

MAY 2022 TERM  
CALDWELL, IDAHO     MAY 2, 2022

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

*There were no Board of Equalization matters that came before the Board.*

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Jamie Gearhart, Clerk II; Aubrey Adams, Clerk II; Megan Alba, Clerk I; Renee Paula Brennan, Drug Testing Technician-Part Time; Ruth Natibura, Part-Time Housekeeper

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Carbon Networks in the amount of \$2,520.00 for Information Technology Department
- Right! Systems in the amount of \$10,829.00 for Information Technology Department
- Dell in the amount of \$1,221.29 for Information Technology Department
- Dell in the amount of \$18,623.52 for Information Technology Department
- Architectural Glass in the amount of \$1,898.00 for Facilities Department
- Command Sourcing, Inc in the amount of \$10,560.00 for the Sheriff's Office

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

The Board met today at 9:04 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 and Deputy Clerk Jenen Ross.

Ms. Allen said 11-12 applications have been received for the HR Director position. There were 6 individuals she reached out to last week, 5 of which she has been able to conduct preliminary interviews with.

The recruitment and turn-over report for March was emailed to the Board over the weekend. Year to date for March, the numbers look good but Ms. Allen feels that number may go up some as she has had a lot of people leave within the departments she supports. Discussion ensued regarding voluntary vs. involuntary exits and additional details about the numbers within the report. The Board requested a breakdown of vacant positions, duration of vacancy and which offices.

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

EXECUTIVE SESSION – PERSONNEL MATTERS FOR CANDIDATE EVALUATION

Commissioner White made a motion to go into Executive Session at 9:11 a.m. pursuant to Idaho Code, Section 74-206(1) (a) regarding personnel matters for candidate evaluation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Interim Lead HR Generalist Jennifer Allen. The Executive Session concluded at 9:39 a.m. with no decision being called for in open session.

At the conclusion of the executive session the Board said they would like to schedule candidate interviews for 2:00 p.m. – 5:00 p.m. on Thursday, May 5<sup>th</sup>. Ms. Allen will continue to evaluate candidates and the Board has authorized her to add candidates to the interview pool if appropriate. On May 12<sup>th</sup> from 2:00 p.m. to 5:00 p.m. the Board will invite the other elected officials to interview the narrowed pool of applicants.

Discussion ensued regarding the Compensation and Benefits Analyst position in regard to responsibilities, compensation, budgeting for the position, and the difference between an analyst and a supervisor. The Board directed Ms. Allen to complete the job description and to work with Controller Wagoner regarding the salary.

The meeting concluded at 9:52 a.m. An audio recording of the open portion of the meeting 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 10:01 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, Assistant Director of Facilities Carl Dille, Facilities Admin. Becky Kearsley and Deputy Clerk Jenen Ross.

A review of building maintenance projects including the administration building space needs remodel, animal shelter flooring and new roof, fair expo building and the county campus grounds was provided to the Board. In response to a question from Commissioner Smith, Director Britton said he is not entirely sure what will happen with the Public Defender's office space based on changes recently passed in the legislature but he is confident the space will be utilized even if the PD's office moves out.

Building maintenance projects currently in legal include the fair expo concrete polishing, A/V project and pedestrian bridges, Pod 5 roof replacement, Trane chiller replacement on the juvenile

detention center rooftop, and the warehouse project design which will be before planning and zoning on May 10<sup>th</sup>.

Discussion ensued regarding the flagpole at the new fair expo building. Both Directors Sinner and Britton would like to go with a 100' pole and one large flag instead of 2 smaller ones. The flagpole could be purchased with URA funds although approval would be needed from the city for the height of the flagpole. The Board is supportive of the larger flagpole.

Director Britton would like to place a bulk order for new benches for both the current and new fair buildings, the Board is also supportive of this purchase.

An update of FY22 capital improvement projects was provided as follows:

- BOCC A/V will likely not be installed until July.
- LID for Extension office – there is no update at this time but Director Britton will reach out to Brent Orton at the City of Caldwell.
- Gate openers will soon be installed at juvenile probation and fleet.
- Continuing to work with Director Tolman on the carwash station –concrete has been poured and an email has been sent to Idaho Power; project may run over into FY23.
- The gun range – trash continues to be a major issue. Ultimately Director Britton would like to see it manned, but in the meantime will work with Director Schwend to place some eco blocks and cables to prevent people from driving down the shooting lanes.
- Crossroads Museum at Celebration Park – there hasn't been any contractor interest in construction of the mezzanine. The companies he's reached out to are saying it's too small a job and too far away.

The refrigerator in the rock shop that holds lunches and water for the grounds crew and SILD workers recently stopped working; there are no "hand-me-downs" available and the Board is supportive of the purchase of a new refrigerator.

Carl Dille is now the Assistance Facilities Firector and will fill in for Director Britton as needed.

Commissioner Smith requested that the capital improvements list be updated and for it to include funded/unfunded and from which budget. Director Britton indicated that for FY23 he may ask to add an analyst position to help with tracking. Additionally, he is going to try to keep projects in order of requests and is working with IT to create a management program to help with the tracking.

Commissioner Smith asked Director Britton if the Misdemeanor Probation site study and design for long-term office planning was in the FY22 budget, Director Britton said it was included in the budget. He has reached out to Director Catalano who has indicated that she doesn't have any major projects but just needs more space.

Discussion ensued regarding usability and feasibility of converting of the 'C' wing of the Juvenile Detention Center. In the end it was decided it wasn't the best option.

The meeting concluded at 10:41 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 11:35 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker discussed the following with the Board:

- Review of project management timesheet.
- Presented a draft budget workshop graphic indicating dates and times of the budget workshops and suggested dedicating the July 11<sup>th</sup> community input meeting to take comment on the budget - this would be after the budget workshops but before the Clerk's suggested budget is presented.
- The CGI video press release was added to the test website; a password to access the website and videos will be sent to the Board for review and approval before it goes live on the public website. Full scripts will also be sent to the Board for review and approval.
- National Day of Prayer is this Thursday with a ceremony taking place in Justice Park from 12:00 to 1:00.
- National Safe Boating week is the end of May, a proclamation is scheduled to be signed on the 20<sup>th</sup> and there may be a ceremonial signing at Celebration Park on May 21<sup>st</sup>. Mr. Decker will provide more information to the Board as he receives it.
- Early voting started today. Discussion ensued regarding elections interactive map indicating polling locations on election day.

The meeting concluded at 11:45 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:32 p.m. with the Director of DSD to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Steve Fultz, Planner Sage Huggins, Associate Engineer Devin Krasowski and Deputy Clerk Jenen Ross.

Director Fultz introduced new employees Sage Huggins and Devin Krasowski to the Board.

The action items were considered as follows:

***Consider signing resolution for a refund request for Cyndi Simpson for a withdrawn DSD application:***

Approximately 90% of the work was completed on this case prior to the withdrawal request, therefore DSD is recommending a 10% refund of \$85.00. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution for refund to Cyndi Simpson (see resolution no. 22-074).

***Consider signing resolution for a refund request for Caleb LaClair for a withdrawn DSD application:***

This application was withdrawn in order to pursue an administrative land division. The application was approximately 75% of the way thru the process and DSD is recommending a refund of \$607.50. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution to issue a refund to Caleb LaClair (see resolution no. 22-075).

The following updates were provided to the Board:

Code Enforcement has been out to look at a property located on Riverview Dr. The owner started the clean-up but it has not been completed. DSD would like to move forward with abatement of the property; the estimated cost for clean-up is approximately \$9900. This has been scheduled for further discussed on Thursday.

Director Fultz is in the process of preparing documents for Canyon Highway District regarding impact fees. Mr. Wesley is working on the ordinances and Commissioner Smith spoke about the process of collecting the fees. Discussions have started in DSD on processes for collection of those fees.

The department is getting closer to a resolution for fee increases, there are just a couple items that needed to be finalized. The resolution is anticipated to be before the Board soon.

Economic Development recently received a new project, P&W, and a non-disclosure has been signed. They are looking at 100+ acres, possibly within the revenue allocation area. Representatives will be in town the 10<sup>th</sup> of this month.

Work continues with BSU regarding a capstone program for graduate students, discussion was had about them possibly working on the transfer of development rights program. The county was not awarded the capstone program but some of the instructors have reached out still wanting to do the project at no cost to the county.

One of the building inspectors is going out on medical leave soon and will be out for several weeks, another employee has resigned from the department and one new hire is working thru a medical situation. Tom Crosby will be going back out into the field and Dave Curl will be now working as a

plans examiner as well as the Building Official with another part-time employee helping out for the time being. Director Fultz will draft a letter letting citizens know of the situation.

Commissioner Smith spoke about a property that she has received communication about in regard to the contractor shop and equipment located there. Director Fultz said he will look into the issue further. Additionally, she asked about the policy put in place by the previous DSD director not allowing accessory structures if there are no other buildings on the property. Commissioner Smith would like to see a formal review of the policy and possible change in order to allow people to apply for a director's decision. Discussion ensued as to how the policy came into effect and wording of the ordinance. The Board would like to see the language in the ordinance cleaned up so that it's clearer. Director Fultz said he would discuss the issue further with Planning Official Dan Lister.

Commissioner Smith asked about subdivision staff reports. She really wants to make sure that ordinance standards are very clear and that all items contained in the staff report are well addressed.

The City of Middleton is having a hard time getting in touch with the City of Star regarding the impact area negotiations. Since there is a 30-day requirement for them to come to an agreement Commissioner Smith believes this issue will probably be coming to the Board to make a decision.

