrative specialist; Robert Kershner, maintenance technician; and Jessica Clark, interpretive specialist

There were no meeting held this day.

FEBRUARY 2022 TERM
CALDWELL, IDAHO FEBRUARY 4, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Victoria Dagnello, court clerk I; Kaitlyn Belt, court clerk II; Shelby Sierra Reece, call taker – dispatch

FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for December 2021, and the quarterly report for October 1, 2021 thru December 31, 2021.

MEDICAL INDIGENCY DECISIONS

The Board met today at 10:20 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-307; 2022-200

Case nos. 2022-316; 2022-327 meet the eligibility criteria for county assistance. Commissioner Van Beek made a motion to issue initial approvals with written decisions within 30 days on the cases as read into the record. The motion was seconded by Commissioner White and carried unanimously.

Liens were presented for Board signatures.

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

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

The Board met today at 10:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Elections Supervisor Haley Hicks, Aiden Lorenz with Elections, Fleet Director Mark Tolman (left at 10:32 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing notice of online public auction: There are 11 surplus county fleet vehicles going up for auction which will be listed online at Trucks and Auto Auction. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of online public auction.

Consider signing a resolution designating polling locations for the March 8, 2022 Election: Ms. Hicks said there are no changes at this time due to precinct boundaries currently being redrawn. Notice of any changes will be provided to voters prior to the May election. There are only a couple of precincts not open for the March election and Ms. Hicks provided a review of the elections being run. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating polling locations for the March 8, 2022 election (see resolution no. 22-011).

Discussion ensued regarding district boundaries. Clerk Yamamoto invited the Board to Elections to see what they've worked on in creating the new boundaries/districts and spoke about some of the issues they're working with. As part of discussion there was question about missing the deadline but after the meeting Ms. Hicks found statute 34-301 noting *'the January 15th deadline shall be waived during a general election year in which a legislative or court-ordered redistricting plan is adopted. In such cases, any precinct boundary adjustments shall be accomplished by the county commissioners as soon as is practicable'*.

The meeting concluded at 10:45 a.m. An audio recording is on file in the Commissioners' Office.

At 11:07 a.m. the Board went back on the record to continue the legal staff update. Commissioner Van Beek made a motion to continue legal staff to 1:30 p.m. today. The motion was seconded by Commissioner White and carried unanimously.

MEETING WITH COUNTY TREASURER TO CONSIDER HARDSHIP APPLICATION ON A MOBILE HOME

The Board met today at 11:08 a.m. with the County Treasurer to consider a hardship application on a mobile home. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Lori Chipman and Deputy Clerk Jenen Ross.

Treasurer Lloyd explained that Ms. Chipman submitted her application indicating her income and financial information, based on that information Treasurer Lloyd believes Ms. Chipman will qualify for the 2022 PTR (Property Tax Reduction/circuit breaker). However, this year Ms. Chipman didn't realize she hadn't filled out the proper paperwork and doesn't recall ever receiving her tax bill. The issue of her delinquent taxes only came to her attention once she received the final notice. Treasurer Lloyd said that by Idaho code regarding mobile homes, once the taxes are delinquent she must turn it over to the Sheriff's Office as they are not considered real property. Had she been notified prior to the taxes going delinquent she has the option of holding off on the warrant and/or offering a 90-day grace period for payment to be made. At this point, the Board has the option of allowing a grace period for payment to be made, cancelling the taxes or doing nothing.

Following discussion with the Treasurer about possible options and Ms. Chipman explaining her situation, Commissioner Van Beek made a motion to cancel the first half taxes, totaling \$136.12, apply the overpayment of \$13.62 to the second half taxes, leaving balance of \$109.04 and accepting \$10.00 monthly payments in good faith from the applicant until such time it can be determined she qualifies for a PTR and then consider a secondary meeting to reevaluate her case. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 11:23 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Note for the record: As properly noticed the Board met today at 1:32 p.m. for a continued legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 1:33 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, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 1:41 p.m.

At the conclusion of the executive session Commissioner Smith noted there were two documents that were discussed. One is to all department administrators addressing the current political environment and notifying them they are only to take instruction based on a Board majority. The letter will be emailed to all department administrators. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the letter. A copy is on file with this day's minutes.

The second document is a personal and confidential personnel matter. The letter will be hand delivered to the appropriate party. Commissioner White made a motion to sign the letter. The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote.

The meeting concluded at 1:43 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 7, 2022

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

MEET AS A BOARD OF EQUALIZATION

The Board of Canyon County Commissioners, sitting as a Board of Equalization, met today at 8:53a.m. to consider any BOE matters that may have been presented. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek and Sr. Admin Specialist Terri Salisbury.

No BOE items were requested for consideration.

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

COMMUNITY INPUT MEETING

The Board met today at 9:00 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Kim Deugan, Norman L. Hunt, Larry Olmsted, Thomas Mundell, Tara Barling and Sr. Admin Specialist Terri Salisbury.

The following topics were discussed:

- Kim Deugan from Advocates Against Family Violence speaking on Sexual Violence/assault outreach program

- Safety hazard on some road ways and who is in charge of correcting them
- Star annexation
- Juvenile court system
- Status of Capital Construction fund
- AARP monies

The meeting concluded at 10:00 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:04 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Rick Britton, Sr. Customer Service Specialist Becky Kearsley, Housekeeping Supervisor Frances Harper, Grounds Maintenance Supervisor Jamie Toledo and Deputy Clerk Jenen Ross. Director Britton spoke about the following:

- Reviewed pictures of projects in the process, including the fair expo building, courtroom remodels and morgue/coroner room remodel.
- Review and update of maintenance project list – a copy of the lists are on file with this day's minutes.
- A couple of housekeepers will be retiring in May and June so he will soon have open positions to fill.
- Facilities staff has continued working at the gun range to complete the fencing.
- He is working with the federal government to clean up trees at the lower dam as that is their land.
- Concrete polishing, AV project, pedestrian bridge project, POD 5 roof sole source procurement, Trane Chiller and warehouse project design are all being worked thru with legal.
- Discussion ensued regarding the roof at the animal shelter. It is a 20-year roof and at this point is about 25 years old. Director Britton feels it is imperative for it to be replaced within the next couple of years at the most. He has contacted a couple of contractors to get rough estimates of what it will take to get it replaced but is still waiting to hear back with those estimates. Commissioner Smith recently toured the shelter with Director Britton and noted how cool the facility really is for the animals and inefficiency of the heating. Commissioner Smith is supportive of Director Britton moving forward in collecting estimates and a possible public/private partnership but that the county has some unallocated funds that could be put toward this project as it is a county building that needs to be properly

maintained. Commissioner Van Beek feels there is justification for using unspent funds from previous budgets toward this project as it something that needs to be addressed.

- Commissioner Smith asked about Christmas lights and décor. She would to get more information about possible magnetic lights for the courthouse and that perhaps a volunteer committee could be convened to bring some additional holiday spirit to the courthouse campus. She also asked Mr. Britton to find out if any of the courthouse campus is within Caldwell's local improvement district.
- Director Britton has been working with HR in restructuring his department. They are getting close to finalizing a plan that will work well for them and anticipates presenting it to the Board in the coming weeks.

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

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Note for the record: As properly noticed the Board met today at 10:33 a.m. for a 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 10:34 a.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, Deputy P.A. Zach Wesley and HR staff members. HR staff left the meeting at 10:45 a.m. The Executive Session concluded at 11:07 a.m. with no decision being called for in open session.

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

The Board met today at 11:08 a.m. for a monthly meeting with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, ADJ Davis VanderVelde, TCA Jamie Robb, Deputy P.A. Zach Wesley (left at 11:18 a.m.) and Deputy Clerk Jenen Ross. The following items were discussed:

- In regard to the recent mediation issue everyone felt it was more just a learning curve. Judge VanderVelde asked that if there are issues related to courts that they are brought to his attention. Commissioner Smith noted it was not a Board decision but was the action of

just one Commissioner. Commissioner Van Beek provided an explanation of her perspective regarding how the situation happened.

- Commissioner Smith said that a constituent attended the community meeting today and spoke very passionately about the justice system, specifically where teens are concerned. Judge VanderVelde addressed several questions from Commissioner White about the judicial system and generally about how judges and sentencing operate.
- Ms. Robb sent an email to each Board member regarding the SIM (Sequential Incept Model) mapping workshop being hosted by Judge Petty in March. The workshop will take place from approximately 9:00 to 5:00 on Monday March 14th and from 9:00 to 1:30 on Tuesday, March 15th, taking place at the Nampa Civic Center. Ms. Robb said the Board can decide amongst themselves who will attend.
- Jury trials are still suspended due to the incident rate and due to the health district operating under the crisis standards of care. All other court functions continue to operate normally.
- Ms. Robb offered to tour the Board around the newly remodeled courtrooms.
- They are looking to re-do some of the staff attorney offices to create some additional space and will be coming to the Board with a proposal in the near future.

The meeting concluded at 11:32 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:34 a.m. for a weekly meeting with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. The following topics were discussed:

- CGI is adding three chapters to the video to include education, healthcare and real estate & relocation. The Board suggested they speak with Nampa and Caldwell Association of Realtors for the real estate & relocation portion; for education Commissioner Smith suggested Matt Strong with Elevate Charter School and Commissioner Van Beek suggested that several schools need to be highlighted; and for healthcare the individual systems don't need to be named but to highlight that there are a variety of options including private, not-for-profit and low-income.
- At the direction of the Board the Extension office has contacted Mr. Decker to do a press release regarding the changeover from Jerry Neufeld to Nic Usabel. The Board would like to see it focus more on Mr. Usabel's appointment and background.
- The Board asked Mr. Decker to create a press-release announcing Kim Foster has accepted another position with a Fortune 500 company and what to expect moving forward. He was

also asked to work with Facilities on a separate announcement that there are changes coming to the administration building offices.

- Commissioner Van Beek is scheduled to do the KBOI interview this Wednesday. Mr. Decker requested direction as to whether the Board would like to continue with those in light of recent events or pause for the time being. The Board agreed to pause on the interviews until there is some additional clarity on the situation.
- As requested by the Board, Mr. Decker will send the revised scripts for CGI videos.

The meeting concluded at 11:44 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO REVIEW PANIC BUTTON PROGRAM

The Board met today at 2:05 p.m. to review the panic button program. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Rick Britton, Security Supervisor Les Johnson, Captain Mike Armstrong, IT Director Greg Rast, Mark McMinn and Ben Larson from IT, and Deputy Clerk Monica Reeves. In an effort to improve response times when panic buttons are activated the Sheriff's Office, IT, and the Facilities Department looked at several options. The current system has older technology where calls are sent to the Salt Lake City area and are then routed back to the dispatch center. Team Alert is a product that is connected to a computer rather than an analog phone which allows for a text or email to be sent to specific response groups. The one-time fee for all buttons is \$19,014, and the total annual fee is \$6,681. The upgraded system will cost \$1,500 more per year than what we are currently paying. The total cost will be shared by the IT and Facilities departments. Commissioner White asked if there will be a policy for when to push the panic button? Captain Armstrong said from the Sheriff's Office perspective this doesn't change much in terms of how they dispatch a panic button; it will still go to the dispatch center and they will dispatch the appropriate entity (Caldwell PD or CCSO). As far as having a policy on when to push a panic button, he'd hate to have something set in stone where people have to debate in their mind whether they should press the button or not. The problems they've had in the past with the old system is they didn't know exactly where the alarm was going off, but with the new system the location will be exact. Commissioner Smith asked about whether the County has jurisdiction over the courthouse? Captain Armstrong said that's a conversation the Sheriff will have to have with the police chiefs. Commissioner Van Beek asked about having *Run, Hide, Fight* training for staff. Captain Armstrong said law enforcement officers can provide active shooter training. Director Rast said he could look into the possibility of activating a phone line that opens up so dispatch can hear what's happening when the button is activated. Commissioner Van Beek would like to come back once Director Rast has had a chance to make a decision on in the intercom system. Commissioner Smith is supportive of the items presented today and if they want to come back with additional information she is fine with that as well. Commissioner White agrees. The meeting concluded at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY CLERK TO REVIEW PROPOSED REDISTRICTING MAPS

The Board met today at 2:34 p.m. for a meeting with the Clerk to review the proposed redistricting maps. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Elections Supervisor Haley Hicks, Elections Specialist Brandi Long, Deputy PA Alex Klempel, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. The Board reviewed the individual maps identified as Map #1, Map #2, and Map #3.

- Map #1 shows the current districts. The bottom portions show the population number and percentages with District 1 having 36%, District 2 having 31%, and District 3 having 32%.
- Map #2 gives an idea of what it would look like if we evened population out as exact as possible.
- Map #3 is the proposal they are calling Canyon County Commissioner Districts 2022. Population and percentages for District 1 is 33%; District 2 has almost 33%; and District 3 has 34%. District 3 encompasses Nampa and they don't think it will grow population-wise as much as Districts 1 and 2.

Ms. Hicks said they do their best to clean up the potential for how many ballot faces can be at one place. When they draw the precinct lines they go with the same aspect and try to follow as many boundaries of the taxing districts as possible. Commissioner Smith feels District 2 has a smaller chance of growing than District 1 due to the unprecedented growth in Middleton and Star. Commissioner Van Beek made a motion to sign the resolution approving the redistricting map for Canyon County Commissioner District boundaries which would be proposal #2. The motion was seconded by Commissioner White and carried unanimously. (Resolution No. 22-012.) The meeting concluded at 2:44 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 8, 2022

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 Edward Platt, staff attorney

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Corporate Office Installations in the amount of \$2,300.00 for Development Services Department
- Dell in the amount of \$2,413.76 for Information Technology Department
- Riverstone Technology in the amount of \$8,290.00 for Information Technology
- SHI Information Technology in the amount of \$27,863.58 for Information Technology
- Corporate Office Installations in the amount of \$1,800.00 for Prosecuting Attorney's Office

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

The Board met today at 9:08 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. Alex Klempel, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

Commissioner Smith noted for the record that Director Schwend was not able to attend today's meeting so the action items will be rescheduled to a later time.

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

Commissioner Smith said that jail and impact fee reports were discussed during the executive session.

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

PUBLIC HEARING – A REQUEST BY GARY JOHNSTON FOR APPROVAL OF THE PRELIMINARY PLAT WITH IRRIGATION AND DRAINAGE PLANS FOR EAGLE CAP SUBDIVISION, CASE NO. SD2021-0033

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Gary Johnston for approval of the Preliminary Plat with irrigation and drainage plans for Eagle Cap Subdivision on Parcels R37463010B1, R37463010B and R37463010C. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Gary Johnston, TJ Wellard, other interested citizens, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The development consists of 11 residential lots served by a public road. The subject property is located at 25158 and 25250 Kingsbury Road, Middleton. The average lot size is 1.05 acres, and there are no water rights associated with this property. He gave a review of agency comments. On January 6, 2022, the P&Z Commission recommended approval subject to conditions of approval. Staff is recommending approval subject to conditions of approval as well. Gary Johnston stated there are no other properties under contract, it's just what is shown on the plat. Commissioner Smith asked if he would be amenable to landscaping with a monument sign. Mr. Johnston said he is agreeable to do a landscaped entryway, but it will be dry xeriscape. TJ Wellard supports the request and was available to answer specific questions. Jessie Christensen testified that Lots 5 and 6 will have a private driveway. He knows some fantastic landscape designer that does xeriscape and he will talk to the developer about them. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek likes the proposal with the addition of a landscaped entry with xeriscape, and she supports the application as presented. Commissioner White believes the project will fit nicely with the area. Commissioner Smith agrees. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the preliminary plat for Case No. SD2021-0033 subject to the conditions as stated on the record. The hearing concluded at 10:16 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY J.A.P.S OF IDAHO, LLC, FOR APPROVAL OF A PRELIMINARY PLAT, IRRIGATION, GRADING & DRAINAGE PLAN FOR STADIUM SUBDIVISION NO. 2, CASE NO. SD2020-0027

The Board met today at 10:18 a.m. to conduct a public hearing in the matter of a request by J.A.P.S. of Idaho, LLC, for approval of a preliminary plat, irrigation, grading and drainage plan for Stadium Subdivision No. 2, Case No. SD2020-0027. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Todd Lakey, Matthew Graham, Jay Gibbons, Marilyn Gibbons, Mike Conklin, Lenny McMorris, Chaney Stotts, Quentin Osborne, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she was one of the original planners on the land use hearing from the original conditional use permit and she is very familiar with the area and some of the concerns the community had in relation to it, but that past experience is not a conflict for approving the technical merits of the subdivision plat today. Dan Lister gave the oral staff report. The property consists of approximately 221 acres and

is zoned "CR-RR" (Conditional Rezone/Rural Residential). The subject property, Parcel No. R37887100, is located on the north side of Goodson Road, approximately 986 feet west of the intersection of Wagner Road and Goodson Road. It is not within an area of city impact, nor is it within a floodplain. The conditional rezone is subject to a development agreement. The original agreement was amended in 2007, and the intent of the amendment was to replace and restate the conditions that apply to the development on the subject property. The development agreement allows a maximum of 178 lots with a minimum average lot size of 1.25 acres. The subdivision proposes 136 residential lots with an average lot size of 1.45 acres. It will be developed in three phases. An 8-foot wide equestrian pathway follows along the side of nearly all the roadways within the development. Keller & Associates recommended the plat be approved and the conditions noted in their letter have been added as conditions of approval with the exception of item no. 1 which was remedied prior to this hearing. The property is not located within a nitrate priority area; a pressurized irrigation system will be provided to lots shown on the plat. The remainder of the lots do not have water rights and would have to use domestic well for irrigation. Mr. Lister reviewed the agency comments and letters of opposition from the neighbors. On January 6, 2022, the P&Z Commission recommended approval subject to conditions of approval. Staff is recommending approval subject to conditions of approval. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in favor of the request:

Todd Lakey testified the property was approved by a CUP in 2007 and in 2010 they were granted a conditional rezone with a development agreement. It has been a joint effort of his clients Jay Gibbons and Mike Conklin, and Glen Olsen and his wife. The plan was to develop the housing on the mostly dry hillsides and preserve the middle for the agricultural operations. Mr. Olsen added the pivot after the initial approval as part of his plan for his property. The development agreement was amended in 2012 to address some of the phasing issues, but after Mrs. Olson passed away Mr. Olson was concerned that his heirs may not have the same relationship with the other parties so in 2017 they agreed to amend and restate the agreement which called out the respective responsibilities and obligations regarding the Olsons property and the J.A.P.S. property separately. They are proposing fewer lots than they are allowed to do under the development agreement. They have performed a geotechnical study, and SWDH has been onsite as part of the test holes for each lot. There has not been a lot of change out there, but the applicants agreed to update the traffic study, which has been approved by the highway district. They will meet the requirements of the Black Canyon Irrigation District and they have agreed to do fire sprinklers in regards primarily to the single access until the subsequent phases are approved. They will meet the requirements of the various agencies.

Matthew Graham with Horrocks Engineers testified in support of the request regarding the subdivision proposed layout with the different phasing. Access will be off Goodson Road. The developer is planning to provide an 8-foot gravel equestrian trail on the main loop that goes throughout the subdivision. There will be a total of 136 buildable lots. They have been working with agencies to ensure compliance with their standards. The plat meets the intent of the development agreement and provides a compromise to the surrounding land uses. They will work

with the irrigation district who is going to tile the canal at a later time. Commissioner Smith said that worries her because studies show in tiling canals water contributes to recharge in the area. Mr. Graham said part of the canal will be rerouted and will be reviewed by the irrigation company and the Bureau of Reclamation. Commissioner Smith does not want a condition requiring the canal to be tiled. She also noted the development agreement says the equestrian trail plan is to be submitted with the master site plan.

Jay Gibbons gave testimony regarding the traffic impact study, canal issues, and the equestrian path. He said the traffic impact study indicated that Goodson Road is in compliance as far as site distances right now with the 20 mph speed limits, however, the roads were not built to standards and so the curves are sharper than they should be. The signage could be strengthened with chevrons and additional 20 mph indication of the speed limit. They are willing to work with the highway district to make corrections. The reason we cannot do it is because there is private property ownership along the curves and to acquire that would require dedication to the highway district and in some cases may require a taking or a condemning of the property to get what is needed to soften the curves. The majority of the property where the lots are located is dry property, there are no irrigation rights. 20 lots will be affected with pressurized irrigation. They met with the irrigation company several times and they require some of the canals to be tiled or piped. Other portions of the canal that are adjacent to property are not owned by the applicants so that would require them to make a cash deposit based on the estimated value to tile those, but they wouldn't be tiled until the adjacent property was approved. Mr. Gibbons said the locations of the equestrian path are shown on the plan where there are setback easements along the main road, and it goes along all the main roads with entries in two locations on Goodson Road. It would comprise a half circle of where the path would be constructed. Monument signs will be placed on common ground at both entry points. The intent of the equestrian path is for all uses; it would be constructed with base material and road mix material on top, designed for horse use, dirt bike use, walking, etc. It will be dedicated to the public through the highway district and will be open to all people. CC&R's will indicate homeowner care/upkeep for the trail. Commissioner Smith said the plan should give the neighbors a reasonable expectation of what the plan is. Mr. Gibbons said he will supplement the package with the trail plan information. (The Board took a brief recess at 11:38 a.m., and the hearing resumed at 11:45 a.m.)

The following people testified in opposition to the request:

Lenny McMorris, who represented several property owners in the area, testified about concerns with the road issues and the project density. They disagree with the findings that state there will be no impact to the public and are concerned they were not given a chance to comment on the changes made to the roads.

Chaney Stotts testified about his concerns with the impacts this development will have on Goodson Road and the Galloway bridge.

Rebuttal testimony was offered by Todd Lakey. The canal does not have water year around. They can include the trail plan and the description of it would be a pretty well developed in the CC&R's because the HOA will be responsible to maintain the trail and confine and describe its uses. It may be that they choose to exclude motorized vehicles. With regard to the traffic impact study, the highway district determines the scope of the study and there were recommendations regarding those curves. They are not up to current standards but the highway district is aware of them and the improvement of those curves and the timing is up to the district and the applicants are required to contribute their share toward that prior to final plat. The Galloway bridge can fit two vehicles across it but it was damaged, and it is on ITD's list for repair to make it passable for two vehicles. Commissioner Smith said the condition states that the trail plan has to be submitted with the master site plan. There should be a landscaped entryway with a monument sign. She would be more in favor of holding this case and allow the applicant time to develop the plan and bring it back for discussion on the trail plan. Mr. Lakey said it was not their intention not to submit a plan, but they can make a reasonable argument that what is there is a plan, but it could be flushed out further. Commissioner Van Beek supports Commissioner Smith's suggestion. She has concerns about the road and bridge and she likes the idea of having a landscaped entryway and monument signs. Commissioner Smith wants to leave the date open-ended and notice the plat again, but specifically limit testimony to related to the path, unless there are changes submitted between now and then on the entire plan and then we'll re-notice all of it. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue this hearing allowing time for the applicant to develop a trail plan for the Board's review. The hearing concluded at 12:09 p.m. An audio recording is on file in the Commissioners' Office.

MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:32 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith and Pam White, Prosecutor Bryan Taylor, Coroner Jennifer Crawford, Clerk Chris Yamamoto (joined at 1:43 p.m.), Concerned citizen Pep Waite (joined the meeting at 2:13 p.m.) and Deputy Clerk Jenen Ross.

Note for the record: As properly noticed the Board met today at 1:32 p.m. for a monthly elected official meeting. A request was made to go into Executive Session as follows:

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

Commissioner Smith made a motion to go into Executive Session at 1:34 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (f) regarding personnel matters and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Prosecutor

Bryan Taylor and Coroner Jennifer Crawford. Clerk Chris Yamamoto arrived at 1:43 p.m. The Executive Session concluded at 2:13 p.m. with no decision being called for in open session.

Following the executive session there was discussion regarding the following:

- Commissioner Smith expressed her appreciation of the Clerk and his departments for their willingness to help in accommodating some of the space needs. Revisions are currently being made in the Admin Building. Director Britton is working closely with a couple of contractors regarding a possible additional building. Additionally, Mr. Britton is getting quotes for the roof on the West Valley Humane Society building and a building to be used for county storage. The remodel of the Coroner's office was done a few weeks ago and her space needs are currently met. In regard to the needs for the jail, Commissioner Smith thinks there needs to be an update from DLR and then a decision on how to move forward. Prosecutor Taylor spoke about how a file room in his office will be changed over to office space as they too are running out of room.
- Commissioner Smith has been working with Nikki Zogg regarding a youth crisis center as there has been an increase in child and teen suicide and attempts. Ms. Zogg is working closely with the state to take advantage of some of their funding sources. District III would be the first teen crisis center in the state. In addition to state funding sources Ms. Zogg is also trying to work with Ada County as they are having the same issue. Commissioner Smith suggested the possible use of county ARPA funds as there is a direct correlation to COVID. The total cost in year one is \$1.7M. Commissioner Smith and Prosecutor Taylor wondered if the opioid settlement money could possibly be used. Prosecutor Taylor would like to see a breakdown from the health district of what can/will be contributed by other entities and suggested that the state school and hospital building that is currently vacant may be a possible location. The elected officials would like Director Zogg to make a presentation.
- Clerk Yamamoto provided an update on activity during this legislative session.
- Discussion ensued regarding growth within the county, employee hiring and retention.

The meeting concluded at 2:37 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:09 p.m. for a meeting with the Director of Development Service to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith and Pam White, Director of DSD Steve Fultz and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a refund request by Kyle Cooper for unused fees for a conditional rezone/ordinance amendment: Director Fultz explained this is a project that staff has spent a considerable amount

of time on but was withdrawn late into the process. Staff's recommendation is to deny the request for refund. This case was not heard by the Board but had been thru a P&Z hearing and multiple notifications; a record can be built to justify the \$3735 fee that was paid. Commissioner White made a motion to deny they refund request. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 22-013).

Consider a refund request by Keith & Jana Moore for a withdrawn comprehensive plan amendment fee: Director Fultz said a comprehensive plan amendment wasn't necessary for this applicant and staff is recommending a refund of \$2500. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Keith & Jana Moore for a withdrawn comprehensive plan amendment fee (see resolution no. 22-014).

Director Fultz updated the Board on the following:

- An agreement has been reached in hiring and engineer and Ryan Morgan will start within the next couple weeks. He has worked with the county the past 5 years as part of an outside agency.
- Applicants are being interviewed for several open positions. They are having challenges filling the Planner I position and may bring someone in at a lower position to work into the Planner I position. The hope is to be fully staffed within the next month.
- A handout was provided and a review given of the Activity Summary Report – a copy of the report is on file with this day's minutes. The gross intake for February was \$305,521, with the impact fees and refunds removed the net was \$280,915.
- The department is working on finalizing their SOPs. Additionally, they have made a determination on a Project Manager position – there are two current positions that they would potentially look at amending to incorporate project management responsibilities.
- Relocation of the department will be happening within the next few weeks.
- A handout addressing digital plan review software was provided to the Board – a copy is on file with this day's minutes. Director Fultz will work with IT to make sure that any system chosen is compatible with systems already being used in the county.
- Recently there has been an issue with one P&Z commissioner conducting site visits. Multiple conversations have been had with this person about the activity but they continue to do it. Mr. Fultz's fear is that it could cause a certain amount of liability. Currently there are 2 open positions on the P&Z board and 3 potential candidates. At the suggestion of Commissioner Smith, Director Fultz will invite the 3 candidates to the upcoming training in an effort to get a little more insight on each of them.
- Commissioner Smith updated everyone on her recent conversations with highway district commissioners in regard to the administrative lot split changes to acknowledgment letters.
- Discussion ensued regarding incorporating fire code into the county ordinance.
- An open house will be held tonight for input on the comprehensive plan. Another open house will be held on the 23rd.

The meeting concluded at 3:40 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 9, 2022

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. 2210

- The Board of Commissioners approved payment of County claims in the amount of \$1,924,660.57 for a County payroll

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Vari Sales Corporation in the amount of \$1,090.00 for Development Services Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Crystal Williams, customer service specialist booking; Joseph Michael Swenson, criminalist; Keith Tipton, deputy sheriff patrol

There were no meeting held this day.

FEBRUARY 2022 TERM
CALDWELL, IDAHO FEBRUARY 10, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Wall 2 Wall Flooring in the amount of \$2,644.00 for Facilities Department

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, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

Case nos. 2022-329, 2022-317, 2022-245 and 2022-333 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 cases as read into the record.

Commissioner White made a motion to issue an initial approval on case no. 2022-334 with a written decision within 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens and releases of liens were presented for Board signatures.

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

MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-1037

The Board met today at 9:04 a.m. to conduct a medical indigency hearing for case no. 2021-1037. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Attorney Mark Peterson for St. Luke's, Interpreter Delia Gonzalez, Applicant and spouse, Martha Rodriguez and Michelle Torres with St. Luke's and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker, Mr. Peterson and the applicant and spouse and Board discussion Commissioner White made a motion to continue the

case to April 14, 2022. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:57 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Commissioner White made a motion to issue approvals on case nos. 2022-22 and 2022-127 with written decisions to be issued within 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue a final denial on case no. 2021-903 with a written decision to be issued within 30 days.

Commissioner White made a motion to continue case nos. 2022-85, 2022-81 and 2021-957 to April 14, 2022. The motion was seconded by Commissioner Van Beek and carried unanimously.

The Board went off and back on the record at 9:59 a.m.

Once back on the record Director Baker spoke about case no. 2019-1419 which is a previously approved case. The applicant has been making payment on the account but is requesting a subordination agreement in order to refinance. The assessed value of the home is \$271,300 and they are requesting to take approximately \$38,000 cash out to pay off several mortgages. The Board would like more information on what the cash out money will be used for and/if any of it will be used toward the outstanding county debt. The current amount still owed to the county is \$62,254.03.

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

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

The Board met today at 10:04 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, DSD Office Manager Kathy Frost and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing resolution classifying records of the Canyon County DSD and authorizing the imaging and/or destruction of files/records: Mr. Wesley explained this is to clarify the practice DSD intends to adopt with these records. There was a resolution in 2021 stating that DSD records have to be retained for 10 years as they pertain to real property, it also states that DSD will scan all the records to be held in perpetuity. In preparation of moving offices DSD would like to destroy the paper files. Mr. Wesley said that the digital version serves as original copies so the digital file will be kept and classified as a permanent record just as a paper file would. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution classifying records of the Canyon County DSD and authorizing the imaging and/or destruction of files/records (see resolution no. 22-015).

There were no topics of discussion for the legal staff update.

The meeting concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:01 a.m. to go on the record to reschedule the public hearing in the matter of the request by Russ and Vicki Elsberry for a comprehensive plan map amendment, conditional rezone and short plat for Berry Acres Subdivision, Case Nos. OR2020-0009, CR2020-0013, & SD2020-0041. Present were: Commissioners Leslie Van Beek and Pam White, and Deputy Clerk Monica Reeves. This case was heard on January 18, 2022 and was subsequently tabled February 10, 2022 so the applicant could work with staff on conditions to restrict development. Today's hearing needs to be rescheduled to a date when all three Commissioners can be present. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to reschedule the hearing to February 14, 2022 at 1:30 p.m. The meeting concluded at 11:02 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY RYAN AND TANYA ROBINSON FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0042

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Ryan and Tanya Robinson for a conditional rezone of parcel R36137010 from an "A" (Agricultural) Zone to an "CR-M-1" (Conditional Rezone - Light Industrial) Zone, Case No. RZ2021-0042. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Tanya Robinson,

Tina Wilson, Martin Maestresjuan, Martin Delk, Paul Calverley, Lee Brawley, and Deputy Clerk Monica Reeves.

Dan Lister gave the oral staff report. The request includes a development agreement that restricts certain uses and minimizes impacts to the surrounding agricultural areas. The 19.82-acre property is located on the corner of Van Slyke Road and Peckham Road in Wilder. The property was created through a land division in 2006. The area is predominately agriculture with some spot residential zoning. The future land use plan shows this area from the north side of Peckham Road to Simplot Blvd., as an industrial designation. This is commensurate with city of Greenleaf's future land use plan which shows this to be an industrial area from Peckham Road to Simplot Blvd., as well as Wilder, even though it's not in their impact area it shows the connectivity showing a commercial industrial use is designated in their future land use plan. There were four industrial zones approved in 2011 as a blanket rezone to M-1. Similar uses to the area is Valley Agronomics, a seed and agriculture support company across the street, as well as Anderson and Lansing Trade Group's grain facility; and Allendale Produce Company. The average lot size in the location is 34.6 acres consists of best to moderately suited soils. The area is surrounded by large farmland and there is some sporadic placement of dwellings on lot sizes between two and five acres throughout the area. The property is located within a nitrate priority area and development on this property will have to meet SWDH requirements for that. The applicant has agreed to apply conditions to this knowing it's a transitional area moving into industrial near agriculture. There was a review of agency comments as well as letters of concerns from neighbors. On January 6, 2022, the P&Z Commission recommended approval subject to conditions of the development agreement. Also, any division of this property shall be completed through the platting process due to the concerns of neighbors and the type of development that may come in. This condition provides reassurance that there will be a public review. Staff recommends approval, similar to the recommendation of the P&Z Commission finding the conditions agreed to by the applicant are enforceable and agreeable so staff is recommending approval subject to a development agreement. Following his report, Mr. Lister responded to questions from Commissioner Van Beek regarding uses that are either allowed or conditioned to be in the M-1 zone. He also said Canyon County has an economic development team in the Development Services Department and this is the area they are looking at to bring in ag-industrial uses. It's an up and coming area.