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

#### MEETING TO DISCUSS THE SAFE TEEN YOUTH ASSESSMENT CENTERS

The Board met today at 2:31 p.m. to discuss the safe teen youth assessment centers and a potential grant opportunity. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, SWDH Director Nikki Zogg, and Deputy Clerk Monica Reeves. Director Catalano said she was invited to tour the assessment centers and it was an eye-opening experience and she's been meeting regularly with the state since. She knew SWDH would be applying for funding and she offered to help them with gathering data for the application. She said Canyon County needs a youth crisis center or shelter because for years we have struggled with not having placements for youth – the only place we have is the juvenile detention center. Director Zogg said the premise behind the assessment centers and the youth crisis centers started last winter after the Idaho Behavioral Health Council put together its strategic plan and put forth recommendations to the legislature for funding. Director Catalano would rather collaborate with folks if they have already started their application process. She does not want/need to apply but she wanted to find out if the Board wanted her to apply. Dr. Zogg said there is a workgroup of 15 people who represent health care, courts, juvenile detention and special service supports and a lot of those meetings came out from the board of health who had asked about the impacts COVID had on the youth. Research found there was increased suicidal ideation, child abuse and neglect, and the self-harm they were seeing in hospitalizations, with law

enforcement and child protective services and that is what started the group down the path in wanting to establish a youth crisis center. The youth crisis center and adult crisis center are two different topics. When talking to the state about how to fund a youth crisis center she became aware of the plan for funding for a crisis center and also for the assessment centers and so the work group brought into its scope, outside of youth crisis and just looking at these other upstream interventions where they might be able to leverage some funding so that's what they have been working towards. SWDH is not the experts in this area but they are trying to bring everybody together to maximize the existing resources because this is only guaranteed funding for one year and they feel like they have a lot of the resources within the community currently. The services are not connected and people don't feel like they can talk to each other so SWDH's hope was to build a collaborative application although they don't feel like they need to own it. Someone puts the idea in a funding application and then the funding be dispersed to the partners who can carry out the work and help support them. Youth crisis centers are meant more for mental health than a substance use crisis, although it could also be a substance use crisis as well as other types of crisis such as homelessness, or someone trying to escape from a human trafficking situation, for example. It is meant to be less than a 24-hour stay with an evaluation and assessment and stabilization and referral into care. Assessment centers are intended to stop the pipeline of youth into the corrections system or into CPS systems to find the high-risk kids and try to divert them by identifying them early through screening and assessment and case management and working with them and their families to avoid those two settings. Director Zogg provided a PowerPoint, a copy of which is on file with this day's minute entry. Director Catalano said assessment centers have a place where families can walk in and seek help for a child through a screening or an assessment and they would get follow-up from a case manager and a provider that would address either homelessness, substance abuse, or parenting resources. The effective models she's seen work very closely with law enforcement and the schools where the majority of referrals come from. Commissioner Smith asked Director Zogg if she feels we can work together on the assessment center and she said yes, her thought is we would have a joint application and then we would have organizations that would identify themselves as being that assessment center. Director Zogg does not see SWDH doing that unless nobody else wanted to do it. She is hoping to leverage existing organizations such as the Nampa Family Justice Center or WICAP, because they are already working with youth and if they were open to being an assessment center, just adding that capacity so the infrastructure already exists and if it's aligned with their mission it's not necessarily adding a lot of extra cost. They have sent a survey to working groups to see where they see themselves fitting in and then they will follow up and ask if they see themselves running an assessment center or providing screening so we have an idea of what interest there is among the partners to address the gaps. After that they will submit a single application with the wish list in their funding request. The department of juvenile corrections has indicated they could ask for additional state funding and other assessment centers outside of the state do receive ongoing funding, we just don't know what that might look like and so the sustainability plan is important. Director Catalano spoke of the models she observed: one is run by a nonprofit organization in Denver, and a system-based program in Las Vegas where juvenile justice collaborates with funding sources like law enforcement and the courts because they see a reduction in youth delinquency due to early intervention. There are a lot of services in Canyon County but not all counselors are able to help the families so while she supports the idea of outsourcing some of the work it needs to be honed

in to be accountable and be responsible for providing resources to families that keep coming into the system. Parents are asking for help but Director Catalano cannot help because the child has not broken the law and so in those cases that is a where an assessment center could help. Commissioner Smith supports that and said we have some amazing organizations we can rely on to help, but Canyon County is the right organization to help get it started and she likes the partnership with SWDH. Director Zogg said partners like WICAP are key to this and they are talking about doing mobile crisis and having a system where partners can communicate with each other about the individuals they are encountering either through schools, law enforcement, or the behavioral health provider and they can share what's happening in that family unit and stay connected to help support the child. She said SWDH does not have the bandwidth to have a dedicated person to work on this but they are committed to completing the grant application and doing it collaboratively with the input from the partners. Commissioner Smith said after the grant funds are obtained and the center gets going we can hand it off. Director Zogg said for the adult crisis center they were able to leverage health care insurance payments and the state appropriations made up the remaining portion so SWDH hasn't had to do that. Starting this year, the State of Idaho is putting out a behavioral health managed care contract and when that contractor is identified part of their responsibility will be to take over the ownership of the crisis center so that's probably the long-term sustainability for both adult and youth crisis centers but it will probably take a couple years to get there. Commissioner Smith asked if we know what percentage might be tied to the opioid pandemic because we might be able to use some of those funds too. Director Zogg will look into it. If the assessment centers have a licensed behavioral health provider on site they can leverage insurance payments. Commissioners Smith and Van Beek are supportive and if Director Catalano has time to help they are supportive of that too. The meeting concluded at 3:03 p.m. An audio recording is on file in the Commissioners' Office.

#### COMMUNITY INPUT MEETING

The Board met today at 5:31 p.m. for a community input meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioners Keri Smith and Leslie Van Beek, PIO Joe Decker, ElJay Waite, Kim Yanecko, Steve Burton, Kenneth Leytem, Larry Olmsted, Amy Weidner, Rosalyn Studarus, Chris and Becky Smith, other interested citizens, and Deputy Clerk Monica Reeves.

The following citizens offered comments:

**Kenneth Leytem**, a Middleton resident, spoke about annexation within the unincorporated areas of the County and the issues and negative impacts associated with large density housing in rural communities. He believes state, county, and city officials are putting the rights of developers over the rights of residents living in the affected areas. The City of Middleton prioritized the want for impact fees, permit fees, taxes, and assessments over the wants and needs of the community by masking the negative impacts of traffic issues, minimizing shortcomings of police, fire, and school resources, as well as water resources, and sewer capacity. Who is protecting the property rights, property values, and quality of life of the citizens? He said the County should: 1) stop abdicating its fiduciary responsibility related to planning and zoning and areas of impact to cities who have

shown for disdain and indifference to the residents; 2) force developers to submit the actual subdivision plans to be constructed during the County's approval process and place contingencies on the developments so they cannot negatively impact residents already living in the area; 3) place requirements on annexations of areas that are already populated with rural subdivisions that will not be injurious to other properties in the immediate vicinity or negatively change the essential character of the area; and 4) advocate on the residents' behalf to the cities to ensure property rights, property values, rural lifestyle, and safety and security are not infringed on by the greed of development. Commissioner Smith said we are losing some of the best farm ground to cities who are in a rush to annex and it's very frustrating. Idaho statutes give land use planning act authority to each jurisdiction, and annexation is one of those "kings of development" and there needs to be some reform at the state level because we have agreements with cities regarding the comment period when we create those impact areas but it's not reciprocated and Idaho Code does not have a standard for that and so the cities annex inside those areas and outside those areas and it's a detriment to some of our communities. We need to think about HB389 that allows for the 3% growth yet the budgets are supposed to be based off of us providing mandated services and she's having a hard time understanding how it's going to be equitable. How do we manage those moving forward and how can we meet the level of service that's required by law with a 3% cap? It's frustrating and we all need to contact our senators and representatives and ask for a change to property tax reform and land use reform. She said Senator Rice just tried to pass a bill without due process to allow other cities to annex in other impact areas. We were able to shut it down in a committee meeting and then he picked it up without agenda notification. Commissioner Smith is fighting for orderly growth that we can sustain and said our growth is limited in the County and we are working on a comprehensive plan that will help, but we have no control over what the cities do. If property is contiguous to a city they apply for annexation and the laws for voluntary annexation all you have to do is touch the city. It doesn't follow our comprehensive plan or ordinances. She encouraged Mr. Leytem to contact his local representatives and senators. Commissioner Van Beek spoke about how the Board is always willing to listen to the issues.

**Larry Olmsted** had questions regarding DLR and the Board's request for an update on construction costs on the jail. He is opposed to the Board spending any more funds on DLR's jail plan which he believes was overdesigned and over-priced. There is support for a jail, but there is not support for a jail this big and costly with no citizen input with no means of financing other than property tax. Mr. Olmsted wants the Board to involve citizens, implement impact fees, and establish a capital construction fund. There are local firms in Boise that design and build jails and he would favor utilizing a local firm rather than DLR. Commissioner Smith said the estimate for the update on the jail construction costs is \$7,500 and it came about as part of a recent meeting with local Mayors who are supportive of starting a jail committee and they wanted to know what it would cost to update those figures. The point with visiting with the Mayors is because in order to be able to move forward on impact fees we have to have a base set and the fastest way to get there is to know what the cost and need is now. She emailed the Sheriff's Office and the Prosecutor's Office asking if the DLR update would be able to give us adequate information to set that base for impact fees and the answer was *"I don't think so."* Her intention was help figure out a baseline for impact fees. Mr. Olmsted said he supports impact fees, but he does not support the idea of asking for a cost estimate on something nobody wants when you don't know when it will be built. He said the

Board should do a capital improvement plan and say this is how much jail you're going to need and impact fees can only pay for the new part. He suggested that an estimate could be provided by Russ Moorehead with Lombard-Conrad. Commissioner Van Beek in light of the mental health component with incarceration, there is a need that has to be addressed rather than building bigger jails, and citizens have to be involved in the planning stages of that process. She said ElJay Waite has proposed alternative methods of payment and has done the feasibility studies on some of the most complex financial documents in the city and she will not allow his ideas to be pilfered. The County has been sitting on the Pond Lane property for 12 years and now is not the time to build when construction costs are high. We should stage the funding, and figure out what citizens will pay for, what size of jail we need given the incarceration component and involve citizens at a greater level. Mr. Olmsted asked questions regarding urban renewal. Commissioner Smith said the property is in an urban renewal reallocation district and the tax base is set from when we adopted the ordinance setting it and that amount goes to its original taxing districts and then any increase in it goes to the urban renewal district and those funds that are collected are typically used for infrastructure and site improvements.

**Amy Weidner** said she agrees with everything Kenneth Leytem said and she voted no on the jail. She wants to know more about the HR Director position and why the position is vacant. She also wants to know how she can access employment contracts and she wants to know if it's true the County paid the former HR Director \$80,000 to leave the position. Commissioner Smith said the HR position is not on the agenda for tonight's meeting but it can be added to next month's community input meeting. As to the departure of the former HR Director, Commissioner Smith said there was a separation agreement. Department heads do not have employment contracts, they are at-will employees. If there are separation reasons, there are times where Commissioners or elected officials work on separation agreements and they are typically covered by attorney-client privilege and she is not sure what can be released to the public, but Ms. Weidner can submit a public records request for information she is seeking. Ms. Weidner asked how many HR Directors the County has had in the last five years. Commissioner Smith said in the past years two directors have resigned.

**Steve Burton** had two topics to discuss and wanted to address one now and save the other for the end of the meeting after everyone else had a chance to speak. He thanked Commissioner Smith for letting him know about the Star City Council meeting where they discussed the impact area and their new comprehensive plan. He attended the meeting and found an empty house because public notice was only done in the Idaho Statesman and nobody knew about it. He offered testimony and said there was a good exchange of information, but regardless the City of Star passed a resolution to expand their comprehensive plan and extend their impact area into Canyon County. He doesn't think the Mayors of Star and Middleton are going to have a discussion about negotiations. Commissioner Smith said it's her understanding the Mayor of Middleton is actively pursuing discussions with the City of Star but they have not yet been able to engage in a conversation. The City of Middleton's attorney copied the Board on a letter reinforcing that they have not been able to communicate with Star and they fully anticipate moving forward within the 30-day window if they are not able to negotiate, and that a lack of conversation will mean they disagree and will ask the Board to render a decision. That would be a public meeting where they

will hear comments on where the impact area should be and will be the first time the Board will have the opportunity to agree to make its own recommendation on a boundary and then if the two cities do not agree and adopt those boundaries, then it will go to a vote. (*The Board had already made a decision on the Committee of Nine's recommendation.*) In order to get it to a vote the fastest way was to adopt the Committee of Nine recommendation and that's what they did. Ordinances are not officially adopted until they are published in the newspaper; Star said it had adopted the map, however, they had not officially adopted the map so the County held its ordinance until Star had its meeting and then the County recorded its ordinance. The 30-day timeline starts from that date in April. Mr. Burton said the City of Star is not stopping and is continuing to add developments and he believes the County should ask a judge for a cease and desist while this is in process. Commissioner Van Beek said the Board issued a cease and desist letter but Star did not heed the warnings in the cease and desist so there is a process we have to go through and we are following the timelines. Commissioner Smith said the City of Middleton is working on the issue and the County's attorney believed it was a battle the County might not win. She said there is a long history of annexations that the prior Boards of Commissioners allowed.

**Rosalyn Studarus** said Steve Burton addressed her concerns.

**Kim Yanecko** had follow-up questions from the last two community input meetings regarding how to place an item on the agenda, and when will the Board hold a meeting on the resignation letter that was given to Commissioner Van Beek. She requested the meeting be held prior to the election so citizens can have a good understanding of who is representing them, but it seems Commissioners White and Smith are not interested in holding a meeting on the resignation letter. Ms. Yanecko said at the last meeting she asked Commissioner White about where she has lived and she confirmed she resided in California. She had asked Commissioner Smith several questions and followed up in an email to both Commissioners but has not received a response for any of the information she requested. Given that the Governor just released a drought declaration, she wants to know if we are going to have a moratorium on any open applications and a stop on any future applications at the present time until the drought issue has been resolved? Commissioner Van Beek said there is a resolution coming for the Board to support the resolution for the drought and it allows temporary funding to come immediately to farmers and entities that would give them access to water rights. Ms. Yanecko said it helps farmers and it doesn't necessarily stop development. Commissioner Van Beek said that is a true statement. Commissioner Smith said the Board was actively working on a drought declaration and invited the Idaho Department of Water Resources (IDWR)) to talk about it a couple of weeks ago where they discussed the process and because of BOCC support it got relayed to the Governor and he decided to work towards a state of emergency vs. having counties individually go through that process. Through the Idaho Association of Counties, the Board agreed to participate and agreed with an emergency drought declaration and it is specifically tied towards irrigation water for accessibility for the farmers. Ms. Yanecko said IDWR's report referenced the fact that the drought, as severe as it is, does not only impact surface water but also impacts groundwater which is something we all face south of the lake and so she is requesting the Board make it an agenda item so the community can voice concerns that there should be a moratorium. She understands the farmer portion of it, but a county-wide moratorium seems to be a reasonable request based on the information we have

that's conflicting with availability of water. Commissioner Smith said the Idaho Department of Water Resources just presented an updated water report to the COMPASS board and she believes that meeting was posted on YouTube.

Commissioner Van Beek wanted to read a prepared statement regarding an article that ran in the Idaho Statesman on April 13<sup>th</sup>. Commissioner Smith said all of the information has been provided to the Sheriff and the Prosecuting Attorney and they have said they were working on what the next steps were and so there isn't any reason for her to have a public meeting when she's being held by their responses.

Ms. Yanecko said Commissioner Smith had previously said two Commissioners would have to agree to hold such a meeting and that has nothing to do with the Sheriff's Office or the Prosecuting Attorney's Office. There are a lot of people who would like answers to those questions and allegations and it's not just about Commissioner Van Beek, it's about the type of things that are alleged to have happened in the County. Ms. Yanecko said she's received hundreds of pages of documentation that cost the County over \$30,000 to compile, but she didn't need that much money spent on her request and said if the County had provided the documentation that supported the allegations we wouldn't be sitting here right now. Commissioner Van Beek said she objects to the defaming, slanderous, alleged allegations against her by a group of people who simply don't like her asking questions. There is another side to this story and the information in the Statesman is full of half-truths and misinformation. Ms. Yanecko said she has also requested information about building inspectors and complaints she has filed but not received responses to. Commissioner Smith said those are personnel issues and the Board is actively working hard on that. Ms. Yanecko said she has been waiting since January 31<sup>st</sup> for answers to questions about the resignation issue and was told a meeting would be held.

**ElJay Waite** said it's a good idea to meet with the Mayors and talk about growth and with his background in urban renewal he wants to submit a topic the Board may want discuss with the Mayors. There are a lot of enclaves in city areas that have not been annexed into the city that are within the city bounds and water and sewer lines run right past them. With what we are trying to do with the County, the urban renewal, and the City of Caldwell on Highway 20-26, that's an infrastructure reimbursement into a property that hasn't developed for decades and maybe it's time to look at the enclaves in the cities and set up urban renewal areas specifically on the ones that could develop quickest and be the most valuable to the city and use that same reasoning to allow developers to develop it. Apparently, there are areas that are so disadvantaged and deteriorated nobody wants to touch them. If that could be brought to the Mayors he would like a report back as to what they say. Commissioner Smith said that's a great idea.

**Steve Burton** asked Commissioner Smith if she believes the Idaho Statesman article regarding the elected officials' call for Commissioner Van Beek's resignation accurately reported on the situation. Commissioner Smith said she was not a part of the meeting where the other elected officials met with the reporter. They gave their story; however, she had other concerns and information than what was provided to the Statesman, but a lot of it is personnel-related and cannot be released. She did witness the things the other elected officials spoke to the reporter

about. Commissioner Smith said she sent an email to the elected officials giving an account of things that had just happened in the last week. Mr. Burton asked Commissioner Van Beek if she felt the article was accurate and complete. Commissioner Van Beek said she retained an attorney and she stands for a lot of past and former employees who trust that she will continue to fulfill the duties of her office. She read the following prepared statement: *"On January 31, 2022, at 11:00 p.m., eight elected officials in Canyon County conspired off the record under a cloak of darkness against a fellow elected official in what may go down as one of the most self-incriminating and politically-damaging moves in the history of Canyon County government. Led by the Board Chairman, the final decision to issue a letter of no confidence authored by the Board's own legal counsel was made. Their collective lack of foresight to assess the damage to their own personal reputations and political career is staggering. Also obvious in this failed debacle is a reckless disregard for the election process and a blatant disrespect for every voting citizen in Canyon County. A basic refresher in government 101 reminds us that it is citizens alone who hold the power to put people into office or take them out. This now highly-publicized attempt to intimidate, bully, threaten, defame and slander another elected official should anger and drive citizens to the polls in droves on May 17th. For anyone not following this hair salon drama, the 8 have yet to validate any of the defaming and slanderous alleged allegations despite repeated requests from citizen groups calling for evidence. The ball has been in the 8's corner for months and they've had troubling dribbling. The actions of the 8 should raise serious concerns in the minds of taxpayers concerning ethics in government, open meeting law violations, and where the real abuse of power and mistreatment of employees lies. My message is clear and my oath remains intact. I do not and I will not capitulate to bullies. I will defend my country and my county against all foreign and domestic terrorists and I will continue to stand and faithfully discharge the duties of my office with transparency, honesty, and integrity. In the last article that ran in the Idaho Statesman, which was to be the 8's big reveal on alleged misconduct, the Board's chairman cites examples filled with half-truths and misinformation that at the most basic level do not hold water and leave the 8 drowning in an attempt to find validation for their unsubstantiated claims which come at an increasing and escalating cost to taxpayers. It is a Commissioners' right and duty under Idaho Code to review and examine all claims and expenses. I have denied claims historically which I believe did not qualify as legitimate expenses: valet parking when free parking was available; seating upgrades on airlines; expensive framed artwork. I will continue to do so even if it makes me a target. I am sorry if my insistence on getting the most out of taxpayer dollars is a source of irritation to my fellow elected officials, and yet it is important for our constituents, especially in today's world. Most recently I denied a claim for an out-of-county travel to a conference which was also being held in Boise. The additional cost at a resort destination was \$720. In an email dated April 25, 2022, I was told by the Board chairman that the two commissioners already have the appropriate approvals for their travel and that my approval was not necessary. It was also stated that I was wasting her time and that I should focus on 'high priority work that the public is actually interested in'. This contradicts her statement made in a candidate forum on April 25<sup>th</sup> that an elected official's job is to 'spend every dollar as if was their own.' Clarification is in order. I believe that if people are not going to do the job they should not run for public office. The Board of County Commissioners should model the highest level of professionalism and leadership in government. The call for stewardship and accountability is imperative in order to safeguard the trust of taxpayers, but where mischief abounds it draws flies and fire. A statement was recently made by the Board chairman that 'the*

*BOCC collectively is not set up to function as a working group.’ I strongly disagree. The BOCC should function as a one of the greatest models of teamwork, respectful negotiation, and collaboration, particularly in light of its unique structure and share the equal power in governance. Choosing who governs is still a function of the people. There is some homework that needs to be done between now and May 17<sup>th</sup>.”*

Mr. Burton said he appreciates Commissioner Van Beek’s point of view and believes she should provide that information to the Statesman. From what he read in the article and the information he has, it’s his opinion that asking for the resignation was probably too stiff; he would have suggested a reprimand and retraining. Commissioner Van Beek has been at this job for a long time but there are probably some points she needed reiterated. He doesn’t think a resignation is proper but a reprimand would be. Commissioner Smith said the article is accurate and they received advice from the Prosecuting Attorney that that was the best course of action. She is aware it’s a political nightmare and that many of the elected officials were up for re-election, and they knew it was a hard decision. She said Commissioner Van Beek loves to deflect that the elected officials don’t like her questions, but she likes her questions and has accepted the questions and allowed her to speak and allowed meetings to continue. There are personnel issues that cannot be shared, but we have significant concerns and we put our heads on the line because it is a significant risk and taxpayers will pay for them. She wishes the Sheriff and Prosecuting Attorney would speak up because they have all the information and they are holding it, perhaps because they don’t like the Commissioners.

The meeting concluded at 6:31 p.m. An audio recording is on file in the Commissioners’ Office.