The following people testified in favor of the request:

Tanya Robinson testified she and her husband own the nearly 20-acre parcel and are proposing a development agreement that holds the property in the highest and best use while maintaining a balance between both zoning uses. The rezone will bring orderly development that benefits the public by contributing to economic growth in Greenleaf and Wilder, as well as protect the homeowner on smaller acreage parcels with minimal conflict. The property is designated as industrial on the future land use map within the comprehensive plan and is also within the Greenleaf area of city impact. The property is 120 feet from Valley Agronomics to the south, and the railroad tracks run along the southside of Van Slyke Road along the property for 1300 feet. The parcel is .1 miles to the north from an industrial-zoned grain facility and is also positioned 1.2 miles east of Allendale Produce Wholesale. JC Watson Packing Company is located 1 mile to the

west of the parcel and they too have a rail spur connecting their light industrial property to the railroad across the street. It's compatible with the surrounding land uses and arguably more compatible than the current agricultural zoning with more than nine parcels in the vicinity already zoned and functioning as light industrial, with this parcel being one of the few that has an opportunity for a rail spur largely in part to the City of Greenleaf and the City of Wilder considering this as the light industrial corridor. With emphasis on growth and development in the area and away from Highway 19 where travel is at a greater speed with very few approaches onto the highway. The property is currently in alfalfa and last year it yielded 46 ton of alfalfa. After costs to the farmer, they net \$4800 prior to accounting for the irrigation and tax bills. Mr. Lister referred to a shop for ag use, that is a trailer manufacturing facility where they've built horse trailers and enclosed trailers to the south of the subject property. There is no ag use there, it's all light industrial. Her closest neighbor to the east supports her rezone request. The property on the south has hops and she will agree to a 100-foot easement. Ms. Robinson has done a lot of research on noise and she understands the two neighbors who are in opposition moved in across from Valley Agronomics and after the light industrial zoning was in place. She empathizes with the neighbors and wants to see how we can best grow and keep our ag presence alive. She wants to go above and beyond with a development agreement that takes everyone into consideration. In response to a question from Commissioner White, Ms. Robinson said she contacted Tina Wilson from Western Alliance for Economic Development (WAED) because she knows a lot of the processes and what is going in that area and also because she wanted to get clarification on the highway the corridor. Ms. Robinson does not have a specific plan to share; she said she can't spend the time and resources to go very far without knowing if she has the County's approval. Commissioner White asked what the applicant's preference is for the property. Ms. Robinson said her preference is it stays in the ag industry, but she can't get too deep into that unless she knows it will be approved, but the goal is to have an ag-type business. She lives three miles from the property and she wants to engage in another business. She has spent a lot of time putting the case together and she is empathetic to those who live nearby and have questions and she is doing her best to consider all of that and do the best she can with it. She intends to retain the property and own a business on the property. Additional Board questions followed for Ms. Robinson and staff regarding roads, access, noise levels, and the rail spur.

Tina Wilson, the executive director for the Western Alliance for Economic Development, testified WAED, she has been working with the Cities of Greenleaf and Wilder since 2007 and around 2010 those two cities commissioned a Peckham Highway Corridor Report and did a feasibility study and at that time it was sponsored by the two cities and the County took a look at what it would be for an industrial corridor. Five years ago, WAED worked with the Golden Gate Highway District on a grant to improve the highway corridor and they received federal grant, coupled with state and local funds, to rebuild that highway to more readily handle traffic. The federal grant was to improve the intersections, one of which is Van Slyke and Peckham, to make sure it can handle any type of freight or ag trucking traffic. The Peckham Highway from Highway 95 in Wilder to Notus Road on the east side of Greenleaf is the corridor in question and they have a grant that's rebuilding that road and the intersections in order to become a higher quality freight corridor. It was intended for this area to be industrial in supportive of our ag community. Ms. Wilson said she

has not shown the property to any potential buyers. Following her testimony, Ms. Wilson responded to questions from Commissioner Van Beek regarding demands for city services.

The following people testified in opposition to the request:

Paul Calverley testified he owns 80 acres west of this property. His land is an agricultural farm and it has grown hops for the last 15 years and has Class 1 soils which is some of the best soils in the County, as are the other soils around it. The average lot size is 34 acres and he is opposed to chopping up the property into smaller parcels; he is concerned the property is at least one mile from existing services. Mr. Calverley said Ms. Robinson read from a list of 20 approved uses in a light industrial zone; however, there are 40 other uses that are allowed, some of which are not tied to agriculture and he finds that concerning.

Lee Brawley testified he lives directly to the east of the subject property and he, along with six other landowners, are opposed to the rezone request. He supports the comprehensive plan policies which relate to the protection and preservation of agriculture. Mr. Brawley is concerned about the loss of farm ground, and the unknown plans for the subject property, and the devaluation of his property. He believes there are inaccuracies in the staff report, specifically the statement that staff finds the request is more appropriate than the current zoning designation, and that they believe it will not negatively affect the character of the area.

Martin Delk is a neighbor who's opposed to the light industrial rezone and the lack of planning on the applicant's part as well as the potential businesses that could be put on the property. He spoke about the character of the area which consists of farm ground, some of which have homes on their property. He said improvements need to be made to Peckham Road due to concerns that it cannot handle truck traffic.

Rebuttal testimony was offered by Tanya Robinson. There is not enough acreage for a transit center or a truck terminal and she would be happy to put that in the development agreement that it's not an applied use. She asked Mr. Calverley if there were any specific uses he would like to see removed or that were of grave concern to him, and said she would be happy to work with him on that but he had no response. If there is a specific use the neighbors are concerned about she is empathetic to that. The development agreement has been carefully prepared and they are saying it will be an ag-type business promoting the growth that fits with the comprehensive plan, and the area of city impact with the City of Greenleaf. She cannot say what business is coming; there are 40 different uses, but she cannot speak to an investor because she does not have the property zoning. She has done everything the County has requested and taken to heart what previous requests have gone through in order to make it as transitional as possible and still meet everybody's goal. A 20-acre parcel is not big enough to truly farm; she contacted four farmers and no one would touch it, but a friend of a friend talked someone into farming it for a year. She believes the majority of the opposition is about the unknown and she has done as much as she can to make it known that when more information becomes available the neighbors would know about that. She has not done anything to market the property as industrial. Following her testimony, Ms. Robinson responded to questions from the Board. She bought the property as an

investment for the long-term and she intended to learn a lot, but that does not mean they won't bring in an investor. They have to bring in somebody with more money to finish a development depending on what it ends up being, but the Robinsons want to have a big part in it. She does not expect to sell it to a developer for commercial properties, the intention is more of the retirement side of things. There is a natural flow to go to light industrial since it's right across the street from her property and there are nine (9) light industrial properties within 1.5 miles. There is farmland to the west, and some acreage with residences but her property is not surrounded by farmland. Ms. Robinson said some of the neighbors purchased their acreages/residences from previous owners who knew the area was light industrial. At the request of Commissioner Van Beek, the Board took a recess at 3:17 p.m., so she could review the land use matrix with staff (exclusions for the agricultural zone and the light industrial zone and see what's left). The Board went back on the record at 3:35 p.m. after Commissioner Van Beek met with Mr. Lister. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek finds both the applicant and those in opposition have made good arguments and the applicant has done a very good job trying to be considerate of what's in the area and is willing to look at additional items if they were defensive to those in the area. It's been expressed by those in attendance that the most difficult part of this are the unknowns associated with it. The application has merit but it would be supported at a greater level if there was an understanding of what the applicant is looking at and so for the issues for services, and things that may or may not be allowed out there she would like to see this project put on the market and brought back with a plan. For instance, for the retail portion of this the exclusions are banks, hotels, motels, and restaurants, but offices and microbreweries were left in. She understands it could potentially be an ag selling point; would it fit in? She doesn't know, it would be a different use, a use that would be allowed in the M-1 zone but not allowed in the ag zone. The other selling point for the M-1 portion is the light manufacturing, assembly, testing and/or packaging, a lumberyard, manufacturing assembly, fabrication, processing, packaging, repairing or storage. Those are great selling points in the light industrial zone that would bring benefit for the applicant but we are evaluating what the impact to the surrounding area is so the concession is that she likes the applicant's presentation and partnership in working with the Western Alliance for Economic Development. Even with some of those exclusions there are still a lot of uses that could happen in the ag zone and this is one where we are just weighing out the pros and the cons. If denied it will go to a second hearing and hopefully there could be more information that would inform the Board on a transition area with ag ground. It's not that people don't have a right to develop, this is a change in land use. It was owned by an investor before this so if there was interest for light industrial in this area it seems we could get something that could be brought before the board that would help tip the scale. Commissioner White said she respects that this is an investment property, but she wants to know what use is being planned for the property because there are too many unknowns and therefore she will not be supporting the request for a conditional rezone. Commissioner Van Beek said because the Board does not know what will be going on the property it cannot mitigate for something it doesn't know exists so that is a condition that could alter the findings of facts. Regarding access to the property, she heard it goes along Van Slyke Road and she has heard Peckham Road is not improved. If there were certain businesses that were allowed to come in there would need to be a subproposal of mitigation or assistance in the roadway for that area. It's not that the proposal is a poor proposal, there are

some unknowns that are not tipping the scale to allow us to say yes given the arguments that have been put on the record about what's already there and potentially changing the nature and character of the area that would make it difficult going as a transition area from large-scale ag. There is support on the M-1 that's across the street so she thinks the applicant is on the right trail, but because Ms. Robinson is a realtor she might be able to find someone to help alleviate some of those issues and mitigate some of that. Tina Wilson said there are some premises that are so off. Commissioner Van Beek said the Board has weighed the evidence that has been presented by both sides. Commissioner White made a motion to deny the request for a conditional rezone for Case No. RZ2021-0042. She said the Board let the applicant know what it wants going forward and how this could possibly be worked out. The motion was seconded by Commissioner Van Beek and carried unanimously. A second hearing will be necessary because the Board's decision is different from the P&Z Commission's recommendation. The hearing concluded at 3:49 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 11, 2022

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

APPROVED CLAIMS

- The Board has approved claims 581967 to 581968 in the amount of \$503.45

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Ryan Morgan, engineer; Hailey Johnson, juvenile detention officer; Jennifer A. Salazar, drug testing technician; Tyler Van Warmerdam, certified property appraiser; Autumn Wall, certified property appraiser, Kenneth Allen, certified property appraiser.

There were no meetings held this day.

FEBRUARY 2022 TERM
CALDWELL, IDAHO FEBRUARY 14, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Motorola Solutions in the amount of \$2,000.00 for Canyon County Sheriff

APPROVED OCTOBER 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

MEETING WITH COUNTY CLERK TO REVIEW PROPOSED REDISTRICTING MAPS – CONSIDER 2022 MAP OF CANYON COUNTY VOTING PRECINCTS

The Board met today at 8:48 a.m. with the County Clerk to review proposed redistricting maps and to consider a resolution approving the 2022 Canyon County Voting Precincts. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Election Supervisor Haley Hicks, Elections Specialist Brandi Long, Aidan Lorenz from the Elections Office, Deputy PA Doug Robertson, PIO Joe Decker, and Deputy Clerk Monica Reeves. The Board reviewed three large maps the Elections Office prepared and there was discussion about how staff tried their best to follow school district boundary lines and do some clean-up and eliminate the large margin for ballot faces. They also condensed some of the precincts on the outskirts into one precinct. Due to the way the legislative district boundaries were drawn some of that was not avoidable. We went from 64 precincts to 51 precincts. The other aspect they had to look at was some locations no longer wanted to participate. They want to make sure nobody has to travel outside a 15-mile radius to their locations. Clerk Yamamoto said we currently have zero early voting locations. O'Connor Fieldhouse, which was used in the past due to COVID, is not available for the two weeks of early voting so they are trying to find other locations, hopefully one in Nampa and one in Caldwell. Clerk Yamamoto said staff has put in a lot of manhours on this project and although it's not ideal, it's better than we have had the last 10 years. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution approving the 2022 map of Canyon County Voting Precincts. (Resolution

No. 22-016 contains the map showing the 2022 proposed precinct boundaries.) The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:11 a.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Code Enforcement Officer Eric Arthur, Director of Development Services Steve Fultz, and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Reviewed numbers of up-to-date open case numbers – averaging 1 new open case a day
- Update of litigation cases
- Progress of moving office process - Request for a shutdown of the DSD office on Thursday and Friday for move of office: Commissioner Van Beek and Smith are both in support with request that Staff work with Joe Decker on a notice to the public
- Update on new staff/new hires
- Flood plain/FEMA update

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

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

The Board met today at 9:30 a.m. for a monthly weed & gopher meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Weed & Gopher Superintendent AJ Mondor and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Reviewed January 2022 numbers
- Looking to start spraying this week pending weather
- Owl boxes look to be done
- Mr. Mondor attended the Idaho Water Users' meeting last week
- Gophers starting to be trapped

- Staffing

The meeting concluded at 9:34 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Facilities Director Rick Britton (left at 10:34 a.m.), Controller Zach Wagoner (left at 10:34 a.m.), Chief Deputy Treasurer Jennifer Mercado (left at 10:06 a.m.), HR Generalist Jennifer Allen (left at 10:43 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Treasurer's tax charge adjustments by PIN for January 2022: Adjustments are due to the homeowner exemption issue and HOA charges from 2018-2020 that were removed. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Treasurer's tax charge adjustment by PIN for January 2022. A copy of the adjustments are on file with this day's minutes.

Consider signing resolution to adopt the changes to the title, salary, and job description for positions in Maintenance: Director Britton explained the goal is to get people into positions they can be most beneficial and the department more successful. He provided an overview of the changes he'd like to make and a copy of the proposed org chart was reviewed. Ideally, he would like to see positions posted in-house giving personnel within the department already an opportunity to apply. Discussion ensued regarding the use of the title supervisor vs. manager. Controller Wagoner reviewed impacts to the budget, noting the net impact would be a \$4500 decrease. Director Britton also spoke about how as the county grows his department will also need to grow to keep up; additional positions have been contemplated within the proposed org chart. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution to adopt changes to the title, salary and job description for positions in Maintenance (see resolution no. 22-017).

Discussion ensued with Ms. Allen regarding the possibility of her accepting the temporary position of Lead HR Generalist while the HR Director position is vacant. At the request of Ms. Allen, Commissioner Smith said the position would really work as a liaison to the Board and to maintain the day-to-day operation of continuing to move business forward within HR. A personal and confidential letter was presented to Ms. Allen outlining the expectation noting the position would expire on June 30, 2022 or until a new HR Director is named. Ms. Allen understands the request and asked for the day to decide. If she does decide to accept the temporary position the Board asked that she sign the letter and a salary rate request form will be completed to officially make the change.

Commissioner Van Beek asked Mr. Wesley about a letter received from Givens-Pursley relating to the 'Committee of 9' for the Star impact area. Mr. Wesley said he would need to review the letter again to provide a more complete answer; he anticipates speaking to this tomorrow during the legal staff update.

A brief discussion ensued regarding the Canyon Highway District impact fee. The Board also requested more information on the steps necessary to implement an impact fee for public safety.

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

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

The Board met today at 11:01 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, Director of IT Greg Rast, Project Manager Shawn Adamson, Business Analyst Terrence Martinez and Deputy Clerk Jenen Ross. Director Rast reviewed the following with the Board:

- IT department has one vacant position.
- Nearly done with scanning BOCC meeting minutes back to 1892. Next project is backlog of documents at the DMV.
- Director Rast will be meeting with the Caldwell development services on March 1st regarding the sewer/fiber project.
- Review was provided of web reports for Canyon County public website, Canyon County web applications, internal employee portal, Canyon County Fair, Third District Family Court Services, Third Judicial District Courts and the Canyon County Mosquito Abatement District.
- 2021-year end review: processed mail; county-wide printer click count; print shop printer click count; service desk tickets; 2020-2021 website comparison; project report of completed/closed and in process; weekly project hours report; graph of 2020 and 2021 project hours.

The meeting concluded at 11:34 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:37 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. Mr. Decker reviewed the following with the Board:

- Provided project timesheet to the Board and gave a review of where the majority of his time has been spent.
- Commissioner Smith informed Mr. Decker that the March community input meeting will start at 5:30 on March 7th.
- The CGI project is going well; they've sent updated scripts for the 3 new chapters and anticipate being in Canyon County June 8-12 for a tour and to collect video footage. He will also work with Director Rast and Nick Toves in IT as to where to put the video on the county website.
- Commissioner Smith asked if there had been any announcement from the Clerk regarding open positions for elected officials.