MAY 2022 TERM

CALDWELL, IDAHO      MAY 3, 2022

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

#### APPROVED CLAIMS

- The Board has approved claims 584212 to 584226 in the amount of \$10,193.82
- The Board has approved claims 584227 to 584264 in the amount of \$449,537.07

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- ACCO in the amount of \$7,137.00 for the Facilities Department

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Chimene Eisfelder

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Caldwell Housing Authority dba Farmway Store (Resolution no. 22-074)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Walmart Inc dba Walmart #2780; Walmart Inc dba Walmart #2781; Walmart Inc dba Walmart #4494; Walmart Inc dba Walmart #4180; Walmart Inc dba Walmart #3739; La Ranchera Nampa Inc dba La Ranchera-Nampa; Canyon Golf Partners LLC dba Red Hawk Golf Course; and Alejandras 1 LLC; Alejandra's Mexican Restaurant (Resolution no. 22-075)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Jackson Bevco Inc dba Tobacco Connection #1; Jackson Bevco Inc dba Tobacco Connection #6; Jackson Bevco Inc dba Tobacco Connection #12; Jackson Bevco Inc dba Tobacco Connection #16; Jackson Bevco Inc dba Tobacco Connection #22; Jackson Bevco Inc dba Tobacco Connection #23; Jackson Bevco Inc dba Tobacco Connection #32; Jackson Bevco Inc dba Tobacco Connection #37; Jackson Bevco Inc dba Big Smoke #102; Jackson Bevco Inc dba Big Smoke #109; Jackson Bevco Inc dba Big Smoke #113; and Jackson Bevco Inc dba Big Smoke #115 (Resolution no. 22-076)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Stinker Stores Inc dba Stinker Store #48; Stinker Stores Inc dba Stinker Store #60; Stinker Stores Inc dba Stinker Store #75; Stinker Stores Inc dba Stinker Store #108; Stinker Stores Inc dba Stinker Store #82; Stinker Stores Inc dba Stinker Store #44; Stinker Stores Inc dba Stinker Store #113; Stinker Stores Inc dba Stinker Store #41; Mother Earth Bew Co LLC dba Mother Earth Micro Brews; Smashburger Acquisition – Idaho LLC dba Smashburger #1588; Muniz Family Grocers Inc dba Grocery Outlet of Caldwell; and JFL Vond LLC dba Super C (Resolution no. 22-077)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Caldwell Bowl Inc dba Caldwell Bowl; Belle Event Center LLC dba Belle Event Center; Shi Sushi Restaurant LLC Shi Sushi Spirits; GMRI, Inc dba The Olive Garden Italian Restaurant #1731; Evergreen Restaurant LLC 1313 dba Outback Steakhouse; Mesa Downtown LLC dba Mesa Tacos & Tequila; Done Ulmer dba Airport Inn; Casa Anejo LLC dba Casa Anejo; El Guero LLC dba

Pollos Y Mariscos El Guero; Sodexo America LLC dba Sodexo America; Sodexo America LLC dba Dodexo America (Resolution no. 22-078)

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 9:04 a.m.), Parks Director Nicki Schwend (left at 9:09 a.m.), Assistant Parks Director Laura Barbour (left at 9:09 a.m.) and Deputy Clerk Jenen Ross.

***Consider signing a resolution approving award of badge and duty weapon to Deputy Kenneth Hollis and Deputy Daniel Williams:*** Deputy Hollis has been with the Sheriff's Office 17 years and Deputy Williams has been with the Sheriff's Office just short of 16 years; both gentlemen are planning to retire at the end of May. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolutions approving award of badge and duty weapon to Deputy Kenneth Hollis (see resolution no. 22-072) and Deputy Daniel Williams (see resolution no. 22-073).

***Consider signing addendum No. 1 to the 2021 Canyon County Celebration Park East End improvement project between Canyon County and Precision Grading & Excavation:*** Director Schwend spoke about how camping has been improved on the east end and how although there was a contract with no change order a fair amount of work was done at no cost. At this time, they would like to concrete the path to the ADA bathroom, additionally, there are some parking barriers that the company owner will donate but would like reimbursement for gas to transport out to Celebration Park and for securing the barriers. These items were outside the original scope of work, however, there are available funds under the grant. The total cost change is \$3800. The work for these items has already been performed, this just allows for payment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign addendum no. 1 to the 2021 Canyon County Celebration Park East End improvement project between Canyon County and Precision Grading & Excavation (see agreement no. 22-028).

Mr. Wesley spoke about the drought declaration signed by the Governor on April 29<sup>th</sup> which supersedes any declaration the county would request.

A brief discussion ensued stemming from the community input meeting that took place last night where Commissioner Smith feels that Commissioner Van Beek indicated she has retained legal counsel in an effort to sue the county. Commissioner Smith requested that Mr. Wesley make Prosecutor Taylor aware of this information. Commissioner Van Beek denies this is what was said last night.

The meeting concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING – CANYON COUNTY'S REQUEST FOR ORDINANCE  
AMENDMENT – 2004 DATE OF ORIGINALITY ORDINANCE, CASE NO. OR2021-0029

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Canyon County for the following:

**CASE NO. OR2021-0029:** AN ORDINANCE AMENDING CHAPTER 7, ARTICLES 2, 17, AND 18, ZONING REGULATIONS, OF THE CANYON COUNTY CODE OF ORDINANCES; AND SEVERABILITY CLAUSES; AND EFFECTIVE DATES TO INCLUDE PROVISIONS FOR THE LAND DIVISION OF PARCELS CREATED PRIOR TO SEPTEMBER 6, 2004 AND OTHER AMENDMENTS REGARDING THE DIVISION OF PROPERTY. THE AMENDMENT INCLUDES THE FOLLOWING:

- CHAPTER 7, ARTICLE 2, SECTION 3, DEFINITIONS: AMEND THE DEFINITION OF ORIGINAL PARCEL.
- CHAPTER 7, ARTICLE 17, SECTION 3, SUBSECTION 3: JURISDICTION: AMENDMENT TO SUBSECTIONS (A), (B), AND (F) REGARDING AGRICULTURAL PARCELS, PARCELS CREATED BY SETTLEMENT OR COURT DECREE AND DIVISION OF LAND FEWER THAN FIVE PARCELS FROM THE ORIGINAL.

ARTICLE 18: ADMINISTRATIVE LAND DIVISIONS. CHAPTER 7, ARTICLE 18: AMENDMENT TO INCLUDE SEPARATE SECTIONS FOR PURPOSE, APPLICABILITY AND APPLICATION REQUIREMENTS AND PROVISIONS, SEPARATE AND AMEND PROVISIONS AND REQUIREMENTS FOR LAND DIVISION IN AN "A" ZONE AND DIVISIONS IN OTHER ZONES (SECTION 07-18-01), AMENDMENT TO SECTION 07-18-05 (ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE) REGARDING REMOVAL OF OWNERSHIPS OF CONTIGUOUS PARCEL REQUIREMENTS AND OTHER MINOR AMENDMENTS TO SUBSECTION (4), AMENDMENT TO SECTION 07-18-07 (LAND DIVISIONS BY JUDICIAL DIVISION) TO PROVIDE CLARIFICATION TO THE REQUIREMENTS, AND MINOR AMENDMENTS

Those present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, Alan Mills, TJ Wellard, Matt Wilke, Danny Schuster, Erin Schuster, George Crookham, other interested citizens, and Deputy Clerk Monica Reeves. DSD Planner Elizabeth Allen summarized the changes that were made based on the last hearing held on March 8, 2022. Revised amendments were made to the following sections:

07-02-03: Definitions

07-17-03: Jurisdiction

07-17-21: Minor Replat and Amendment

07-18-01: Purpose

07-18-03: Applicability

07-18-05: Application

Alternative 07-18-05: Application

07-18-07: Administrative Division in Agricultural Zones

07-18-09: Administrative Division of Nonviable Parcels in an Agricultural Zone

07-18-11: Administrative Division and Relocation of Building Permits between Contiguous Parcels in an Agricultural Zone

07-18-03: Administrative Division in All Other Zones

(A copy of the staff report addendum is on file in with this day's minute entry.)

The Board had follow-up questions for staff and discussion ensued. Staff is recommending holding off until the comprehensive plan update is completed.

Neutral comments were offered as follows:

**TJ Wellard** is in favor of some of the changes but opposed to others. The ordinance change came about because we were looking to change the date of the original parcel to increase private ownership rights regarding splitting and building on those properties but that has been removed so the other changes are not significant enough to move forward with the ordinance change. Regarding the application section, he concurs with Commissioner Smith that preapproval needs to happen with just a site plan for applicants to meet with staff and go over the requirements for setbacks and access to make sure they meet all of those. Regarding the requirement for a letter of acknowledgement, it's difficult because those are required to develop a good site plan but that can be accomplished with what's currently in place allowing a comment period rather than chase out all the forms, and it's cleaner to get it to DSD from the agencies. He supports them not having 100% ownership for TDR's. He objects to requiring a minor replat to pre-1979 platted lots because it adds another level of bureaucracy and cost onto owners to do an administrative land division on those parcels. A quarter-quarter section is not always 40 acres so if you make a 40-acre requirement some of those sections will not be allowed to be a legal agricultural parcel so he suggests the Board leave the quarter-quarter aliquot section in there. Mr. Wellard responded to additional questions from the Board.

**Alan Mills** stated he concurs with TJ Wellard's comments and said there's so much of the ordinance that's subject to interpretation. When Idaho Code sections 67 and 31-3805 were created there was an intent to the purpose of those and after 10-20 years of being construed the same somebody came in and decided it read differently than that and those two code sections had to be amended for clarification. Somebody could take the position that government lots fall into platted lots and totally disrupt the process. A lot of work needs to be done on this ordinance and he suggests a working group be formed with ag owners, property owners, surveyors, etc., who have to drive this so that staff is not burdened with trying to interpret all of the comments. There is still validity to the 2004 date, but it would benefit from far more input. The ordinance needs to be vetted again and a workshop needs to be held where both hypothetical and real examples can be given and the group can talk about how to run them through the process and come out with a conclusion.

**Matt Wilke** agrees with TJ Wellard and Alan Mills. There are some applications we need to run through the process and see what the injury will be, if any. He agrees with clustering permits through separate ownership. He thought the 2004 date of originality was a good idea and it was

brought forward to reduce the amount of control and time it took to get through the process for administrative splits but we are now adding so much red tape it's starting to confuse the process. Commissioner Smith said she is trying to make the administrative land division process cleaner, but she agrees there is more red tape for the minor replats. Discussion ensued.

Comments in opposition were offered as follows:

**George Crookham** appreciates that the date change did not happen from 1979 to 2004 because it would further fragment farmland. He has concerns with the ability to transfer "not 100% ownership" due to how it might impact and fragment ag land even further. He agrees with staff to delay this and roll it into the comprehensive plan. Commissioner Smith had follow-up questions for Mr. Crookham.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner White is not ready to move forward right now; she likes the idea to have a workshop and it would be nice to do it with the comprehensive plan update. She has a lot of questions and she wants to go through in a smaller group. Commissioner Van Beek is not ready to issue a decision; she likes the idea of a workshop where people are not just listening to the BOCC but to have interactive ability with key stakeholders. It would also be helpful to have comment from the highway district. She appreciates staff's recommendation to delay the changes until we get closer to the comprehensive plan. Commissioner Smith said if the Board doesn't take action we are allowing division by the courts and we would be requiring constituents to provide a record of survey without review which is costly. A failure to act is not helping the constituents. Commissioner White said this is not a failure to act, she wants more conversation. Commissioner Van Beek said it's an action that says we are listening to the constituents who are asking for a workshop forum. We need to establish a public workshop she would like to task those today with giving examples of running things through the process. The onus is on the development community and the farming community to bring back examples and run it through the filter. Commissioner Smith said the County has held a workshop and multiple hearings. Commissioner Van Beek wants a working group to help the Board work through the scenarios and the hypothetical examples.

Ms. Allen asked the Board to recognize that staff is still in the process of updating the comprehensive and a joint workshop is scheduled, they are short-staffed and they have over 100 land use cases that are backlogged that they need to work through and so she is asking the Board to recognize that staff is limited on the capacity to hold workshops while still getting the comprehensive plan adopted. Commissioner Van Beek said there has to be a pause on what's reasonable although she doesn't know what that is, but she hears what Ms Allen is saying. Commissioner White wants to hold an hourlong meeting at 8:00 a.m. for people to bring questions and solutions. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to Friday, May 6, 2022 at 8:00 a.m. where testimony will be opened for specific changes to the ordinance. The hearing concluded at 11:44 a.m. An audio recording is on file in the Commissioners' Office.

## MEET WITH LOCAL MAYORS TO DISCUSS COUNTY GROWTH

The Board met today at 12:24 p.m. with local mayors to discuss county growth. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Wilder City Mayor Steve Rhodes, Parma City Mayor Angie Lee, Star City Mayor Trevor Chadwick, Caldwell City Council President Chris Allgood, Greenleaf City Mayor Brad Holton, Middleton City Mayor Steve Rule, Notus City Mayor Dave Porterfield, Nampa City Mayor Debbie Kling, DSD Director Steve Fultz, PIO Joe Decker, Chief Deputy Sheriff Marv Dashiell (arrived at 1:27 p.m.) and Deputy Clerk Jenen Ross. Commissioner Smith left the meeting from approximately 12:50 p.m. to 1:01 p.m.

Discussion topics included the following:

- The DLR report in relation to the jail; the community doesn't seem to be in favor of using the report and would like to start anew. Discussion ensued regarding possible options for funding a jail including the implementation of impact fees. Consensus is that information needs to be collected from individual city councils to determine the overall support or lack of support in regard to the impact fees. Mayor Holton thinks the first step is going to be to convene an impact fee committee to determine what the cost will be so that can be presented to the council members.

In order to provide a clear path forward, Commissioner Smith said she would send an email outlining the next steps and reviewing what the requirements are for an impact fee committee. She would like to see representation from each of the cities and the county. Once the committee is started, information can be gathered and then there can be agenda time with each of the city councils to receive feedback. Since it is a county jail, Commissioner Smith feels it is appropriate to have a board member attend the council meetings.

- Commissioner Smith spoke about some of the mental health challenges facing youth and funding that is coming up thru the state for teen assessment centers which are designed to be diversion programs. This program currently has funding but it needs a building; SWDH is willing to spearhead this effort. Additionally, there is going to be a grant from the state for a teen crisis center, this will be for youth in an immediate crisis. At this time there really is no other place for these kids to go other than an emergency room. So far, every idea that has been explored for a location has fallen thru but it is still desperately needed. Discussion ensued regarding possibly building options that may work and the possible use of opioid settlement funds.
- Discussion ensued regarding a commuter car that would use Union Pacific rail lines. Commissioner Smith spoke with UP who indicated all that would be needed is a feasibility study that shows need and predicts use. Mayor Kling said that Elaine Clegg sits on the national committee and thinks it would be good for there to be a collaborative effort so that it's not being worked from two different directions.
- Brief discussion ensued regarding the governor's drought declaration and IDWR's role.

The meeting concluded at 1:34 p.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:48 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Coroner Jennifer Crawford, Chief Deputy Sheriff Marv Dashiell, PIO Joe Decker, Prosecuting Attorney Bryan Taylor and Deputy Clerk Jenen Ross.

Discussion topic included the following:

- HR Director second round interviews will happen on May 12<sup>th</sup>; all elected officials will receive an invite to participate.
- Mid-year market adjustments, especially in regard to lower paid employees. Discussion ensued regarding a possible one-time 5% increase, office/departments being short-staffed, potential wage and compensation analyst position and the need to retain and recruit employees.
- The Board would like to do an evaluation of user-based fees throughout the county.
- There has been a Board majority decision to increase the mileage reimbursement to match the federal amount.
- Assessor Stender said his office is working on values and test scenarios have been run. Values are anticipated at a 40% increase. Last year the taxable value was \$22B, this year it is anticipated to be \$32B.
- Chief Dashiell spoke about new legislation that would make the Sheriff's Office responsible for securing ballots.

The meeting concluded at 2:28 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2022 TERM  
CALDWELL, IDAHO     MAY 4, 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. 2216

- The Board of Commissioners approved payment of County claims in the amount of \$1,926,967.45 for a County payroll

#### APPROVED CLAIMS

- The Board has approved claims 584265 to 584294 in the amount of \$171,440.54
- The Board has approved claims 584295 to 584323 in the amount of \$183,071.95
- The Board has approved claims 584324 to 584355 in the amount of \$20,986.02
- The Board has approved claims 584356 to 584404 in the amount of \$75,211.21
- The Board has approved claims 584405 to 584419 in the amount of \$28,503.62

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- SBI in the amount of \$3,950.00 for Facilities Department
- Sign Shoppe in the amount of \$6,529.66 for Parks Department
- Hanson Janitorial in the amount of \$5,940.00 for Canyon County Sheriff

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Melissa Vasquez, Administrative Specialist; Estella Zamora, Temp elections staff; Theresa Komes, Temp elections staff; Pamela Black, Temp elections staff; Gary Stanhope, Temp elections staff; Sara Eggli, Temp elections staff; Jean Barney, Temp elections staff; Sylvia Marmon, Temp elections staff; Warna Sears, Temp elections staff; Dennis Carter, Temp elections staff; Janelle Hyer, Temp elections staff; Amie Christensen, Temp elections staff; Margaret Higgins-Barnett, Temp elections staff; Fran Smith, Temp elections staff; Debbie Winchester, Temp elections staff; Pam Myers, Temp elections staff; Cindy Runyan, Temp elections staff; David Bloom, Temp elections staff; Carole Gamble, Temp elections staff; JoLynn Dicus, Temp elections staff; Mark Runyan, Temp elections staff; and Dixie Parker, Temp elections staff

#### APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Michael's Pub & Grill to be used 5/28/22; Gem Lounge to be used 5/20/22; and Eastside Tavern to be used 5/21/22 and 6/4/22

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for IOU Sushi II, LLC dba IOU Sushi; Cook's Two Hole, Inc., dba Cook's Two Hole Bar; and Roots and Company, LLC dba Roots and Company (Resolution no. 22-079)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for City of Caldwell dba Purple Sage Golf Course; City of Caldwell dba Fairview Golf Course; Ridley's Family Markets Inc dba Ridley's Family Markets; JP Thailand Express LLC dba JP Thailand Express; Dan's Ferry Service LLC dba Dan's Ferry Service; Pantera Market & Mexican Restaurant #2 LLC dba Pantera Market #2; and Spuds Baseball Club LLC dba Spuds Base Ball Club (Resolution no. 22-080)

#### PUBLIC HEARING – PRELIMINARY PLAT FOR SPRING HILL RANCH SUBDIVISION, CASE NO SD2021-0070

The Board met today at 9:03 a.m. to conduct a public hearing in the matter of a request by Spring Hill Ranch, LLC, represented by Subdivision Maker, LLC, to amend the preliminary plat for Spring Hill Ranch Subdivision (Case No. SD2020-0010), Case No. SD2021-0070. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Darin Taylor, Tracy Skidmore, Craig Grier, Matt Hildebrandt, Les Chapman, Dora Donovan, David Donovan, Dustin Schiffler, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The amendment changes the subdivision access from Freezeout Road to Purple Sage Road. The property is zoned "R-1" (Single Family Residential, one-acre average minimum lot size). The plat consists of 27 residential lots and 1 common lot. The property is located in a mapped floodplain (Zone A). The 38.15-acre property is located at 14263 Purple Sage Road. On December 7, 2020, a preliminary plat was approved for Spring Hill Ranch with main subdivision access coming Freezeout Road. A final plat and construction drawings were submitted on July 30, 2021. The final plat changed the main access to the subdivision to Purple Sage Road. On March 3, 2022, the P&Z Commission recommended denial of the preliminary plat for the following reasons: The request is inconsistent with Condition No. 5 of the previously-approved preliminary plat which included a letter from Canyon Highway District #4 dated September 22, 2020 prohibiting access onto Purple Sage Road. The relocation of the access to Purple Sage Road, a minor arterial, would create potential traffic and sight-visibility impacts that were addressed by the approved access from Freezeout Road. Following Mr. Lister's report, he responded to questions from the Board. In the highway district's letter of April 8, 2021, it stated a flood study commenced and indicated the approach onto Freezeout Road was not feasible due to a 12' culvert required to pass the base flood plus 1' of freeboard. A variance request to allow an approach onto Purple Sage Road was granted on March 3, 2021. Conditions of approval required placement of the approach approximately 740' east of the Freezeout Purple Sage intersection. Notice applicant that the approach will be restricted to a right-in-right-out approach once a second road connection is provided and provision of an updated preliminary plat for review – conditions of the variance approval have been met through the revised preliminary plat submittal.

The following people testified in support of the request:

Darin Taylor, the applicant's representative, gave testimony regarding the variance and the 12-foot culvert being installed higher than Freezeout Road which did not meet the standards of Canyon Highway District. The angle was the hardship because it could not meet standards after the pipe was installed. He spoke about the floodplain issues and said a 2-D model was submitted to FEMA with a letter of map revision. The applicants revised their plans and resubmitted them to the highway district showing the different approach. There was testimony regarding the possible future relocation or widening of Hartley Gulch, and there was discussion at the P&Z Commission hearing about a neighbor to the south who put in a culvert, and Mr. Taylor said he did not have to put in a 12-foot culvert if he replaced it at all. He said the P&Z Commission compared the two approaches off of Freezeout Road, but they are very different approaches and standards according to the highway district. Following his testimony, Mr. Taylor responded to questions from the Board.

Tracy Skidmore testified about the culvert and the variance and answered questions regarding the lots and the easement.