The meeting concluded at 11:44 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, DEVELOPMENT AGREEMENT, AND AN ORDINANCE FOR NORMA BATES APPROVED ON DECEMBER 15, 2021, CASE NO. RZ2021-0039

The Board met today at 1:33 p.m. to consider signing the FCO's, ordinance, and a development agreement in the matter of a request by David Ferdinand, representing Norma Bates, for a conditional rezone of parcel R29569 from an "A" (Agricultural) Zone to an "R-1" (Single-Family Residential) Zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. The case was heard and approved by the Board on December 15, 2021, but the approval documents could not be signed because the applicant at the time had not signed the development agreement. The applicant eventually signed the agreement, but in mid-January there were modifications to the conditions and the applicant was required to sign the development agreement again and that took some time. Today the documents are ready for Board signature. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the FCO's, ordinance, and a development agreement for Case No. RZ2021-0039. (Ordinance No. 22-002, and Agreement No. 22-010.) The meeting concluded at 1:35 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:36 p.m. for a continued public hearing in the matter of a request by Russ and Vicky Elsberry for a comprehensive plan map amendment, conditional rezone and short plat for Berry Acres Subdivision, Case Nos. OR2020-0009, CR2020-0013 and SD2020-0041. Present were: Commissioners Keri Smith, Pam White, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, Deputy PA Zach Wesley, Mark Bybee, Russ and Vicki Elsberry, David Ferdinand, and Deputy Clerk Monica Reeves. The Board heard the request on January 18, 2022 and tabled the case to allow time for the applicant to work with staff and allow negotiation of the development agreement conditions, as well as allow time for staff to answer questions with legal counsel. Elizabeth Allen summarized the staff report and since the last hearing staff has worked with the applicant and the PA's Office on the development agreement where condition #6 was added to include language that a golf course and a planned unit development are not permitted. Staff did not add language to restrict further development. Staff found the comprehensive plan map amendment and the conditional rezone requests do not comply with the criteria outlined in the County code. The preliminary plat does meet County code and Idaho Code requirements; however, staff is recommending denial due to the recommendation of denial on the other requests. The P&Z Commission recommended approval of the requests. Commissioner Smith said the development agreement states on condition #2 that the property shall be developed into a maximum of three residential parcels. Ms. Allen said it would restrict development to the three parcels as long as they didn't modify the development agreement to remove that. Commissioner Smith said that was part of the conversation we were going to have with legal counsel. Deputy PA Zach Wesley said the local land use planning act does allow people to come back and later rezone, or modify their conditional use permit or development agreement and so we tend to shy away from making those sorts of commitments without noting in the language the process that would be required in order to make the change so we have tended to say this cannot be changed without modification of the development agreement or rezoned. Commissioner Smith said we don't want to take away the property right but they have to start again with switching it from a conditional rezone to a rezone, not just allowing them to apply for a development agreement amendment for the change. If they want additional parcels beyond the three they would have to go through the rezone process again and not use a modification. Mr. Wesley said we can have that as a statement of intent to have in the development agreement, but without changing our zoning ordinance they could still go back and modify the development agreement. Mark Bybee said he sent edits to the planner with proposed changes that accomplish exactly what we are talking about, but he never saw what changes were made to the draft the Board is reviewing today which is concerning. He provided language that gave the very restrictions the Board is asking for and now he's being told it cannot be done. A landowner can agree by development agreement to put more restrictions on the parcel than the ordinance requires so he is baffled. On Condition #2 he added the following language: These parcels cannot and shall not be further divided unless and until one or more of the following events occur: 1. The property is completely rezoned and not merely conditionally rezoned; 2. The property is annexed into a city; or 3. This development agreement is amended or terminated by subsequent agreement between the parties or by county action. Further, the

developer shall not be entitled to pursue an application to amend this agreement unless a complete rezone of the parcel has already occurred, or a rezone application is submitted and granted contemporaneously with the application to amend this agreement. Commissioner Smith thinks the language sounds good. On Condition #3, despite receiving a rural residential conditional zoning designation, the parcels shall not be entitled to all uses for the rural residential zone as specified in the zoning and land use matrix, and CCZO 07-10-27. The following rural residential uses from the said matrix, though normally permitted, including those that may be permitted by conditional use permit or Director administrative action are not permitted at the parcels: A. golf course, B. planned unit developments. Condition #4 the following, though normally limited to agricultural zones as specified in the zoning and land use matrix, are permitted on these parcels in the same manner as they are permitted in an agricultural zone: A. Agriculturally related activities (permitted use); and winery, distillery, brewery (requires approval by Director administrative decision). Commissioner Smith asked if he wanted to still have some flexibility that the agricultural zone allows what the rural residential zone doesn't. Mr. Bybee said yes, since they are trying to keep this in as much agricultural production as possible and state code and other codes would not restrict this, but from what Mr. Wesley has told him it sounds like there is a Canyon County ordinance that says you cannot do that. He could see it perhaps for pulling from more dense uses like higher-density ones and saying rural residential cannot pull R-1 uses, but pulling in for the less density uses seems like an odd restriction, although he can see how it could be abused. Mr. Bybee is asking for agriculturally-related activities and winery, distillery and brewery which requires a Director administrative decision. Commissioner Smith said we could do an ordinance amendment in general that would allow that in the R-R zone. Mr. Bybee said or there could be an ordinance amendment that says for development agreements you can make changes that pull uses from the less dense zones. Commissioner Smith agrees with Mr. Wesley that we should leave it off, but we should work on it and fix it. Commissioner White asked if he sees anything in the rest of the conditions that would not be compatible. Mr. Bybee said no, not with the conditions and edits he has proposed. The only one he is proposing to change is the County's Condition #4, no secondary dwellings are permitted. If the Board is willing to leave it as whatever code allows and not have that condition he is fine with that. Commissioner Smith asked him to email his proposed condition to staff, and said we will add the proposed language for Condition #2 which would add the additional restriction for rezoning, and the secondary residence thing is not in there. There is no golf course or PUD's. The other issue is more of a zoning ordinance amendment coming from her end. The Board should consider those two uses in rural residential and how they best fit for everyone, not just this development. Elizabeth Allen said those uses are something we can work on with the comprehensive plan update afterwards. Mr. Bybee said there are some blanks in the notes on the final plat because they were going to record easements and he didn't record them until they knew they were actually going to have something here. Commissioner Smith said we need to hold the subdivision and process the short plat at a separate hearing in order to give the applicant time to update the development agreement conditions and obtain the required signatures on the final plat. Today's decision will be on the comprehensive plan map amendment, conditional rezone, and development agreement. Mr. Bybee said a cleaner way would be say the Board is not approving the subdivision plats today. Commissioner White made a motion to approve and sign the FCO's, resolution, and ordinance for Case Nos. OR2020-0009 and CR2020-0013. The development agreement and final plat will be convened for later signature.

Commissioner Smith said the FCO's that are included are for denials so she suggested an amendment to the motion to direct staff to update the FCO's and the development agreement that support an approval and incorporate the comments from today's hearing into the development agreement and obtain signatures. Commissioner White agreed, and the amended motion was seconded by Commissioner Smith and carried unanimously. The short plat hearing will be rescheduled when staff has all of the information completed for the short plat. Mr. Bybee said they will need to request another hearing to get the matter on the calendar. The hearing concluded at 1:59 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 2:04 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Director of Development Services Steve Fultz and Sr. Administrative Specialist Terri Salisbury. The following topics were discussed:

- Update on office move: Staff worked with Mr. Decker to get it posted for the public that the office will be closed to the public on Thursday and Friday for a move to the 3rd floor of the Admin. Building
- Staffing Needs: Job offers have been made for some of the open positions and hopefully will be filled soon
- P&Z Commissioners training session: Everyone thought it was very helpful and they would like to continue it on an annual base
- Update on the process of site visits and how the process will/should work
- Economic Development update: 2 companies are coming to look at sites next week
- Visit Cities of Caldwell and Nampa to review their digital plain submittal program to see if it is a system we could use
- Staff has completed building mechanical and planning fee schedule, ready to be noticed for hearing
- Update on comprehensive plan and open houses
- Formed a group within DSD to look at bigger picture issuers for DSD

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

MEETING TO CONSIDER SIGNING RESOLUTION TO INCREASE PETTY CASH IN THE RECORDER'S OFFICE

The Board met today at 2:36 p.m. to consider signing a resolution to increase the petty cash in the Recorder's office. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Recording Supervisor Emily Howell and Deputy Clerk Jenen Ross. Controller Wagoner explained that the Recorder's office is handling a record number of transactions and in order to meet the public's need in a timely and efficient manner they would like to increase the petty cash from \$1050 to \$1300. Mr. Wagoner spoke about the strong controls in place in handling, reconciling and depositing cash. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to increase the petty cash in the Recorder's office (see resolution no. 22-018). The meeting concluded at 2:39 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY TREASURER TO CONSIDER CASUALTY LOSS APPLICATIONS

The Board met today at 3:03 p.m. with the county Treasurer to consider casualty loss applications. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May and Deputy Clerk Jenen Ross. The casualty loss applications were considered as follows:

Alan Dirk Scott and Dena Scott's request for a casualty loss application: The date of loss was April 18, 2021 and by code they should have applied during BOE during the assessment appeal process. However, state statute allows for the Board's consideration to cancel the taxes. There were 258 days of loss due to fire damage to the home and the cancellation amount is \$1518.59. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant the cancellation of \$1518.59. A copy of the application is on file with this day's minutes.

Antonio E. Concepcion's request for a casualty loss application: There were 32 days of loss due to water damage in the home. Treasurer Lloyd needs to collect some additional information related to a PTR that has been granted. Commissioner Van Beek made a motion to continue the meeting to Tuesday, February 15, 2022 at 2:30 p.m. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 3:14 p.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Caxton in the amount of \$2408.88 for Trial Court Administration
- FBI-LEEDA in the amount of 2475 for Canyon County Sheriff

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

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson (left at 9:30 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:07 a.m.), Parks Director Nicki Schwend (left at 9:18 a.m.), Assistant Parks Director Laura Barbour (left at 9:18 a.m.), Director of Misdemeanor Probation Jeff Breach (left at 9:30 a.m.), HR Generalist Jennifer Allen (left at 9:30 a.m.), Landfill Director David Loper (left at 9:20 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing notice of intent to grant surplus property to the City of Melba Fire Department: Chief Dashiell explained that as their in-vehicle computers are changed out Sgt. Whitney has advised that he feels he can piece together three (3) well-functioning computers that would work for the Melba Fire Department. In response to a question from Commissioner White, Mr. Robertson said he would follow-up on the necessity to declare a value or if they can be donated as being a benefit to the community. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of intent to grant surplus property to the City of Melba Fire Department.

Consider signing legal notice of intent to enter into personal services contract with Agnew Beck Consulting, Inc. and consider signing independent contractor agreement – Canyon County Parks, Open Space and Pathways Plan with Agnew Beck Consulting, Inc.: Director Schwend gave an overview of what Agnew Beck will be doing and provided a handout which gives a background of the project and the scope of work. The handout is on file with this day's minutes. Director Schwend also answered several questions regarding collaboration with other open space and pathway plans such as Caldwell and Boise, budget and GIS mapping of pathways. Ms. Schwend and Ms. Barbour noted that portions of the scope of work will be completed by Parks staff so the originally quoted

amount in the handout is reduced in the contract. Commissioner Van Beek made a motion to sign the legal notice of intent to enter into personal services contract with Agnew Beck Consulting, Inc. and the independent contractor agreement – Canyon County Parks, Open Space and Pathways Plan with Agnew Beck Consulting, Inc. The motion was seconded by Commissioner White and carried unanimously (see agreement no. 22-011).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:20 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy P.A. Zach Wesley. HR Generalist Jennifer Allen and Director of Misdemeanor Probation participated from 9:20 a.m. to 9:30 a.m. The Executive Session concluded at 9:54 a.m.

At the conclusion of the executive session Commissioner Smith said there is an action that will be handled by the Prosecutor’s Office on behalf of the Board. Additionally, there were two (2) personnel letters one of which the Board will sign, the other will be signed by Ms. Allen.

The Board went off and back on the record at 9:54 a.m. to consider the following action item:

Consider new alcoholic beverage license for Angeles De Puebla Ice Cream LLC dba Angels De Puebla Ice Cream: The application has been reviewed by the Board and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the new alcoholic beverage license for Angeles De Puebla Ice Cream LLC dba Angels De Puebla Ice Cream.

The meeting concluded at 9:55 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners’ Office.

MEETING TO DISCUSS TRANSFER STATION

The Board met today at 9:56 a.m. to discuss a transfer station. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper, Deputy P.A. Doug Robertson, Controller Zach Wagoner, Clerk Chris Yamamoto, PIO Joe Decker, Mike Murgoitio with Timbercreek Recycling, Bob Bennet with Republic Services and Deputy Clerk Jenen Ross.

There is not currently a transfer station in Canyon County but there has been a lot of discussion as to whether one should be privately owned/operated or a county owned/operated concept.

Mr. Murgoitio said that for about 5 years they have been looking for ground but a couple years ago he was approached by Mr. Loper letting him know that if a private company didn't do something the county would consider opening its own transfer station. They are just seeking clarification as to when the approach changed. Mr. Murgoitio explained that based on the plans they submitted to DEQ they have been permitted for both a transfer station and recycling center.

Director Loper gave his perspective of how this process has gone over the past few years. He doesn't feel there has been a change in direction but there has been an increase in population, complaints regarding blowing trash, increased lines at the landfill, among other things. Over time and with all the changes he's realized a transfer station may need to be operated by the county. Director Loper spoke about the approvals in place for the ground Mr. Murgoitio has earmarked for a transfer station stating that it is a site certification, there has been no approval for design or operation.

Mr. Murgoitio said they had planned to open the transfer station this fall/winter but they held off in getting design and operation approval when they heard the landfill was considering a transfer station. He feels their site location is the best suited for a transfer station but is concerned that the landfill pricing structure would compete with his transfer station and area recycling companies.

Director Loper recognizes that the county needs to partner with recyclers and be consciousness of the pricing points. He thinks that the rate can be structured so that a mixed load is a higher rate to encourage recycling at the lower rate.

Commissioner White expressed her concern for the citizens, she is worried that pricing will increase and that citizens will end up paying the price with a joint venture. Director Loper feels that the low pricing at the landfill will buffer the citizens and doesn't think pricing will get out of hand as long as the landfill operates efficiently and at a reasonable rate. Privately owned transfer stations can charge what they want.

Mr. Bennet spoke about how they really have a 3-tier responsibility, to their customers, employees and to the company. One of their challenges is not having a transfer station in Canyon County but due to the cost structure they have not been able to make the numbers work.

Director Loper clarified that there is a distinction between the public/private sector. There is a difference between a consumer choosing a product (recycling) but in regard to trash, that is a municipal service, the public doesn't have a choice. He thinks this is where the community really needs to have a discussion as to whether going private is in the best interest of the community. Commissioner Smith spoke about how it really is still a public/private partnership because it is private business that delivers the trash to the landfill.

At the request of Commissioner Van Beek, Mr. Murgoitio spoke about a recent Nampa city council meeting where the City of Nampa decided to use his company as their service provider for composting bio-solids and the process for that. Additionally, he spoke about the credentials of his company.

Discussion ensued about possible fee structures and the difference between collection at a transfer station vs. the landfill.

Commissioner Smith suggested one option for moving forward may be to put a question on the ballot asking voters which they'd prefer, public vs. private.

Mr. Bennet explained that according to the numbers he's looked at, Canyon County wouldn't be able to support two transfer stations which would put Republic Services in a weird position of having to choose. At that point, the decision would be made by determining what is best for their customer. Mr. Murgoitio thinks the people's opinion is important and should be heard but that more research should be done on the Board's part.

Director Loper said that as Canyon County continues to grow there may need to be some kind of stakeholder committee to discuss solid waste. Mr. Bennet and Mr. Murgoitio are both in favor of putting together a committee and the Board is supportive of creating a committee to discuss what may work best.

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

MEETING WITH COUNTY TREASURER TO CONSIDER CASUALTY LOSS APPLICATION

The Board met today at 2:34 p.m. with the county treasurer to consider a casualty loss application. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May and Deputy Clerk Jenen Ross. The casualty loss application was considered as follows:

Consider Antonio E. Concepcion's request for a casualty loss application: Treasurer Lloyd explained there is a \$1500 PTR and she originally thought it would affect the casualty loss but it does not. There were 32 days of loss for a total of \$230.91 in tax cancellation. Commissioner Van Beek made a motion to approve the casualty loss application for Antonio E. Concepcion. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 2:37 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:38 p.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, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

Note for the record: As properly noticed the Board met today at 2:38 p.m. for a monthly meeting with the Public Defender. 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 2:39 p.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli and Deputy P.A. Doug Robertson. The Executive Session concluded at 2:56 p.m. with no decision being called for in open session.