The following people offered testimony in opposition to the request:

Craig Grier is opposed to the request due to concerns regarding access, additional traffic, road safety and sight distance issues, as well as the floodplain and the culvert. Following his testimony, Mr. Grier responded to questions from the Board. (The Board took a brief recess at 10:14 a.m. and resumed at 10:18 a.m.)

Matt Hildebrandt offered opposition testimony regarding road access and public safety and he asked about other options for a culvert or a bridge.

Dustin Schiffler has concerns regarding the right-in-right-out approach, access, the culvert, and the Hartley Gulch. The Board had follow-up questions and comments.

Rebuttal testimony was offered by Mr. Taylor regarding access and the culvert. There are no issues with Canyon Highway District, the Bureau of Reclamation or the Black Canyon Irrigation District associated with this project. He referenced an email dated May 3, 2022 from the Canyon Highway District related to traffic. He does not see any sight distance issues with Purple Sage Road and said Craig Grier's comments are well noted and should be made to the highway district for their technical expertise. This Board should recognize the agencies for their expertise, specifically the highway district's engineering and the standards they have implemented. Following his testimony, Mr. Taylor responded to questions from the Board.

Commissioner Van Beek made a motion to close the public hearing. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek has concerns regarding access and traffic safety. She referred to the April 8, 2022 letter from Canyon Highway District and spoke about the size of the culvert and volume of water flow and said she does not have enough information to move forward. There were additional questions asked of staff and there

was Board discussion regarding delegated authority to highway districts. Commissioner Van Beek said there are engineering questions about the easement and volume of water as well as who owns the easement. Commissioner White said the highway district has approved this and she believes the developer and Mr. Taylor will follow through on the safety concerns. Commissioner White made a motion to approve the amended preliminary plat for Spring Hill Ranch Subdivision, Case No. SD2021-0070. The motion was seconded by Commissioner Smith for discussion. She said the Board struggles with the balance between Canyon Highway District and their authority because we have had multiple hearings where citizens are not able to provide testimony about road and access issues and we need to advocate to senators and representatives for change at the state level. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. Because the Board's decision is a material change to the P&Z Commission recommendation, it requires re-noticing for another hearing. Commissioner Smith suggested Carl Gephart attend the next hearing and provide testimony, and see if the community can work with the highway district regarding information about the right-in-right-out approach. The hearing concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING FINAL PLAT FOR NORTH FORK RANCH SUBDIVISION; CASE NO. SD2018-0027

The Board met today at 2:09 p.m. to consider the final plat for North Fork Ranch Subdivision, Case No. SD2018-0027. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida, Associate Engineer Devin Krasowski, Penelope Constantikes, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the staff report noting the property is located at 9135 Sky Ranch Road in Nampa. Keller & Associates has reviewed the plat and the County engineer has certified it. The appropriate signatures are on the mylar. Penelope Constantikes offered comments in support of the plat. Commissioner Smith wants to hold and to get clarification from the engineer regarding plat notes #11 and #16 because by stating that one is allowed a variance or waiver, but not on the other is problematic. All buildings shall comply with minimum setback requirements including section or quarter section lines unless waived by the highway district. Following discussion, it was determined that plat note #11 needs to be revised and note #16 should be removed. The Board needs more information on note #6 which deals with how lots are water from domestic wells or from the water right that exists. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the final plat to May 19, 2022 at 1:30 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING FINAL PLAT FOR NORTH FORK RANCH SUBDIVISION, CASE NO. SD2021-0013

The Board met today at 2:50 p.m. to consider the final plat for Hipwell Estates Subdivision, Case No. SD2021-0013. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida, Associate Engineer Devin Krasowski, other interested citizens, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the staff report. The property is zoned rural residential

and contains 8 residential lots. It is not in an irrigation district nor does it have surface water irrigation rights. The project was approved subject to 8 conditions which have been met. Keller & Associates has reviewed the final plat and found it to be in conformance, and the engineer has supplied a statement of completion. Following Board review and comments, Commissioner Van Beek made a motion to approve and sign the final plat for Hipwell Estates Subdivision, Case No. SD2021-0013. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded 2:54 p.m. An audio recording is on file in the Commissioners' Office.

#### MAY 2022 TERM

CALDWELL, IDAHO     MAY 5, 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:

- Northwest Land Services LLC in the amount of \$9,000.00 for Development Services

#### 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 and Deputy Clerk Jenen Ross.

Case nos. 2022-500 and 2022-475 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.

Liens and lien releases were presented for Board signatures.

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

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz (left at 9:12 a.m.), Code Enforcement Supervisor Eric Arthur (left at 9:12 a.m.), Building Official Dave Curl (left at 9:12 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider abatement pursuant to Canyon County Ordinance 07-19-01 (6) for parcel no. 25894000:***

Mr. Arthur provided an update and showed photos of the property to the Board. The property owner had been noticed that the debris needed to be removed by April 18<sup>th</sup>; as of the April 26<sup>th</sup> the bulk of the debris had not been removed. Additionally, there has demolition started on a structure that had caught fire but that has not yet been completed. Estimates received for abatement of the property range from approximately \$5000 to \$9000. Mr. Arthur's recommendation is to go with the highest estimate (Northwest Land Services, LLC) as they have said the clean-up can be done in one day. Mr. Arthur has indicated that this is a hostile homeowner and it would be best to have this property cleaned-up as quickly as possible. In response to a question from Commissioner White, Mr. Arthur said he doesn't believe this is a hazardous waste situation but it is a public nuisance. Further discussion ensued regarding the steps that would need to be taken if hazardous waste was discovered on the property. The Board is in favor of Mr. Arthur's recommendation to move abatement forward as quickly as possible. Mr. Wesley reviewed the steps of moving thru the abatement process. The Board gave Mr. Arthur direction to move forward with abatement and signed the purchase order with Northwest Land Services, LLC for \$9000.

Mr. Wesley is not available to participate in the HR Director interviews scheduled for this afternoon so Ms. Klempel will attend in his place.

A brief discussion was had regarding the MOU with the University of Idaho/Extension office and a request to go into executive session was made 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 9:15 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:59 a.m. with no decision being called for in open session.

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

MEETING WITH FACILITIES DIRECTOR TO DISCUSS REPLACEMENT OF THE ANIMAL SHELTER'S ROOF

The Board met today at 10:04 a.m. with the Facilities Director to discuss a replacement of the animal shelter roof. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek IT Director Greg Rast, Clerk Chris Yamamoto, Facilities Director Rick Britton, West Valley Human Society Director Karly Cantrell, WVHS staff Kimberly Mink and Brittany Sundell, and Deputy Clerk Monica Reeves. Director Britton reported on the upgrade plans and the shelter maintenance costs as follows:

Animal shelter year-to-date	\$33,580.69
Floor polishing	\$14,920.14
Cost to update blue prints (architectural, mechanical, electrical, structural)	\$37,029.75

TOTAL: \$85,530.33

New technology costs	\$17,752.69
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The total cost of \$85,530.33 falls within the facilities budget and will leave a balance of \$14,500 for the rest of the year to cover any maintenance issues. The Board supports moving forward with Director Britton's plans. IT Director Rast reported the shelter's technology is old and in 2016 the IT Department revamped their network and refreshed some of the equipment. Last month they looked at the equipment and there are some things that need to be refreshed for a cost of \$17,752.69. Commissioner Smith is concerned about the County paying for equipment since it does not provide equipment for the other nonprofit organizations it supports and she's worried about the perception. Director Rast said the County provides the wireless network and phones, and the equipment is more end-user-based equipment that could be moved with the entity. Commissioner Van Beek would like a report on the shelter's annual energy costs. Director Cantrell said she will provide that information. She said when the shelter was privatized in 2011 the IT equipment was left in the building and it's written in their contract that County equipment is there. The County has replaced computers over the years and that's why they thought they had equipment through the IT Department. Director Rast has surplus equipment that's been phased out and will be donated and it's in better condition than the equipment the shelter currently has and he offered to inventory the surplus and see if equipment can be swapped out. The Board supports that proposal. Commissioner Smith wants to start with seeing what can be donated and look from there. Clerk Yamamoto said when you look back in history the County operated the shelter at an annual cost of \$1,250,000 and now we provide \$250,000 for maintenance and in his opinion, we are "getting off really cheap." He is amazed the shelter staff is able to keep the doors open given the funding situation and he feels we should investigate what is the proper amount of money that should be forwarded to the shelter. Commissioner Smith agreed that the shelter staff runs a great facility. The meeting concluded at 10:35 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER ALCOHOLIC BEVERAGE LICENSES AND REVIEW EMPLOYEE STATUS CHANGE FORMS

The Board met today at 10:36 a.m. to consider two alcoholic beverage licenses and to review some employee status change forms. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Monica Reeves. The items were considered as follows:

***New alcoholic beverage licenses for Boise Babes LLC dba The 112 and La Esperanza Market, LLC dba La Esperanza Market:*** Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the new licenses for Boise Babes dba The 112; and La Esperanza Market. (Resolutions No. 22-081 and 22-082.)

***Employees status change forms for the Elections Office and the Prosecuting Attorney's Office:*** The Elections Office submitted several forms for temporary election workers whose pay ranged from \$10 an hour to \$15 an hour and Commissioner Smith wanted to know why the pay varied. HR staff advised via email (attached to this day's minute entry) that the pay varies depending on the individual's experience with working in elections, as well as if the individual wears many "hats" during the election cycle. The Board approved the employee status change forms for the temporary workers with the instruction to HR that going forward they want the classification detail noted on the individual forms. The Prosecuting Attorney's Office submitted an employee status change form for a temporary/intern but the Board asked for more detail on the title and pay rate. When contacted, the PA Office Manager indicated a revised form would be submitted.

The meeting concluded at 10:41 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Assessor's Office to consider various new and renewing property tax exemptions under codes: 602W, 602D, 602P, 602B, 602C, 602E, 602GG, and 50-2014

MEETING WITH CLERK TO DISCUSS FY2023 FUNDING AMOUNT FOR SOUTHWEST DISTRICT HEALTH

The Board met today with the Clerk to discuss and make a recommendation on the FY2023 funding amount for Southwest District Health (SWDH). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Indigent Services Director Yvonne Baker, and Deputy Clerk Monica Reeves. Commissioner Smith is the County representative on the health board and each year the members make a recommendation for the SWDH budget and those members have never gone back to their boards and asked for a recommendation and the SWDH board that exists today, partly due to the legislative change this is taking the indigent services program to the state and then we have a higher responsibility for pay to SWDH in reverse. She believes we will realize some cost savings for property tax but she's not sure. As part of the budget request she was directed to get consensus from the Board of Commissioners on 0% increase, 1% increase, 2% increase or a 3% increase. Once a recommendation is made she will take it back to

the health board and it will vote and choose one of these percentages and SWDH Director Nikki Zogg will make a presentation based on what the health board recommends. Clerk Yamamoto said given what's happened legislatively, this is a sweet deal for canyon county because with the state taking over indigent and public defense, although we are not sure what that will look like. What does SWDH's budget look like now and do they need an increase? Even at the highest level of 3%, it's still a great deal with the County. Commissioner Smith said Director Zogg will explain that when she meets with the BOCC. They are having the same problem we are having with employment; they are struggling with staffing so they hired an HR company to evaluate wages so that will make up the increase. If we pick the 0% increase, that is our current contribution of \$2.1 million. Discussion ensued regarding budgeted amounts, formulas/calculations, and taxable market values. The total amount budgeted for FY2022 for SWDH was \$1,448,359. The total indigent budget approached \$10M last year, but it's unclear how the state is going to take that over and what the timing will be. (\$5M for indigent and \$5M for public defense.) Commissioner Smith said taxable values increased so much so a 0% increase seems fair. I think that's what we're going to do and we are still going to see an increase in property taxes collected. Clerk Yamamoto said if every taxing entity in the County stays at the same level (freezing of their budgets), homeowners are going to see their taxes go up significantly due to values. Residential values are extreme and yet commercial properties have stayed almost the same so that shift has widened to where commercial property owners are pay less taxes and homeowners are paying more. We need to run the numbers and see what that's going to look like because they could be seeing an increase anyway. Commissioner Van Beek said without the numbers, the formulas are not clear and there needs to be comparative of the four scenarios with more information provided. Commissioner Smith would also like the numbers and unless she hears something different via email she will go with the zero percent (0%) unless the Clerk sends an email that there is a compelling reason to go with something else. She will try to get more info on funding formulas. Clerk Yamamoto can have a full funding report ready by tomorrow. The Board decided to continue this meeting to Monday, May 9<sup>th</sup>, at 8:45 a.m. The meeting concluded at 2:10 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A), (B), AND (D) - INTERVIEW AND CANDIDATE EVALUATION FOR DIRECTOR OF HUMAN RESOURCES

The Board met today at 2:13 p.m. for an Executive Session to interview and evaluate candidates for the position of Director of Human Resources. Commissioner Van Beek made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (a) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Alex Klempel, Lead HR Generalist Jennifer Allen, Ramona Bajac, and Deputy Clerk Monica Reeves. Ms. Bajac left at 2:43 p.m. Laura Erickson arrived at 2:45 p.m. and left at 3:08 p.m. Kate Rice arrived at 3:10 p.m. and left at 3:41 p.m. The Executive Session concluded at 3:42 p.m. While in open session, the Board said no decisions were made and the interviews will

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

MAY 2022 TERM

CALDWELL, IDAHO MAY 6, 2022

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Lets Ride in the amount of \$20,807.00 for Fleet Department
- RBA Architects in the amount of \$37,029.75 for Facilities Department

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Benjamin Larson, Systems Administrator II; Adrienne R Milan, Sr. Customer Service Specialist; Aubree Hernandez, Customer Service Specialist; and Boone Singpraseuth, Systems Administrator 1

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Edge Brewing Co to be used 5/14/22

#### PUBLIC HEARING TO CONSIDER CASE NO. OR2021-0029

The Board met today at 8:11 a.m. for a public hearing to consider case no. OR2021-0029 an ordinance amending Chapter 7, Articles 2, 17, and 18, Zoning Regulations, of the Canyon County Code of Ordinances; and Severability Clauses; and Effective Dates to include provisions for the land division of parcels created prior to September 6, 2004 and other amendments regarding the division of property. the amendment includes the following: Chapter 7, Article 2, Section 3, definitions: amend the definition of original parcel. Chapter 7, Article 17, Section 3, Subsection 3: Jurisdiction: amendment to subsections (A), (B), and (F) regarding agricultural parcels, parcels

created by settlement or court decree and division of land fewer than five parcels from the original. Article 18: Administrative land divisions. Chapter 7, Article 18: Amendment to include separate sections for purpose, applicability and application requirements and provisions, separate and amend provisions and requirements for land division in an “A” zone and divisions in other zones (Section 07-18-01), amendment to Section 07-18-05 (Administrative division and relocation of building permits between contiguous parcels in an agricultural zone) regarding removal of ownerships of contiguous parcels requirements and other minor amendments to Subsection (4), Amendment to Section 07-18-07 (land divisions by judicial division) to provide clarification to the requirements, and minor amendments. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Planning Official Dan Lister, Planner Elizabeth Allen, Darin Taylor, George Crookham, TJ Wellard, Alan Mills, Matt Wilke, Jerry Payne, Danny Schuster, Chris Smith, David Ferdinand (arrived at 8:20 a.m.) and Deputy Clerk Jenen Ross.

Mr. Crookham and Mr. Wellard each expressed their opinions on the change of originality date. Mr. Crookham is opposed to the change believing it will open up many more lots and fragment agriculture. Mr. Wellard is in favor believing it will give people back rights to do what they’d like with their land.

- Discussion ensued regarding the definition of “non-viable” ground.
- A future workshop will be scheduled to further discuss the 2004 originality date.
- Jurisdiction section will be left as presented.
- Court decree language will be removed.
- The section that addresses parcels is consistent with the ordinance changing it and staff’s recommendation is for no more than 4.
- Minor replat language is not being considered at this time and a workshop will be scheduled for further discussion.
- Section 07-18-01 regarding applicability will be held for the time being.
- Application for administrative land division: Commissioner Smith explained that highway districts don’t collect fees on rezone applications but they do collect them on administrative lot splits. They have also expanded their purview, the county requests acknowledgement on access but they were forcing right-of-way dedications thru the administrative land division process and holding those applications for extended periods of time. The way that the ordinance was worded, no one could apply for an administrative land division without that acknowledgement letter from the highway district. This change doesn’t circumvent the highway districts but puts the control back in DSD just like has always been done with rezones; the county sends an agency response requesting specific language on access and approach. Based on a question from Mr. Crookham, Mr. Lister further clarified the process in regard to applicants being able to submit a site plan prior to a record of survey. Mr. Crookham said he is good with this if staff is good with it. 15-day review will be added in.
- Discussion ensued regarding easement language. Final decision on language is “...includes existing and necessary easements”.

- Section 07-18-07 regarding administrative division in ag zones: Discussion ensued regarding residential parcels with the final decision being to reject the change and leave it how it was worded.
- 07-18-09: Just an administrative change to add in the letter 'a'.
- 07-18-11 regarding relocation of building permits: The only change is to removing the 100% ownership. This is for very small contiguous transfers. Following discussion in regard to the 'and'/'or' for the relocation in section D, it was decided to keep the "or" language.
- Administrative land division in all other zones: The purpose of this section is to allow for a division of commercial, industrial and residential zones – this is not for ag zones. Decision is to keep it as it's been, no changes at this time.

There will be another workshop to discuss minor replats and the original parcel date and is not part of the proposed changes. Everyone at today's meeting will be invited to the workshop and notice will be provided to the public so anyone may attend and offer comment.

Commissioner Van Beek made a motion to continue this hearing May 13<sup>th</sup> at 9:00 a.m. The motion was seconded by Commissioner White. Motion directs staff to make the discussed changes and prepare an ordinance for Board approval which excludes minor plats and the 2004 originality date. A vote was taken with the Board voting unanimously in favor of the motion.

The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

AMEND AGENDA TO ADD EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206 (1) (B), (D) AND (F) REGARDING PERSONNEL MATTERS, RECORDS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

The Board met today at 9:07 a.m. at the request of legal counsel for an emergency legal staff meeting with executive session regarding two personnel related matters that have the likelihood of injury, damage or financial loss to the county and due to the lack of Board availability next week. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Interim Lead HR Generalist Jennifer Allen, IT Director Greg Rast, Assistant IT Director Eric Jensen and Deputy Clerk Jenen Ross.

Commissioner Smith made a motion for emergency meeting and amendment to the agenda. The motion was seconded by Commissioner Van Beek A roll call vote was taken by Deputy Clerk Jenen Ross with the motion carrying unanimously.

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

Commissioner Van Beek made a motion to go into Executive Session at 9:10 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation.

The motion was seconded by Commissioner White. A roll call vote was taken on the motion 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, Deputy P.A. Alex Klempel, Interim Lead HR Generalist Jennifer Allen, IT Director Greg Rast and Assistant IT Director Eric Jensen. Director Rast and Mr. Jensen left the meeting at 9:29 a.m. The Executive Session concluded at 9:51 a.m. with no decision being called for in open session.

#### MEETING TO CONSIDER THE ACTION ITEM OF APPOINTING MEMBERS TO THE CANYON COUNTY HISTORIC PRESERVATION COMMISSION

The Board met today at 9:53 a.m. to consider the action item of appointing members to the Canyon County Historic Preservation Commission. Present were: commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to sign the resolutions appointing Nicki Schwend to a 1-year term (see resolution no. 22-083) and Vicki Stark to a 3-year term (see resolution no. 22-084). The motion was seconded by Commissioner White and carried unanimously.

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

#### EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (D): INTERVIEW AND CANDIDATE EVALUATIONS FOR THE HR DIRECTOR POSITION

Commissioner White made a motion to go into Executive Session at 10:05 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. Alex Klempel, Interim Lead HR Generalist Jennifer Allen and HRD candidate. The HRD candidate left the meeting at 10:47 a.m. The Executive Session concluded at 10:53 a.m. with no decision being called for in open session.

#### MEETING WITH THE SHERIFF'S OFFICE TO DISCUSS RESOLUTION AUTHORIZING SPECIFIC COMPENSATION ADJUSTMENTS WITH AN ACTION ITEM AND FOR A REVIEW OF THE DLR FEE PROPOSAL REGARDING UPDATED COSTS FOR JAIL CONSTRUCTION

The Board met today at 11:00 a.m. with the Sheriff's Office to discuss a resolution authorizing specific compensation adjustments with an action item and for a review of the DLR fee proposal regarding updated costs for jail construction. Present were: Commissioners Keri Smith, Pam White

and Leslie Van Beek (Commissioner Smith left the meeting at 11:19 a.m.), Chief Deputy Sheriff Marv Dashiell, Cpt. Harold Patchett, Lt. Martin Flores, Lt. Travis Engel, Controller Zach Wagoner, Assessor Brian Stender, Clerk Chris Yamamoto (arrived at 11:04 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Meeting to discuss resolution authorizing specific compensation adjustments for Sheriff's Office***

***Action Item: Consider signing resolution authorizing specific compensation adjustments for Sheriff's***

***Office:*** Chief Dashiell explained that dispatch is down six (6) positions and over the past few months they were averaging approximately 8 overtime cover shifts per week. They've been fortunate that they have employees willing to cover the extra shifts and have been able to use other employees with experience to help cover. At this time, they are struggling to find any qualified applicants to come onboard. The proposal the Sheriff's Office has generated is to increase the min., mid. and max. salaries by 10%. Chief Dashiell said this increase would be easily absorbed in the current budget and in working into the FY23 proposals there would be a discussion as to if any of the increased positions would qualify for any change going into the new fiscal year if there are revisions made to salaries county-wide. In response to a question from Commissioner Smith, Chief Dashiell said that this recommendation was not necessarily based on a compensation wage analysis. He feels that the county is losing by trying to consider a percentage of other local agencies. Canyon County needs to find a way to draw employees that will be the high-quality employees that will have longevity instead of being the training ground for them to move on to other entities. The proposed 5-year plan would be \$26.48/hourly for the Communications Officer position, in comparison to Ada County which is \$27.34/hourly on their current scale; in the same 5-year plan Call Takers would be at \$22.42/hourly. The Sheriff's Office is asking for increases in this department for everyone except the manager because they are all working the desk on an hourly rate.