At the conclusion of the executive session Mr. Bazzoli said he will be meeting with group that is being put together to discuss what a state-run system may look like if it goes in that direction.

The meeting concluded at 2:57 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 2:58 p.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner, Facilities Director Rick Britton, Other interested citizens and Deputy Clerk Jenen Ross.

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

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 3:00 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner and Facilities Director Rick Britton. Director Britton left the meeting at 3:12 p.m. The

Executive Session concluded at 3:23 p.m. with no decision being called for in open session but Commissioner Smith did note that there is a personnel issue that needs further action. The Board would like to invite the County Agent and Pat Momont with the University of Idaho to a meeting to address the issues.

At the request of Commissioner Smith, Director Sinner spoke about the issues happening with the Owyhee County Fair and the 4-H kids being displaced. Owyhee County changed some eligibility for 4-H and FFA members. Some Canyon County residents that are Owyhee County 4-H or FFA members have been denied entry. In January Director Sinner proposed to amend the rule to state *'4-H and FFA members that are Canyon County residents but not members of a Canyon or Ada County 4-H Club or FFA Chapter and denied entry to the Owyhee County Fair would be allowed to exhibit at the Canyon County Fair. Proof of Canyon County residency and proof of Owyhee County Fair denial would be required'*. This was presented to the Canyon County market livestock sale committee in January and it was approved although she has not seen copies of their minutes so she's not sure it's official. There was also a change request received from Canyon County Extension that wanted to amend that rule to not include 4-H members, they are asking that Owyhee County 4-H members become members of a Canyon County club. Director Sinner said they would like to keep the rule as amended to include 4-H mainly because of the timeframe, the beef weigh-in is in 18 days and they are concerned that kids will not find a new club in the short timeframe. Additionally, after being told they can't show at their fair they don't want to ask them to join another 4-H club, the fact that they are in a 4-H club in Owyhee County is sufficient for them to show at the Canyon County Fair. The club enrollment deadline was October 1, 2021. Commissioner Smith said she is good with reaffirming, a lot of groundwork has been done by Director Sinner, there is an MOU with the University of Idaho and County Agent for 4-H that outlines the joint work between the two organizations in regard to the fair which clearly states that the fair has the final decision related to entries. The Owyhee County Fair is overseen by a Fair Board who do not answer to the Owyhee County Board of Commissioners and Commissioner Smith noted that they are allowing Melba kids (which are Canyon County residents) to stay but the other Canyon County kids were denied entry. Commissioner Van Beek expressed her support of Director Sinner moving forward and affirming the decision of the Board to meet with the University of Idaho Extension office. Discussion ensued about how the current position of the extension office is contradictory in how they are allowing Ada County kids to participate. Director Sinner said that there is currently an exception for Ada County 4-H and FFA members. State 4-H policy is that you have to be a member in the county where you exhibit. Director Sinner and Commissioner Smith feel that a Canyon County kid should take precedent over an Ada County kid. The Board is supportive of Director Sinner's plan and directed her to move forward as presented. A new Facebook page has been started for livestock exhibitors.

An increase to the gate fee has been discussed in the past and Director Sinner would like to increase each fee by \$1.00. Mr. Wesley spoke to each of the fees, most of which have remained the same for a number of years and are due for a reevaluation. There are also ticket fees for the mainstage concerts as well as other internal pricing of items provided by the county such as alcohol sales. Mr. Wesley suggested there be a yearly resolution prior to the fair once the hard costs are known. Commissioner Smith expressed her concern about the cost of beer being too low, in-turn

causing an abundance of consumption by some. Director Sinner would like to see the admission fee addressed now but for concerts there are a couple of approaches – there can either be a flat fee for every seat regardless of the artist or seating can be charged based on the level of the artist. She thinks that there will be three resolutions - gate fees, internal item/alcohol sales and mainstage concerts. Discussion ensued as to whether the county sets prices on other merchandise. Director Sinner also asked if something can be done in offering promotions, Mr. Wesley thinks that is something that can be incorporated into the resolution.

The meeting concluded at 3:38 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 16, 2022

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

APPROVED CLAIMS

- The Board has approved claims 582060 to 582095 in the amount of \$34,728.09
- The Board has approved claims 582005 to 582059 in the amount of 64,540.98
- The Board has approved February jury claim in the amount of \$1,703.01

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dell in the amount of \$3,770.67 for the Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Jennifer Allen, Interim Lead Generalist

MEETING WITH THE DIRECTOR OF CASA OF SOUTHWEST IDAHO THE THIRD DISTRICT GUARDIAN AD LITEM PROGRAM FOR AN UPDATE OF THE PROGRAM

The Board met today at 12:23 p.m. with the Director of CASA of Southwest Idaho, Third District Guardian Ad Litem program for an update. Present were: Commissioners Keri Smith and Leslie Van Beek, Tammy, Shelly, Bekah, Betina, Elisa, McKenzie and Jenny with the Guardian Ad Litem program and Deputy Clerk Jenen Ross. Bekah presented a brief video introduction which gave a history of how the program was started and some statistical numbers from 2021. There was general discussion about how the program operates, how advocacy works in their program and how they are funded. The greatest need they face each year is funding and the need for volunteers. The meeting was informational in nature and no Board action was necessary or taken. The meeting concluded at 1:06 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 17, 2022

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

APPROVED CLAIMS

- The Board has approved claims 582174 to 582212 in the amount of \$56366.75

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Curtis Blue Line in the amount of \$9,396.00 for Misdemeanor Probation
- McDonald's Upholstery in the amount of \$8,465.00 for Trial Court Administration
- Caldwell Chamber of Commerce in the amount of \$1,000.00 for Development Services
- National Tactical Officers Association in the amount of \$1,445.00 for Canyon County Sheriff

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change forms for Katy Clark, Deputy Coroner; Sydney Davis, Deputy Coroner; Matthew Brewer, Deputy Public Defender II; Scott Vermeer, Deputy Prosecutor; Nicole Conrad, Certified Property Appraiser; Paul Prohl, Senior Certified Property Appraiser; Alissa Franklin, Part-time Administrative Assistant; Karah Fullerton; Magistrate In-Court area Supervisor

MEDICAL INDIGENCY DECISIONS; AND CONSIDER RESOLUTION CLASSIFYING RECORDS OF THE CANYON COUNTY CLERK AND AUTHORIZING THE DESTRUCTION OF INDIGENT FILES AND RECORDS

The Board met today at 8:51 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Zach Wesley and Sr. Admin Specialist Terri Salisbury.

Director Baker stated there are not approvals or denials to be signed this week. Director Baker did bring back a subordination request on case no. 2019-1419 from last week. The Applicant did agree to the terms that Director Baker presented to him. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant the subordination request.

Liens and lien releases were presented for Board signatures.

Consider signing a resolution classifying records of the Canyon County Clerk and authorizing the destruction of Indigent files and records: Director Baker explained this is a yearly resolution and the files are from 2016. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Clerk and authorizing the destruction of Indigent files and records (see resolution no. 22-020).

The meeting concluded at 8:55 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 9:00 a.m. with county attorneys for a legal staff update and to consider and action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fleet Director Mark Tolman (left at 9:03 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing resolution consenting to the sale of surplus County property: This proposal was properly noticed allowing the public to make comment on the sale of two (2) retired patrol vehicles to be sold to the City of Wilder at fair market value. No one was in attendance to offer comment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution consenting to the sale of surplus County property (see resolution no. 22-021).

Commissioner Van Beek asked Mr. Wesley about documents that were received from ACHD relating to potential impact fees to be implemented by the county and Highway District No. 4. Mr.

Wesley provided a recap of the information noting that he has spoken with Mr. Gigray about revisions to documents but that it may be several weeks before they are received back.

The meeting concluded at 9:07 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING FINAL PLAT FOR LS RANCH SUBDIVISION NO. 2, CASE NO. SD2021-0009

The Board met today at 9:32 a.m. to consider the final plat for LS Ranch Subdivision No. 2, Case No. SD2021-0009. Present were: Commissioners Keri Smith, Pam White and Van Beek, DSD Planner Jennifer Almeida, John Cotner, and Deputy Clerk Monica Reeves. Jenn Almeida said the preliminary plat was approved in August of 2019 and phase two of the project contains 16 residential lots. All conditions have been met and the required signatures on the final plat has been obtained. The applicant has a financial guarantee with Canyon Highway District for bridge widening and associated improvements, and with the City of Caldwell for streetlights. All other improvements have been certified, and staff is recommending approval of the final plat. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the final plat for LS Ranch Subdivision. The meeting concluded at 9:35 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION - EQUALIZE 2021 MISSED AND TRANSIENT PROPERTY ROLLS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:21 p.m. to equalize the 2021 missed and transient property rolls. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Admin. Property Appraisal Supervisor Greg Himes, Senior Systems Analyst Steve Onofrei, and Deputy Clerk Monica Reeves. Assessor Stender provided a handout titled 2021 Abstract by Category – Missed Supplemental & Transient - for real property and personal property as well as exemption breakdown. There were no appeals on these rolls; this is property that either was not here on January 1st or had an exemption and lost an exemption mid-year and thus became taxable mid-year moving forward. This is final year for the transient property roll as last year's HB 389 eliminated transient roll property and right now they are reviewing what equipment is truly transient. There is also a bill in the legislature that is expanding the definition of *transient*, so his office is watching that. Primarily, the bulk of the values are going to be exempted from the roll and there is no replacement money for that so the taxes paid by the transient roll accounts will now be shifted to other property owners. It is not a large portion of Canyon County's overall assessment pool. In other counties it is a larger portion, some of the smaller counties have a large portion of transient property and that will make a bigger difference to those counties. Assessor Stender noted there were two cases before the Board of Tax appeals; one has been heard and the other was for a large facility in Nampa that came online January 1st for its first full year as taxable. A very large value was appealed but the Assessor's Office came to an agreement and adjusted the value by \$200,000 on property where the overall

value was above \$200 million. Commissioner Van Beek made a motion to accept the missed supplemental and transient tax roll 2021 abstract by category for real property, and personal property, and the exemption breakdown as presented by the Assessor. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

FEbruary 2022 TERM

CALDWELL, IDAHO FEBRUARY 18, 2022

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.

FEbruary 2022 TERM

CALDWELL, IDAHO FEBRUARY 22, 2022

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

APPROVED CLAIMS

- The Board has approved claims 582129 to 582173 in the amount of \$32,732.42
- The Board has approved claims 582096 to 582128 in the amount of \$29,809.03
- The Board has approved claims 581969 to 582004 in the amount of \$199,159.30
- The Board has approved claims 582213 to 582225 in the amount of \$8,470.00
- The Board has approved claims 582226 to 582266 in the amount of \$16,647.12
- The Board has approved claims 582267 to 582290 in the amount of \$14,642.45
- The Board has approved claims 582291 to 582343 in the amount of \$53,107.80

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Converge One in the amount of \$6,417.14 for Information Technology
- ACCO Engineered Systems in the amount of 1,647.00 for the Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Virginia Bond, Deputy Attorney II; Kyra Venecia, Deputy Prosecuting Attorney; Sean Jorgensen, Deputy Prosecuting Attorney; Scott Hillman, Building Inspector; Austin Jeff Andersen, Deputy Sheriff-Inmate Control; Cobey Lyn Christoffersen, Deputy Sheriff-Inmate Control

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Nick Sampson

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

The Board met today at 9:10 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. Alex Klempel, Deputy P.A. Zach Wesley (arrived at 9:25 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:18 a.m.), Facilities Director Rick Britton and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing agreement with Idaho Department of Parks and Recreation – Boating Safety Grant:

Chief Dashiell said the only change this year is the amount of award. The amount varies each year based on the matrix for boat registrations. This year the county will receive \$31,606 which is a reduction from last year. Salary paid for the supervisor of the marine unit provides the match amount for the grant and grant monies are used to pay for season help at Lake Lowell and Celebration Park. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreement with Idaho Department of Parks and Recreation – Boating Safety Grant (see agreement no. 22-012)

The Board went off the record briefly at 9:18 a.m. At 9:25 a.m. the Board went back on the record to consider the following action item:

Consider signing contract with Wall 2 Wall Flooring for Polished Concrete Floors at the Fair Expo Building Project:

Commissioner Van Beek asked questions about the timeline provided in the contract which were addressed by Ms. Klempel and Director Britton. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the contract with Wall 2 Wall Flooring for Polished Concrete Floors at the Fair Expo Building Project (see agreement no. 22-013).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:31 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:58 a.m. with no decision being called for in open session.

Once out executive session, Commissioner Smith explained there is some administrative work to be done on a letter that will be signed by the Board later today. *Note for the record: A letter to Gene and Joan Monaghan and Mason & Associates regarding a request for reconsideration of a comprehensive plan map amendment and conditional rezone on case nos. OR2021-0016 and CR2021-004 was provided by legal and signed by all Board members. A copy of the letter is on file with this day's minutes.*

The meeting concluded at 9:59 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST MARTIN MAESTREJUAN FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE AND PRELIMINARY PLAT FOR FLYING ARROW LANDING SUBDIVISION, CASE NOS. OR2021-0027, CR2021-0010 AND SD2021-0049

The Board met today at 10:08 a.m. to conduct a public hearing in the matter of a request by Martin Maestresjuan for a comprehensive plan map amendment, conditional rezone, and preliminary plat approval for Flying Arrow Subdivision, Case Nos. OR2021-0027, CR2021-0010 and SD2021-0049. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Katie Phillips, Martin Maestresjuan, TJ Wellard, Teo Maestresjuan, Kurt Smith, and Deputy Clerk Monica Reeves. Janice Cone and Bertha Cone were allowed to participate via conference call due to the snowy road conditions this morning. Commissioner White disclosed that Kurt Smith has done work with her husband, but she has no financial interest in this case. Commissioner Smith disclosed she knows the applicant and they had two conversations about a potential case and the process, but it was prior to him making application for this case. Katie Phillips gave the oral staff report. The subject property is designated as agricultural on the future land use map and the primary designation within the vicinity of the site is agricultural. The property is located within Homedale's area of city impact. The applicant is requesting a comprehensive plan map amendment to change the designation to residential. Two parcels to the west were conditionally rezoned to rural residential to allow the property to be divided into two residential parcels. Within one mile of the site there are seven platted subdivisions with a

total of 48 lots and an average lot size of 1.09 acres. Previous versions of the preliminary plat depicted 11 lots, however, an adjustment was made to the lot with the existing home and instead of one 4-acre lot the plat now shows two 2-acre lots. Ms. Phillips provided a review of agency comments as well as letters of concerns from neighbors. The P&Z Commission recommended denial on January 6, 2022, and staff has found the request does not comply with the criteria for the comprehensive plan map amendment and conditional rezone and is recommending denial. The plat, as proposed, does comply with the Canyon County Zoning Ordinance and state law, however, the comprehensive plan map amendment and conditional rezone must be approved in order for the plat to be approved. Following her report, Ms. Phillips responded to questions from the Board.

Testimony in favor was as follows:

Kurt Smith, the project engineer, testified about the technical details of the proposal. They have worked with the City of Homedale who has requested the applicant include curb and gutter in the development and so the plat references the requirements for curb and gutters. He disagrees with staff's conclusions for denial. The requests meet the requirements for property rights policies, population goals and policies, economic policies and goals, land use policies, and residential policies. The area has been identified as a residential area and there is a demand for small acreages of this type. They have met agency requirements, and they are seeking a waiver of streetlights. The proposed two-acre lots are compatible with the area. According to Mr. Smith, the old comprehensive plan map is outdated and the new comprehensive plan map is more consistent with the nature of the area. Commissioner Smith said the Board has not reviewed or approved the new map and so it cannot be considered. Commissioners White and Van Beek accepted Exhibit #12 (the draft map) into the record. Commissioner Smith was opposed to the acceptance of the exhibit.

Martin Maestrejuan referenced the Exhibit #12 and said if the general zoning does change on the future comprehensive plan land use map his property will be changed from agriculture to transition agriculture which identifies rural areas of the counties and areas of city impact to provide a permanent boundary of land use buffer between agricultural and urban areas. He has proposed CC&Rs that protect the surrounding area and the neighbors and inform them they cannot complain about surrounding properties or farm operations. This is a low-density subdivision and he will agree to no future land splits within the subdivision. It is in a nitrate priority area and they have done all the studies and met the requirements. It is not economically viable for him to farm the property. The surrounding area consists of small acreages. Mr. Mastrejuan addressed questions from the Board regarding access and irrigation/drainage easements.

TJ Wellard said the property was divided in 1995 into three parcels and irrigation and utility easements were established. Each parcel has legal access, including the adjacent property whose owner has stated there is not access. The County approved the division in its current configuration so it does have access. There were easements set in place for irrigation along with the approval and the record of survey. This is a good location for a buffer area between agriculture and residential growth. Mr. Wellard spoke of the demand and affordability of two-acre parcels.