Chief Dashiell explained the proposed resolution includes increases for employees in the Detention Center, Communications Center and Customer Service positions.

In response to questions about the budget, Chief Dashiell explained that there is no proposed change to the 'A' budget with this increase and would be absorbed into the already existing budget. As of April 26<sup>th</sup>, the '610' 'A' budget was at 44% expired, '510' was at 49% expired and '410' was at 48% expired – currently the county is approximately 62% of the way thru the budget cycle. At this time the adjustment can be made and absorbed due to the staffing shortages but next fiscal year *if* all positions are filled the Sheriff's Office would have to request an increase in their budget to continue funding the positions at the increased wage. They do not intend to give up any positions to compensate for the wage changes, however, Chief Dashiell said some of the vacant positions have been open for over a year so it is not anticipated that all the positions will be filled anytime soon. Commissioner Smith thinks perhaps there can be further discussion during the budget cycle about defunding some of the vacant positions.

The dispatch center dispatches for 18 first responding agencies within the county. The county population exceeds 230,000 with approximately 100,000 being the City of Nampa which has their

own dispatch center and dispatches for 2 first responding agencies and pay their employees more than Canyon County is paying, especially in the 3,5- and 8-year range.

At the end of the month CCSO is down 15 positions which is nearly a full inmate control team. The average overtime calls are running about 2 per shift. Employees are working up to 250 hours a month covering extra shifts and they are starting to see burnout happening. Chief Dashiell said this increase is only for the deputy rank, it does not include corporals or sergeants.

Commissioner Smith said she has some concerns in regard to the Customer Service Specialist positions because she would like to see what parity across the county would look like.

Commissioner Van Beek spoke about how she believes in what Chief Dashiell is saying and given what the deputies do she is not sure this is fair compensation, it may need to be more. However, she noted the county is in the middle of budget cycle and that prior to the final budget being adopted she made a proposal on the cost of living and that if it had not been so top-heavy and provided more of a cost of living adjustment that benefitted the lower end. She sees the need and the inequity between certain Offices and departments that don't put their lives on the line every day. Although she agrees with what Chief Dashiell is saying there is some language in the resolution that isn't going to allow her to move forward because she doesn't have the expertise to evaluate wages nor does the county does have anyone to do it. She would like to be able to evaluate this with Chief Dashiell in a way that makes it so that the county is compensating people that protect the county in a way this is good for the county and good for the department. Commissioner Van Beek said she fundamentally does not support cutting Sheriff staff. She believes the compensation plan is top-heavy and that it needs to be reevaluated in fairness to one of the largest departments that does some of the most beneficial work.

Commissioner Smith said she doesn't agree that the compensation plan is top-heavy and she supports Chief Dashiell's leadership and the structure in place.

Commissioner White said she thinks this is needed as it's a matter of public safety.

While Chief Dashiell appreciates Commissioner Smith's opinion in stepping back on the customer service positions but noted that some of their customer service jail staff can go to work for the jail food service provider for a higher entry level position.

Commissioner Smith said the customer service situation is an issue across the board and she is not ready to do an across the board adjustment.

Commissioner Smith made a motion to have a new resolution adopted that increases the Communication Center staff, excluding the manager by increasing the min, mid and max by 10% and the Detention Center deputies by increasing min, mid and max by 10%. The motion was second by Commissioner White. Commissioner Van Beek voted in opposition. The motion carried in a 2-to-1 split vote. A new resolution will need to be drafted specifically for those positions. See resolution no. 22-085.

Commissioner Smith said she appreciates that the Assessor, Clerk and Controller all attended the meeting today and hopes that there can be further discussion regarding the customer service positions countywide.

The Board is supportive of a spreadsheet indicating employees with changed pay rates vs. individual employee status change forms.

Further discussion ensued regarding the DLR fee proposal for an update on cost for jail construction. Chief Dashiell said that the Sheriff's Office was asked to reach out to DLR to obtain an estimate on modification to review and update numbers of the previous proposal; a quote of \$7500 was provided to the Board. He said at this point his office's role would just be to provide updated numbers to DLR if the Board decides they want to move forward. Commissioner Van Beek said that during the meeting with the Mayors earlier this week it was suggested that instead of contracting with DLR, a formula could be used to calculate what an impact fee would look like, which the Board was in support of. Chief Dashiell feels like it is going to be hard to move forward with any kind of bond unless there is a funding source that is going to be more direct. The majority of the citizens agreed that the county needed a new jail but the opposing factor was where the funding would be coming from. He feels that a property tax only bond is going to be very difficult. Commissioner Van Beek said she recently spoke with Mike Moyle and she doesn't think there will be any movement toward that. She said Mr. Moyle has identified potential revenue sources with the state assuming costs for public defense and indigent services that he is hoping the county points to. Additionally, she spoke about having a dedicated revenue source that is long-term and meets the need. Chief Dashiell spoke about some of the challenges the county faces in funding a new facility. He thinks the best option is going to be local option sales tax but without support from the legislature he's not sure the county will even have the option.

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

MAY 2022 TERM  
CALDWELL, IDAHO      MAY 9, 2022

PRESENT:      Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White – OUT (Travel to IAC Conference)  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claims 584533 to 584575 in the amount of \$39,173.70
- The Board has approved claims 584490 to 584531 in the amount of \$3,993.96

- The Board has approved claims 584265 to 584294 in the amount of \$171,440.54
- The Board has approved claims 584295 to 584323 in the amount of \$183,071.95
- The Board has approved claims 584420 to 584451 in the amount of \$1,141,890.28
- The Board has approved claims 584471 to 584489 in the amount of \$22,651.37
- The Board has approved claims 584452 to 584470 in the amount of \$13,763.00
- The Board has approved claim 584532 in the amount of \$6,064.81

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Prime Construction in the amount of \$17,817.13 for Facilities Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Glenn Rodriguez, Deputy Judicial Marshal

#### MEETING WITH CLERK AND CONTROLLER TO DISCUSS FY2023 FUNDING AMOUNT FOR SOUTHWEST DISTRICT HEALTH

The Board met today at 8:53 a.m. to discuss the FY2023 funding amount of Southwest District Health (SWDH). Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Indigent Services Director Yvonne Baker, and Deputy Clerk Monica Reeves. Today's discussion was continued from May 5<sup>th</sup> because the Board wanted more information on the funding formulas for SWDH. Controller Wagoner said SWDH provides valuable services and part of that includes almost \$3M that comes back in through the Women, Infants, Children (WIC) vouchers and given the economic climate and raging inflation he believes a 3% increase is reasonable for what they provide. Additionally, Canyon County is the largest county SWDH serves. Commissioner Smith said the counties only make up 24% of their funding source and they do an excellent job applying for grants and getting various contracts through the state. They are leading by example and supporting the less fortunate and right now SWDH needs help too. Controller Wagoner said the 3% increase amounts to \$86,364 and it's the overall total contributions for all counties, with Canyon County's portion being \$66,000. Clerk Yamamoto said we should find out if the County's portion is matched by the state because if it is we should "up the ante." Commissioner Smith wants to continue the meeting so she can ask Director Zogg about matching funds. Commissioner Van Beek wants accurate information that everybody understands and she wants to know what the return on investment is to the community so she may call Director Zogg herself. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the meeting to this afternoon at 2:00 p.m. The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

MEETINGS WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY, GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

The Board met today at 9:04 a.m. with the directors to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel (left at 9:08 a.m.), Weed and Pest Superintendent AJ Mondor (left at 9:15 a.m.), Code Enforcement Supervisor Eric Arthur (left at 9:32 a.m.), IT Director Greg Rast (joined the meeting at 9:07 a.m.), Assistant IT Director Eric Jensen, DSD Office Manager Kathy Frost (left at 9:18 a.m.) and Deputy Clerk Jenen Ross. The meetings and action items were as follows:

***Consider signing agreement for noxious weed control between Idaho Transportation Department and Canyon County Weed Control and Consider signing cooperative agreement for gopher control between Idaho Transportation Department and Canyon County Gopher Control:*** Mr. Mondor explained these are annual contracts and that there is no change in pricing from previous years. Ms. Klempel said there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the agreement for noxious weed control (see agreement no.22-029) and cooperative agreement for gopher control (see agreement no. 22-030) between Idaho Transportation Department and Canyon County Weed and Gopher Control.

***Weed and Gopher Control update:***

- Receiving a lot of code enforcement calls.
- Some issues in getting a 6x6 vehicle ordered as many are being sent to the Ukraine. One has been located in Twin Falls they intend to order.
- The wet and windy weather has prevented weed spraying this spring.
- A seminar will take place in Valley County this week that he and some staff may attend. Attendance is weather dependent, if the weather is good they will stay here to spray.
- There was a recent break-in at the shop which was the 3<sup>rd</sup> in the past 4 years; the catalytic converter on a new truck was stolen. They are working to get more motion sensor lights and cameras in order to cover more area.

***Consider signing resolution for a refund request for Charlene Whipkey for a withdrawn variance application:*** Ms. Frost explained that Ms. Whipkey has request a refund as they are continuing to look at alternate access options. Very little work has been done on this case at this point and both planners involved felt a full refund was appropriate. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution for refund to Charlene Whipkey (see resolution no. 22-086). Commissioner Smith noted that moving forward she would like to see a minimum fee withheld as there is always some county time involved.

***Code Enforcement update:***

- Total active cases fell from 780 to 735 this month; all will need to be re-notified as they are so old. The county has been broken down by area for each code enforcement officer and

they are working with Tony Almeida to create a system for tracking and breaking down the county. Review of active case numbers.

- Clean up day was huge success; Mr. Arthur would like to do a dump day in fall as well for code enforcement. About 90 letters were sent out to properties with code enforcement violation with about 40 properties participating on the free day. Before and after photos of the properties were shown to the Board.

***Information Technology update:***

- Neurilink will be here tomorrow at 10:00 to work on the BOCC meeting room; new system has been pushed to September but still hoping to have done by