Testimony in opposition was as follows:

Janice Cone testified she lives with her mother, Bertha Cone, who has lived on the property since the 1970s. Their property is in the Homedale impact area, but with people moving to the area there are problems/disturbances and when they have to call the Canyon County Sheriff's Office they take a while to respond. There is a well that provides the City of Homedale with water and her neighbor has well problems out there. If the property is in the impact area why aren't they putting in curbs, gutters and streetlights and using the established well water. This is an agricultural area and huge farms surround her property.

Rebuttal testimony was offered by Kurt Smith. The city wanted the applicant to install curb and gutter in the development but they didn't require them to tie into their water system. The property is in the impact area and the proposed lot sizes are compatible with the area. Emergency response services are in place; there is no evidence this proposal will impact services. Mr. Smith said they did not consider tying into Homedale city services nor did Homedale request it. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek supports the recommendation from the P&Z Commission. The City of Homedale and the Canyon County Comprehensive Plan still designate this as agricultural ground. Commissioner Smith asked if the Board wants to continue the case until the future comprehensive plan map is adopted? She doesn't know what transitional agricultural means, and, we could also ask for specific information from the City of Homedale on the use of the city property and the connection to services and get more research on emergency services, and allow more time to see what happens in the future. Commissioner Van Beek said that's a fair request and her concern is that the applicant does not have to start over and go back through the process. Dan Lister said the only concern is the application was to be an old application under the current comprehensive plan and the Board could allow him to reapply and waive the fees. As the comprehensive plan gets adopted we also have to update the ordinance based on the new areas and there are number of new areas they are proposing so it might change the outlook a bit. It will take time to do those ordinances that would reflect those changes and how we regulate those areas so it may not be a quick turnaround for the applicant. Commissioner White asked about EMS response times. During the Board's deliberation Commissioner Smith said she is open to a continuance and hearing more about EMS and whether there is water availability to the property. Also, connection to city services is important for future growth and providing city services would be helpful. There is some limbo with the Owyhee County Fair where they have declined to allow Canyon County kids in their fair even though they go to Homedale schools. If they want growth in this area they need to be a part of providing those services. Commissioner White said this is a transitional piece and the lot sizes are compatible with the area. She is not comfortable asking the applicant to wait six months to a year to proceed with his application. Commissioner Van Beek wants to obtain additional information because there are missing pieces to the puzzle. Commissioner White is in favor of getting additional information from EMS and health and safety agencies. Commissioner Smith said she hears an option to continue the hearing for additional information on EMS and facilities that are available, and she would like additional information on the collector, and on the zoning amendment criteria G, and if those types of roads are appropriate for rural residential development in the area. She also wants to know what the

City of Homedale is intending for water in the area, including connections. Commissioner Van Beek would like information on the properties that are between Ustick Road and the southern portion of the subject property. She would also like the City of Homedale to look at the subject property and provide feedback. Commissioner Smith said the applicant indicated the property is in a nitrate priority area based on the study so we need clarification on the nitrate area. She also wants to see a response from the Homedale School District regarding capacity. Commissioner Van Beek wants feedback at a greater level on the nutrient pathogen study that was performed. Commissioner Smith said a continuance will allow the applicant to provide details and give Kurt Smith more time to review the Atlas report. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to March 16, 2022 at 2:30 p.m. in order to accept information and testimony related to the items discussed today. The hearing concluded at 11:57 a.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 23, 2022

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. 2211

- The Board of Commissioners approved payment of County claims in the amount of \$1,784,991.33 for a County payroll.

MONTHLY MEETING WITH HR STAFF TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:01 a.m. with HR staff to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Interim Lead HR Generalist Jennifer Allen (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. Ms. Allen updated the Board on the following:

- Construction and moving of the HR department has begun. Each of generalists are in offices but they still need to get Ms. Ahlstrom and Mr. Soto set up. Ms. Allen also noted that she would like to leave the work from home option open in case the construction

noise becomes too much. Discussion ensued regarding the outside entrance that was once used by DSD and what will be done will be done with that.

- All other things are going well and the team is settling into the changes that have happened recently.
- Commissioner Smith said she spoke with Deputy P.A. Zach Wesley yesterday regarding legal guidance on a County Administrator vs. Chief Operating Officer. Once the Board has had a chance to discuss they will determine which direction to go.
- In response to a question regarding the budget, Commissioner Smith suggested Ms. Allen review the budget in PowerPlan and determine any needs for the department. The Board is supportive of this suggestion. Ms. Allen has a SHRM certification that needs to be renewed. Commissioner Smith said that is fine to pay for from the HR budget and encouraged the department to continue with any scheduled trainings already planned for in the budget. Commissioners Van Beek and White concurred with Commissioner Smith.

At 9:10 a.m. the Board briefly went off the record and then back on to discuss the letter received yesterday from Judge Petty regarding the Sequential intercept Mapping workshop taking place next month. After discussion amongst the Board, it was decided that Commissioner White would be the Board's representative at the workshop.

The meeting concluded at 9:14 a.m. Audio recordings are 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 10:03 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek, Pam White (left at 10:40 a.m.), Director of Development Services Steve Fultz, Controller Zach Wagoner (arrived at 10:07 a.m. left at 10:38 a.m.) and Sr. Administrative Specialist Terri Salisbury. Commissioner Smith requested that they go into executive session with the Board to discuss some personnel matters with Director Fultz.

EXECUTIVE SESSION –PERSONNEL MATTERS, ACQUISITIONS OF INTEREST IN REAL PROPERTY AND RECORDS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 10:04 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (b) regarding personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion 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 Pam White, Keri Smith and Leslie Van Beek, Director

of Development Services Steve Fultz, Controller Zach Wagoner (arrived at 10:07 a.m. left at 10:38 a.m.). The Executive Session concluded at 10:38 a.m.

At the conclusion of the executive session there was an amendment to the motion to go into Executive Session adding Idaho Code, Section 74-206(1) (c) and (d) regarding acquisitions of an interest in real property and records that are exempt from public disclosure. The motion was made by Commissioner Van Beek and seconded by Commissioner White. A roll call vote was taken on the motion to amend with Commissioners Van Beek, White and Smith voting in favor of the motion to amend the Executive Session. The motion carried unanimously.

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

- Current ongoing Economic Development site visits.
- Urban Renewal follow-up. The Board would like a webpage created for the public to answer question and provide information about the new Urban Renewal area. Some of the listed information they would like on it is some statistics about public resources that get used in Urban Renewal areas, how it effects residents' taxes, and how it benefits the area even to those not living in the taxing area.
- Director Fultz is still working with Zach Wesley on the resolution the increase of fees.
- Last open house today for comprehensive plan.
- There is a legislative luncheon tomorrow that Director Fultz and staff will be attending.
- Update of open positions and pending offers and movement of positions within the department.
- The office move is going well and once all open positions are filled the office will still have room for at least one more desk. Some of the work stations are large enough that if needed they could double up.

Consider signing resolution granting refund to Robert Nunemacher for a withdrawn conditional use permit: The Nunemacher's have withdrawn their request for a conditional use permit. Director Fultz stated very little work was done past taking the application. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Robert Nunemacher for a withdrawn conditional use permit. (see resolution no. 22-022).

The meeting concluded at 10:57 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING - REVIEW STAR AREA OF CITY IMPACT, CASE NO. OR2021-0031

The Board met today at 1:33 p.m. to conduct a public hearing to review the Star Area of City Impact, Case No. OR2021-0031. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Star Councilman Michael Keyes, Attorney Andrea Nielsen, Attorney Mark Hilty, Shelby White, John White, John Flaherty, Rosalyn Studarus, Albert Dauven, Kirk Harwood, Kay Harwood, Eileen Vanderpool, Thomas Mundell, Shawn Trimmer, Debi Downs, Jonathan Bondarczuk, Mark McKibben, Mark Vucinich, Evan Gines, Ryan Taylor-Teets, Middleton Mayor Steve Rule, Becky Crofts from the City of Middleton, Trace Leighton, Timi Leighton, Jon Marsh, other interested citizens, and Deputy Clerk Monica Reeves.

Dan Lister gave the oral staff report. Canyon County entered into area of impact negotiations with the City of Star to establish an area of city impact (ACI) boundary which extends into Canyon County. The purpose of the amendment is to recognize recent annexations and add areas where city services have been expanded. The main purpose is to identify where future annexation into a city is anticipated. An ordinance is also requested to establish land use regulations within the impact area. In accordance with Idaho Code, Section 67-6526, a Committee of Nine was formed which contained three elected city officials, the county commissioners, and three residents of the city or county. The Committee of Nine recommended approval of the proposed impact area map and ordinance. If the city and county fails to enact ordinances provided for in the ACI plan and ordinance requirements, either the city or county may seek a declaratory judgment from the district court identifying the ACI and plan and ordinance requirements. The proposed Star ACI overlaps the City of Middleton's ACI; Middleton's eastern most impact boundary is Can-Ada Road. Idaho Code Section, Section 67-6526(c) addresses disputes between cities that have interest in overlapping areas and in this case a city makes a request to the county to resolve the dispute and within 60 days the county commissioners recommend adjustments, and the city conducts a public hearing process to consider the recommendation and if the city objects to the county's recommendation the county holds an election within the disputed area in which residents in the area are asked which area of city impact they desire. The county submits the results of the election to the city. The area being requested by the City of Star that has been negotiated is up to Kingsbury Road west of the boundary line of Can-Ada Road. Star has annexed properties into the Canyon County area. Middleton and Star have both annexed properties up to Kingsbury Road. Canyon County's Future Land Use Map designates much of the property within the area as residential. The county's future land map applies within the impact area. On January 19, 2022, the P&Z Commission recommended denial of the request. Mr. Lister reviewed the exhibits received thus far and following his report, he responded to questions from the Board. Commissioner Smith said Star had a larger impact area that they had adopted previously which the county had no knowledge of and then the city reduced its impact area.

Deputy PA Zach Wesley said the question about adequacy of the P&Z Commission denial is moot as it's just a recommendation and the Board will conduct a hearing and take additional evidence and issue a final finding and adoption of the ordinance, potentially. If there is an error it will be cured by whatever this Board does. Adoption of the county and city area of impact is a mandatory

procedure under the Local Land Use Planning Action, Idaho Code, Section 67-6526. Any information you've heard about other pending litigation or comment on prior or future annexations it's important to remember that absent all of that happening, the county and city still have an obligation under the law to enter into an area of impact agreement and to have this boundary plan and requirements as part of the land use ordinance. The Committee of Nine process is not necessarily required under the law – the county and city initially have the opportunity to negotiate these plans and boundary and requirements and to institute those. Canyon County sent a demand for compliance under Idaho Code, Section 67-6526(b) and the went through the Committee of Nine proceedings and had the recommendation on the map, plan, and ordinance before the Board today. There is a procedure in place if the county or city failed to enact those recommended ordinances so if the county or the city fail to enact the Committee of Nine recommendation then either the city or the county can seek a declaratory judgment from the district court which would identify the boundary plan and ordinance requirements. With regard to the Committee of Nine decision, Commissioner Smith said two Commissioners were not in favor of the proposed boundary, but the majority of the committee supported it. She asked what if the Board wanted to adopt a different boundary. Mr. Wesley said if the City of Star was in agreement and willing to negotiate a different boundary we could do that, but if Star doesn't agree we are back to the scenario as if we said no. Commissioner Smith said if we said no and a judge finds in favor of Star, for example, it will still overlap Middleton's existing ACI and if the two cities cannot negotiate, it will go to a vote and a "No" vote just adds in an extra layer and time with a judge. Mr. Wesley said if a district court would decide the Star ACI in Canyon County, it wouldn't have the authority to change Middleton's so we would be back to a decision by the voters and if no agreement could be made on the overlapping impact area, assuming the court creates an overlapping area. There was discussion regarding enforcement of agreements and ordinances, and the negotiation process. Commissioner Van Beek asked if we can have a negotiated discussion with a mediator to facilitate that. Mr. Wesley said yes, a negotiation between the City of Star and the City of Middleton is contemplated in Idaho Code, Section 67-6526 (c). If the Board adopts this today there is still room to negotiate, and if it's not adopted today there is still room to negotiate. Commissioner Van Beek asked why does legal precedent not anchor that agreement for the City of Middleton. Mr. Wesley said the way the legislature established for the cities to resolve this was not to give the first come first served as the solution, but to go through Idaho Code, Section 67-6526 (c) where the cities negotiate if they cannot come to agreement, and it comes to the county for a recommendation, and if the county's recommendation isn't adopted then it's a question for the voters. Commissioner Smith said Canyon County sent a letter to the City of Star asking them to stop annexing land in Middleton's ACI, and said the Board is initiating the notice for the Committee of Nine and we are requiring Star to negotiate with us, so out of respect for that process we were asking Star to come to the table. She said the state statute is not good for the constituents, the City of Star or the City of Middleton. Further discussion ensued.

Testimony in favor was as follows:

Andrea Nielsen, legal counsel for the City of Star, said it's important to follow the state law and while mediation is sometimes available to resolve disputes, it is a question of timing and perceptions of entitlements under the law. There has not been any annexation that's been

challenged and found to be invalid under the law up until today with regard to any of the annexations that have taken place by the City of Star. Star has been present in Canyon County for 20 years and all of the annexations that have taken place have been by request and the upon express consent of the property owners. A number of people are contiguous to Star and have decided they want to be included in the city. Star was approached in order to participate in the Committee of Nine process because it seems it would create a better partnership for long-term comprehensive planning to have an ACI agreement between Canyon County and Star. It's not required to approve Category "A" annexations but it does benefit both the county and Star to participate in that process together rather than make parcel-by-parcel decisions when property owners come to the city and make that request. There has been a recommendation from the Committee of Nine to approve the ACI that is before the Board today, and those boundary lines were not unilaterally set by Star, it's been the product of a joint discussion and consideration of factors that are not just unilateral. There is an overlap between the City of Middleton's ACI and the City of Star, but it's her understanding that the Middleton ACI was initially approved approximately 20 years ago and at that time it was approved it would have been up to Middleton to make that commitment that this is the area "we" are committed to incorporating. Twenty years have passed and while there has been good planning on their part it has not resulted in offering city services and incorporation to the property owners within that area. It's not going to prevent any property owners within that area from incorporating into Star because an ACI is just a legislative decision between the county and the city and so the property owners that are currently within the ACI if they had not necessarily wanted to consent to being a part of Middleton – which many have decided throughout history and they wanted to be a part of the City of Star – and if they had an opportunity to go to court they wouldn't have necessarily received due process because it's not treated under Idaho law like a zoning change. It's a comprehensive plan for the benefit of making better decisions in the long-term, but it certainly is not an entitlement such as a conditional use permit or a zoning change. It does appear from what's happened in the last 20 years that things have not developed to the aspirations of what Middleton had originally sought to incorporate and it's her understanding that at this time they still are not able to offer city services to property owners within the ACI under dispute. Star is prepared to offer those services within a very short amount of time. Star has not proposed an ACI that is too big for it's britches, so to speak. They propose an ACI that within a very reasonable amount of time, if not immediately, they are able to serve. The standards of consideration that are in the narrative and the materials presented by the staff are the trade area, the geographic factors, and the areas that can be reasonably expected to annex. At the P&Z Commission hearing it was her perspective that there was an assumption in approaching that category of analysis that cities are islands and you need to think of serving everyone's interests within only those boundaries, and while conceptually that might be an idealistic way of thinking about your city, it's not very realistic to the growth that's occurred in this area. Ms. Nielsen asked the Board to consider the trade area in conjunction also with the geographic factors part of the analysis. One of the benefits the City of Star is able to offer is the benefit of transportation in an efficient manner to both Canyon County and Ada County, and it's an asset in being able to achieve some of the comprehensive plan goals such as preservation of agriculture and addressing housing needs for the residents who live in the area. There is no way for a county, through its own zoning authority, to put a lid on growth and make it not happen – it's a question of where. Where can the county best support that density? It is certainly closer

to Highway 44. Areas that can be reasonably expected to annex – consider the desire of property owners who have annexed and to not ignore that right they have but come to the table prepared to plan with Star for those annexations to take place as they are desired. Ms. Nielsen referred to her February 18, 2022 letter to the Board and responded to questions from the Board. Commissioner Van Beek said lack of fulfillment of the ACI development negates their ordinance. Ms. Nielsen said it doesn't negate their ordinance, but the purpose of having it approved in the first place was to be able to move through that process of incorporation and it has not been successful. Middleton presented a plan to Canyon County 20 years ago and they haven't been able to offer the property owners within that area the incorporation they promised. Commissioner Van Beek said residents in rural Canyon County want the Board to protect their way of life so it could be the posture is they don't want the density being proposed by either city, they want protection under Canyon County to preserve their right for rural agriculture. Ms. Nielsen said while preservation of agriculture is certainly something to consider within the comprehensive plan, the purpose of an ACI is not as a sideways way of preventing growth, it's for the purpose of incorporation into a city which is growth. Commissioner Smith said Ms. Nielsen started her testimony with the statement that you don't need an impact area to annex, that you are annexing with those who want to be annexed. Where is the planning in that? Ms. Nielsen said there is planning in that but also recognition of that property owner's rights and they have the right to make that decision regardless of what Canyon County's comprehensive plan might be because under state law they have that right and so if they come to the City of Star with a plan for what they want to do with their property and they have applied for annexation it is their protected constitutional right to have that considered by the city. Commissioner Smith asked if it is also the farmer's right to maintain his ongoing operations, for example, a farmer that has 200+ acres might aerial spray but Star plans to annex the land and the farmer says it will impact his operations and the city says sorry this person have rights that are better than your rights, and now the farmer has to change the way he does business. Ms. Nielsen said the farmer should look at the right to farm act. He does have rights, but he does not have the right to tell the neighboring parcel that is contiguous to a city that they cannot annex. He can challenge it in court, but that is a decision that is not within the purview of the county under law. Commissioner Smith said they have a right to make application, it doesn't mean it's a mandatory approval. Commissioner Van Beek said high density impacts the way the farming community does business even with the right to farm statement on the final plat. Ms. Nielsen said density furthers the county's goal of preserving agriculture generally in other areas of Canyon County by allowing housing growth closer to areas that already have the benefit of transportation infrastructure such as Highway 44. If incorporation into cities is allowed to happen along those existing commuter routes that is going to reduce the amount of housing units that are added around Lake Lowell, for instance, where there is other agriculture that can be better preserved by allowing those housing units to go somewhere else. It is much more efficient and furthers the preservation of agriculture to have housing units closer to where existing commuter routes are as opposed to having it spread into areas, even low-density residential growth would impact those farmers.

Michael Keyes testified that the comprehensive plan map being displayed by staff today is incorrect. The map that shows Star's comprehensive plan planning map is one mile west of the requested area of impact border. Mayor Chadwick and Mayor Rule agreed they would do certain

things and as a result of that Mayor Chadwick asked the city council to pull the comp planning zone map back one mile to the Kingsbury line and that was done over one year ago. What staff is showing should actually be drawn back and be completely within the boundaries of the requested area of impact. Commissioner Smith asked if Star's newest map doesn't include the area west of Kingsbury for planning purposes. Mr. Keys said that is correct, and it hasn't for about 18 months. He said the P&Z Commission injected their own anti-growth and out-of-state growth opinions in their hearing and they used those opinions, not the facts of the case, and rejected accurate evidence based on three requirements that the statute furnishes for an area of impact agreement arguing that the evidence was not up to a standard because it was not generated by an expert. However, when the P&Z Commission took evidence from people opposing the ACI they required no such standard. A lot of the evidence they did not reject was based on opinion, misinformation, or was counter to Title 67. One of the P&Z Commissioners stated he had never heard of the Local Land Use Planning Act, yet he still voted. Mr. Keyes said the county may wish to provide some further training to the P&Z Commissioners. He said this entire process was initiated by the Board and both parties made good faith efforts to follow the law. The Committee of Nine followed the process, and this ACI makes sense and should be adopted. Most of the area we're talking about is already in an ACI. The decision is about which city is best prepared to carry out the intent of the statute; it's a decision to allow landowners to decide what city they believe can carry out the directive from Idaho Code, Section 67-6502(b) to ensure adequate public facilities and services are provided to the people at reasonable costs. He said the "land grab", as some have called it, happened when this annexation ordinance was put in place with Middleton because they came four miles across unincorporated county land up to and abutting Star city limits in an effort to keep Star from moving one inch to the west. It was unreasonable to expect that a piece of property adjacent to Star's then-existing city limits could be annexed by the City of Middleton. Following his testimony, Mr. Keyes responded to questions from the Board. Commissioner Smith asked what was Star's response when the Board asked them to hold annexations and wait for a negotiated agreement? Mr. Keyes said Star indicated that under Idaho Code, Section 67-5022 they had the right to proceed with that and would do so. Commissioner White asked what is being done to the north and south. Mr. Keyes said during the Committee of Nine meetings the original request for an ACI went south of the river all the way to Chinden Blvd., and during the course of those meetings Star agreed that for that proceeding they would withdraw that boundary back to the river and undergo a separate Committee of Nine meeting for the area south of the river in the future with Canyon County. On the Ada County side, they are already across the river and are annexed all the way to Chinden Blvd. today. There was further discussion about the proposed ACI. Star came to an agreement with the City of Eagle and had an agreement with Ada County on their southern boundary which abuts Meridian.

Testimony in opposition was as follows:

Mark Hilty, legal counsel for the City of Middleton, said the process that has occurred so far is flawed because from the beginning everybody understood that Middleton had great concerns with the ACI and its ability to plan in that area, and with the aggressive and rapid growth in the City of Star that has come across the county line under Category A annexations into an area that was Middleton's prerogative to plan for under an existing and longstanding ACI that cannot be

changed without further negotiation involving the City of Middleton. Everybody understood where Middleton's position was and it was probably what prompted the county to initiate the Committee of Nine discussion with Star. Why were three seats on the committee not offered to Middleton? It was a problem that has brought us to a very difficult process where there was a missed opportunity to try to bring those with an interest to the table. The Board is being asked to create an overlapping impact area that does not currently exist and you should not do that. The processes under the statute for resolving conflicts are complicated and convoluted and they are not intended to be engaged. What is intended under the statute is the county and the cities will work together to resolve the issues so that both sides know where is the area they need to plan. The annexation under Category A of property into Middleton's impact area, which has continued, has no regard for ACI or neighboring jurisdictions or planning. This should have been stopped and all parties should have come together and tried to resolve this if possible without elections or court proceedings or even the Committee of Nine process which is to be used when the simple negotiation between the parties fails. It is not mandatory – it is voluntary. Middleton believes the Board should stop this process and create a process where both cities and the county can look at the issues and resolve them outside of a process that Middleton perceives intentionally excluded them. The driver of your decision should be how to most appropriately resolve this and that is not through the statutory processes of either election or lawsuit. It is through negotiation but that has not been given a fair shake at this point. Of the factors that have been discussed: geography, trade, and annexation, there were points made about this at the P&Z Commission hearing. The geography problem is you have a current ACI boundary for Middleton that cannot be changed without negotiations, not just in the context of whatever Star's impact area might ultimately look like in Canyon County, but as between the county and the city. We have seen maps with proposed impact areas for the City of Middleton that have not been discussed with Middleton and he thinks those maps originated with the county. There is pending litigation on the question as to whether a Category A annexation is appropriate in somebody else's impact area and he does not think the trade factors are presented here. Mr. Hilty requested the Board either deny the request and have the parties negotiate or pause it with a requirement that the parties get together and talk about it. He wants to make sure the Board is aware of what happens if we go down the path of trying to rely on these statutory dispute resolution processes. If you approve this and there is an overlapping impact area, the cities have to negotiate and you'll be asking Middleton to come to the table where the city feels like it was excluded from the process and that's not a great posture to be in and the County wouldn't be at the meeting until there's a disagreement then it comes back to the Board and if that isn't resolved, then we have an election and then we start the process to figure out how to do ordinances. That is not provided for in the statute for that dispute resolution and if you can't agree then you start with the Committee of Nine process on the ordinances portion. If you say no, we might be done. The lawsuit that would follow is not mandatory, the declaratory judgment action is voluntary among the parties and Star has shown it does not need an impact area to work with its development community to annex wherever is contiguous. If there is litigation then the judge will decide an impact area and if that's overlapping then you start down the whole overlapping process again. These are not things you want to use to try to resolve this when we haven't even had a meaningful negotiation. Commissioner Smith spoke about the maps that were proposed during the Committee of Nine process and said she was disappointed the two cities could not agree to the ½ mile boundary map with the agreed

negotiation that we would continue to look at every two years. Mr. Hilty said the proposed map that was recommended by the Committee of Nine is not acceptable to the City of Middleton at this time.

The following citizens testified in opposition to the Star impact area: Shawn Trimmer, Debbie Downs, Kay Harwood, Jon Bondarczuk, Albert Dauven, Eileen Vanderpool, Thomas Mundell, and Trace Leighton. The residents' concerns include Star's infringement on Middleton; frustration that Middleton was not included in the Committee of Nine process and how there is need for Canyon County, the City of Star, and the City of Middleton to negotiate a resolution; some believe there is an appearance of underhanded or sneaky behavior where Star can annex properties in Middleton; residents want to be represented by Canyon County, not the City of Star; wells are going dry; Star officials do not appear to work with residents; the appearance of a lack of due diligence on the impacts of developments; lack of planning; overcrowded schools; traffic issues and local road issues; legal flaws with the process; some want the Board to stop the proceedings and vote no on the request; Star needs to stop annexing into Canyon County; cities want to vote on the issue; there should be planning to abate public nuisances; preserve agricultural character of the area; Star did not follow proper procedure in notifying agencies; there are legal flaws; the City of Star is engaging in land-grabs; and the County should determine the boundaries because it's doubtful Middleton and Star will be able to agree.

Commissioner Van Beek said the Local Land Use Planning Act holds a lot of weight with her and she referenced a declaratory judgment versus election process for ACI objections/disputes involving multiple cities. She said this would go to an election before it would go to declaratory judgment unless the Board asked for a stay to have the cities and the county negotiate their areas. The county is a key player and is representing citizens who follow the comprehensive plan and want to remain in rural Canyon County and so she wants to be at the table for that discussion with a mediator. Commissioner Smith reminded everyone that we need to look at the standards of approval. The Committee of Nine made a recommendation and we should be looking at only approving or denying based on the trade area, geographic features, and areas that can be reasonably annexed. The Board took a brief recess from 4:00 p.m. to 4:03 p.m.

Middleton Mayor Steve Rule referenced the discussion regarding the ½ mile map and said he couldn't agree to that because we were already a ½ mile past the ½ mile proposal and now we are a full mile past that point. It's not going to work for Middleton because it wasn't realistic for planning purposes. Regarding geographic areas, he met with Mayor Chadwick and said let's use geography to dictate the boundary but Mayor Chadwick disagreed and said the Star City Council desires to go to Lansing Lane; however, the City of Middleton could not agree to that. Mayor Rule said if the Board wants the cities to negotiate he is agreeable to those discussions, but if Lansing Lane is the end lane he doesn't think the negotiation will go very well. Regarding Star's comprehensive plan, he did not indicate that it was in Middleton's best interest to go all the way to Blessinger Road, Kingsbury Road, and Lansing Lane. He is willing to try negotiating again, but he believes Star will continue to annex into Canyon County as long anybody lets them. He was disappointed Middleton wasn't invited to the Committee of Nine process. Commissioner Smith asked if he has testimony that the proposed Star ACI is Middleton's trade area vs. Star's trade

area? Mayor Rule said the City of Middleton has city water and sewer on Kingsbury Road but Star is 1 ½ miles away so how is their trade area better than Middleton's services which are right there? We should consider the taxpayers first. Commissioner Smith asked if the Board were to delay a decision and give Star and Middleton a chance to negotiate and say they have 10 days to negotiate, would Mayor Rule be at the table? Mayor Rule said he is willing to try to negotiate.

Rebuttal testimony was offered by Andrea Nielsen. She said a lot of the opposition to the impact area is coming from the residents of the Trigger Ranch Lane area, but Star removed that area from its ACI and the city's proposal would not affect those individuals. Star has been willing to negotiate and if Middleton is willing to negotiate, that could take place, however, look at the history of negotiation and what each side has been willing to be reasonable on in determining whether or not an opportunity to negotiate would result in something different because the City of Star has been willing to pull back the ACI in a way similar to the City of Middleton if they were willing to do that, for instance, pulling it back to the ½ mile mark of existing incorporation because the way it is currently, Middleton has over extended itself all the way up into Star. If Middleton is willing to pull back to where they currently are, or at a ½ mile, Star is willing to do that, but Middleton has not been willing to do that and she doesn't know if an additional 10 days would bring a different result. Ms. Nielsen said with all due respect to Chris Meyer and the excellent research that he has provided to land use practitioners, his book is not Idaho law. The statute regarding areas of city impact says that it is subject to the provisions of the annexation statute, section 50-222, which says annexations where all landowners have consented, mixed and beyond the city area of impact. So what Star has done in response to the applications for annexations are 100%, by the plain language of the law, legal. None of those annexations have been contested and set aside and the timing of the pending litigation is curious because it was initiated after this process of the Committee of Nine was started so to the extent that it creates any question of legality of Star's annexations she'd ask the Board to consider the timing. Idaho Code, Section 67-6526 says in defining an area of city impact the following factors shall be considered one trade area. In the narrative provided by Star to support the ACI that was proposed there is quite a bit of analysis as far as the trade areas and the services that are able to be provided and resources within the businesses for the City of Star. Geographic factors: it does not say in the state code natural geographic factors and when you're being asked to consider land use issues, to ignore the incredible resource of state highways that are available and connecting to Star and that other areas of both Canyon County and Ada County that that offers potential residents to connect to as far as employment, trade areas, that is significant and it would be an error in judgment to ignore that. Regarding areas that can reasonably expect to annexed into the city in the future, it is the property owner's decision to go to a contiguous city according to Idaho law and ask for annexation and when they do it's up to the city to make those land use and planning decisions. Star has come to Canyon County to ask for the county to be a part of that conversation. If the county does not want to be a partner it can say no, but it's not going to stop the annexations, it's just going to mean those annexations will take place parcel by parcel and it will be up to the City of Star to make those determinations and review in court if anyone challenges the annexations and the zoning assigned to those annexations. Commissioner Smith said it does not preclude growth and development in areas of any county within the state which are not within the areas of city impact provided for here within, but that says "that are not within the areas of city impact" so you are annexing in an area of impact

that's not yours. Ms. Nielsen said Section 67-6526(a) says "...subject to the provisions of section 50-222." It is subject to the powers that are provided to cities, and that is consistent with the information that addresses annexations in areas of city impact within the Idaho Land Use manual that's authored by Mr. Meyer, who takes issues with the fact that at no point in Section 50-222 is there an acknowledgement into annexing into another city's ACI. Ms. Nielsen said she can explain the reasons why that reasoning is flawed but it has to do with the due process rights of the property owners who are not a part of the decision to create an ACI. When Middleton's ACI was created if a property owner did not want to be a part of Middleton they would not have had an access to due process to contest that decision. It's a legislative decision and not a quasi-judicial decision. Their first opportunity to exercise their due process rights is at the moment where they are going to the city they are contiguous to and asking to annex and at that point they absolutely have due process rights and that ends up being a quasi-judicial decision. Commissioner Smith asked why that code section takes precedence over the section she read? It's saying it includes 50-222, but it also states right after that that area must be established before a city may annex adjacent territory. Ms. Nielsen said the 14th Amendment of the Constitution provides that all property owners are owed due process prior to any governmental entity making a decision that would restrict their property rights and so there is an entire line of decisions that has been approved and used by the Idaho Supreme Court and that applies to quasi-judicial decisions. If an area of city impact designation is not a quasi-judicial decision then they do not have the opportunity to exercise those due process rights at any other point in the process. If the Board treats the ACI with the same weight as a zoning decision then you thereafter have taken away an individual's property right by giving too much weight to the ACI and so the only way for Idaho law to be read in a way that is not infringing upon those property owners' rights is to interpret it as the area of city impact is a legislative decision only, it does not restrict their right to come to a contiguous city under 50-222 and exercise that right to annex. Regardless of whether they are in Middleton's ACI or not, their rights don't change. ACI by Idaho courts is not treated in a way that it would restrict property rights and so the only way to interpret all of this in a way that does not infringe upon the property rights of the people who did not want to be a part of Middleton at the time the city designated their property to be within the ACI, is to allow for those people to make that decision to annex into contiguous Star. The process being given today is legal as a legislative decision but if a property owner did not want to be a part of Star's ACI, the Idaho Supreme Court has said they are not allowed due process to contest that. They are offered due process when there is a quasi-judicial decision that's going to restrict their property, but ACI's do not restrict property – quasi-judicial decisions do. Commissioner Smith had asked additional questions: If the Board votes yes today and meets those criteria for trade, geographic, and areas reasonably expected to be annexed, we then send it to the cities to negotiate and if they cannot negotiate the Board will choose for them. That would be the time where the Board could say here's the boundaries we agreed with and it doesn't matter what the Committee of Nine decided. The Board can pick a boundary after hearing from the public and says here are the two boundaries and then Middleton or Star can say they don't agree and now it goes to a vote. Ms. Nielsen said yes, it goes to a vote and there is also a provision later in the process that it can go back to a judge. Commissioner Smith said if the Board has to create the overlap and tell the cities to work together and then if they agree to a new boundary and we adopt it and each city will adopt it. If they don't agree this is what happens: One of the cities will have to come back and say they don't agree and

the Board would pick a boundary so that they do not overlap. If the cities do not agree then the county would follow the procedures for a public vote.

Commissioner Van Beek asked what about the people that don't want to be in either ACI? Zach Wesley said the ACI boundary won't immediately impact anyone until someone goes for a property change, zoning change, or an annexation. If someone is in unincorporated Canyon County now we are not immediately sending them into the city. We are saying at some point there might be a decision about a city here and a boundary here and these are the rules that will apply. Commissioner Van Beek is struggling with saying the Board does not represent rural Canyon County. Commissioner Smith said the Idaho Local Land Use Planning Act said cities can establish impact areas and we are elected to enforce state law and the constitution and if the community doesn't want the cities to have impact areas and they don't want to be a part of those impact areas they would have to lobby to their senators and representatives for a change that would allow for that. Commissioner Van Beek said she is struggling with this process. Mr. Wesley said the question about whether someone wants to be in an ACI or not might be moot because most of this area has already been with the Middleton ACI for the last 20 years. Dan Lister said with the agreements we have in place with cities, the county's code is the overarching code as is our comprehensive plan. We can choose how we want to develop in Canyon County within the impact area and Middleton understands they bring it to the table and it may not go their way and we develop in their ACI with no connection. With Star it's the same thing, the only difference is when it comes to subdivision it seems like we might be applying some of their requirements because if they are going to subdivide and there's a chance in the future to go into annexation they want some of their requirements met. They have to follow our ordinance and we can waive it if we don't agree with that ordinance. We can consider their requirements as part of the decision within that area. Commissioner Smith referenced where we follow standards, but Star has final plat signing capabilities which gives them strict authority if they don't like a subdivision proposal they can refuse to sign it and it can never get developed. Mr. Lister said unless we waive their requirements. Mr. Wesley said the city engineer would only be signing off to those standards that are applicable. If there's a waiver that provision should not have to be certified so they shouldn't be able to unilaterally withhold their permission on the plat if they disagree with a waiver.

Commissioner Van Beek made a motion to close public testimony. (There was no second to the motion.) Commissioner White said the Board sent a letter on the May 25, 2021 to Mayor Rule and Mayor Chadwick and she's not sure the Board has done everything that it wanted to see done and then she referenced the language in the letter which said the Board will expect Middleton to be engaged immediately in discussion with the committee about that recommendation. The Board has not "sat with Middleton", and she wants time to get together with Middleton at the table. Commissioner Van Beek agrees with Commissioner White's willingness to go back to the table one more time because taxpayers deserve better and we have heard a willingness from both parties to negotiate and she wants to be a part of that. The community leaders need to come together and figure out how to make this work and the citizens are part of this voice. There is a promise from the Board that we would do something and it has not been fulfilled and she cannot move forward with the processes and there is legal interpretation on both side and she tends to lean on we may have stepped in front of the process of having that negotiated discussion.

Commissioner Smith said if the Board wants to delay a decision we can continue the hearing and in a good faith effort we could say we want the cities to work together, but we don't have anything to compel the Mayors and the city councils to work together unless we adopt an overlapping boundary. Commissioner White said both Mayors have said they are willing to meet. Commissioner Smith said Mayor Rule said he would be would negotiate, and a Star representative said they tried to negotiate but 10 days won't buy anything and they asked the Board to move forward with the process. The Committee of Nine requires the Board to make a decision within a certain amount of days and we are already past that number of days so if we fail to make a decision today what could Star do? Mr. Wesley said the City of Star could initiate proceedings in district court for the court to set the boundary, the plan, and regulations. Commissioner Van Beek said this is where we go back to interpretation because she read a footnote in Exhibit #15 says that the election process is the correct process between two cities in dispute. Mr. Wesley said there is no question of interpretation. Commissioner Smith said the footnote being referred to is in a handbook, it is not state law. Commissioner Van Beek said understanding that Star could choose to exercise that, the two cities have said something and they will stand behind what they said. In the absence of that there is a different process and what we bring to the table as core qualities of people. If there is a statement that they will negotiate one more time that is where she is going to land. Commissioner Smith said the Board's May 25, 2021 letter, as referenced by Commissioner White, states we will demand the use of Idaho Code, Section 67-6526(c), which says we have to create the overlapping areas and we said we were willing to do that in our letter. Going through due process for each of our cities that are already in our county giving them fair process is what we did and so that would mean we would have to give them that process to go through. Commissioner Van Beek said she understands the point but the letter also says the county intends to honor Middleton's existing ACI and should they recommend something different where it crosses into Middleton's ACI boundary we will expect Middleton to be engaged immediately in discussion with the committee. Two Commissioners have unanswered questions: we have not engaged in a process of negotiation with the City of Middleton and the City of Star who have both said they would do that process with Canyon County. Commissioner Smith said she gets that point, but the Board's job is to follow state statute, and in our letter, we agree with the Middleton ACI, and we also said we honor state code and we are going to demand a Committee of Nine and so the sentence isn't really in line with our obligation to fulfill the duties that we agreed to of honoring state code. We can vote no, but doing nothing will open the door for Star to go straight to a judge. Commissioner Van Beek said that has not persuaded her to move past another chance at negotiation. Commissioner Smith pointed out that there was testimony today from Star's representative that they are not negotiating on their line. Commissioner Van Beek said we already know there's an impasse with the leadership right now and she's suggesting facilitative mediation to talk about this where there is ability for people that have a vested interest in this including Canyon County. Commissioner Smith said Section 67-6526 (c) gives you that opportunity, but you have to get there – IF they overlap and then when they don't agree they can get a mediator that compels them to work together. Commissioner Van Beek said the process outlined by the attorney for the City of Middleton takes a different position in how we get there logistically. Commissioner White wants to talk to the Mayors. Commissioner Van Beek asked if Commissioner White will include a stipulation that the Mayors engage the services of a qualified mediator? Commissioner White declined that stipulation. She wants the Board to talk with the two Mayors.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to March 8, 2022 at 3:00 p.m. Zach Wesley suggested it include the closing of public testimony, continued deliberation and if we are going to ask the Mayors to meet within that time to give specific instruction to negotiate and set a deadline of March 8, 2022 on a negotiated boundary. Commissioner Smith feels that is unrealistic because they would have to have both city councils. Are we just looking for the Mayors to agree? Commissioner Van Beek said she and Commissioner White want to be at the table and included in that discussion.

Mark Hilty said he and Andrea Nielsen plan to talk about this. We are all struggling with what the format looks like and that might change as we get into it. We have a proposal, and an existing Middleton ACI, and a resolution may lie somewhere in the middle and there may be peripheral issues. It may be that the two cities need to get together separately and look at a strategy for how to negotiate this. If we start to get some momentum toward a solution it may take some time and there may need to be some work to be done. We'll probably know relatively quickly whether that process is producing fruit, but it may take some time out of the gate for the cities to individually plan how they are going to approach this and then we'll have to coordinate schedules and notice up meeting. There are some moving parts that may need to be worked out initially before we really know what it looks like to bring this back. Maybe they can waive some timelines under the statute. There are some ways to approach that probably require some initial discussion. He will commit on behalf of Middleton to have that with Ms. Nielsen or her team. Maybe a report to the Board or maybe involve Deputy PA Wesley. It might be difficult for the Board to specifically formulate what this looks like based on those factors.

Andrea Nielsen said she agrees with that and she said Mayor Chadwick has remained involved through communication with Star's staff today and he is committed to the idea of seeking out the professional services of a mediator who has the background of municipal law. She suggested the services of Susan Buxton, a city attorney and licensed mediator. Star is very interested in pursuing that during the time between this meeting and whatever additional meeting the Board would have and depending on the results of that they would have to consider what other legal options if that doesn't work out.

Commissioner Smith asked if they could you have a decision from the city council to agree to mediation by a certain date? Would they agree to hold off going to district court and agree to mediation first, and then on March 8th we can come back and they can talk about what was agreed to and what's next? Ms. Nielsen and Mr. Hilty agreed to that. Zach Wesley asked the Board to set that meeting as a continuation of this hearing in the event the cities come back already unable to proceed and then make a decision. Commissioner Van Beek supports what Mr. Hilty and Ms. Nielsen have proposed. Commissioner White said at some point she wants to talk to the Mayors. Commissioner Van Beek appreciates Commissioner White's desire to meet, but said it should be as a Board. Commissioner Smith said public testimony will remain open at the next hearing. The hearing concluded at 5:13 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM
CALDWELL, IDAHO FEBRUARY 24, 2022

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

APPROVED CLAIMS

- The Board has approved claims 582391 to 582440 in the amount of \$229,705.71

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Shane Sears, Temporary election help; and Katie Phillips, Code Enforcement Officer

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:46 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. Case nos. 2022-304 and 2022-281 do not meet the eligibility criteria for county assistance. Commissioner White made a motion to issue initial denials with written decisions within 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 8:47 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:00 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross. Neither the hospital nor the applicant appeared for either of the following cases:

2021-1044 – Commissioner White made a motion to issue a final denial with written decision within 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously.
2021-1047 - Commissioner White made a motion to issue a final denial with written decision within 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

MEETING TO CONSIDER AN ACTION ITEM-AGREEMENT WITH BRIDGE BROTHERS, INC., FOR CANYON COUNTY FAIR PEDESTRIAN BRIDGES

The Board met today at 1:32 p.m. to consider an action item. Present were: Commissioners Leslie Van Beek, Pam White, Keri Smith (arrived at 1:39 p.m.), Director of Facilities and Maintenance Rick Britton, County Fair Director Diana Sinner, Assistant County Attorney Civil Alexis Klempel and Sr. Admin Specialist Terri Salisbury. The action item was considered as follows:

Consider signing an agreement with Bridge Brothers Inc., for Canyon County Fair Pedestrian Bridges: Director Britton and Civil Attorney Klempel explained that the Bridge Brothers Inc. have verbally agreed to the contract, but have not yet signed the current contract. Director Britton spoke with the Bridge Brothers today and they stated they agree to the current contract being presented to the Board they just signed and returned the wrong contract. Civil Attorney Klempel reviewed the highlights of the contract and answered questions from the Board. Upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to sign the agreement with the Bridge Brothers Inc. (see agreement no. 22-014)

The meeting concluded at 1:43 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE CITY OF NAMPA AND PUBLIC WORKS TO DISCUSS ARPA FUNDS

The Board met today at 1:43 p.m. with a representative from the City of Nampa regarding ARPA Funds. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Controller Zach Wagoner, Tom Points from the City of Nampa, and Sr. Admin Specialist Terri Salisbury. Tom Points reviewed a PowerPoint presentation, a copy of which is included with this day's minute entry. Topics were as follows:

- Customer Service
- Projects for consideration
- ARPA criteria
- ARPA funding proposal
- Wastewater Reuse Program

- Customer Service
 - Safe Infrastructure
 - Public Health & Safety
 - Drinking Water
 - Wastewater Treatment Plant
 - Services Needed to Operate, Failure is Not an Option
 - Infrastructure supports economic growth of a city

- Projects for consideration
 - Domestic Water - \$11,176,000 M*
 - Elevated Tank Replacement
 - Pressure Zone I Modifications
 - Zone A Water Line Replacements
 - Zone B Water Line Replacements
 - Zone C Water Line Replacements
 - Sherman Elementary Pipelines
 - Waste Water - \$29,058,000 M*
 - Wastewater Treatment Plant Replacements
 - 1st Street South/Railroad (WWTP to 16th Avenue S)
 - 2nd Street South (16th Avenue to Stoddard Branch)
 - 2nd Street South (Chicago to Kings Corner)
 - Zone A Repair Sewer Lines
 - Zone B Repair Sewer Lines
 - Zone C Repair Sewer Lines
 - Broadband - \$2,300,000 M*
 - Intelligent Transportation System Phase I
- Rates Fund Needed Maintenance
 - Without systematic pipe replacement, more frequent emergency breaks will occur and our ability to enjoy uninterrupted water will diminish
 - Emergency breaks are more expensive than planned replacement because they frequently require overtime staff hours, water line shut-offs and can result in property damage
 - 24% of Nampa's domestic pipes (549 miles) will have reached their useful life by the year 2040
- Current Infrastructure
 - The City of Nampa's goal is to replace 5 miles of domestic pipe annually
 - Current funding allows for an average of 1 mile of pipe replacement annually
 - Large rate increases are needed to meet the 5-mile goal. ARPA dollars can be used to fund line replacement thus delaying the request for rate increases.
- Nampa's Recommendation with 2022 ARPA Funds
- Elevated Water Tank Replacement - \$1.55 M
- Design 5 Mile Waterline Projects - \$1 M
- Wastewater Treatment Plant Replacements - \$2 M

- Intelligent Transportation System, Police Crime Detection - \$1.3 M

- Nampa's Recommendation with 2023 ARPA Funds
- Elevated Water Tank Replacement - \$850 K
- Wastewater Treatment Plant Replacements - \$5 M

- State of Idaho 2023 Phase 2 ARPA Funds
- Nearly \$1.8B for the State in APRA
- \$250M for Natural Resource Water Storage
 - Anderson Ranch Dam Raise
 - Mountain Home AFB Water Treatment
 - Grants from Idaho Department of Water Resources (IDWR)
- \$300M for Drinking and Wastewater Projects
 - Grants from Idaho Department of Environmental Quality (IDEQ)
 - \$1.4 Billion in requests
 - Developing selection criteria
 - No match small City, 25% match large City
 - Must be constructed by 2026
 - Focus on shovel ready projects

- Nampa's Plan State of Idaho 2023 Phase 2 ARPA Funds
- 2022 Legislative still in session and IDEQ and IDWR are developing criteria. These funds are not guaranteed but will be requested. The biggest challenge for local agencies is to design and construct by 2026. These Nampa projects will meet the deadlines.
 - \$ 7 M | Shovel ready water line replacements to construction (offer 30% grant match City Funds)
 - \$ 21M | Wastewater Treatment Reuse
 - \$61M of \$220M plant upgrade Reuse
 - Request 30% Grant, 30% City Matching, 40% Existing SRF loan
 - Fits both IDWR storage and IDEQ infrastructure criteria

- Wastewater Reuse Project
- By 2025, Treat 14 M gallons/day wastewater to Class A
- Change discharge from Indian Creek to Phyliss Canal in the summer
- Water consumed by Nampa irrigation pump stations within impact area
- Regional City and County Benefits
- Improved Water Quality in the Boise River Basin
- Less demand on water storage at dams = more water for others in the County
- Request County financials participation in Reuse project

- Nampa looking to obtain grants or other agencies participation in \$21M of the \$61M in reuse costs
- ARPA criteria heavily weighted for water and wastewater projects

The meeting was held for information purposes only. No Board action was required or taken. The meeting concluded at 2:16 p.m. An audio recording is on file in the Commissioners' Office.

MEET WITH COUNTY ASSESSOR TO DISCUSS A CONTRACT FOR SOFTWARE UPGRADE

The Board met today at 3:33 p.m. with the County Assessor to discuss a contract for a software upgrade with Manatron, Inc., ("Aumentum Technologies or "Aumentum Tech") that will help augment the public access to property information within Canyon County. Present were: Commissioners Leslie Van Beek and Pam White, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Assessor Stender said he previously received tentative approval to spend funds to upgrade the public access software which hasn't been upgraded for several years. The total annual hosting/support fee is \$35,425. In the past the County has charged users to cover the fee for the program, but Assessor Stender said we are a large County and the service should be free to citizens. The contract has been under Legal review and there are a couple of changes that were suggested by IT Director Rast. There is language that needs to be added to the contract but Assessor Stender is asking if the Board will conditionally approve the draft he presented today, and then once the contact has been updated with information (as noted in parentheses in today's draft), the Board could sign it without him needing to have another meeting. It was noted that both the Assessor's Office and Treasurer's Office returned monies from last year's budget to the general fund. Commissioner Van Beek is in favor of signing the contract once we have a document that is reflective of the language the Assessor wants included. The action item will be approved today, but Assessor Stender will bring the contract back for signatures once its ready. Commissioner White made a motion to approve the contract to upgrade public access software with the changes as proposed. The motion was seconded by Commissioner Van Beek and carried unanimously. Once the changes are included in the contract Assessor Stender will bring the document back to the Board for signature. The meeting concluded at 3:44 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 25, 2022

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 scheduled this day.

FEBRUARY 2022 TERM

CALDWELL, IDAHO FEBRUARY 28, 2022

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 scheduled this day.

THE MINUTES OF THE FISCAL TERM OF FEBRUARY 2022 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this 15th day of June, 2022.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek

Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk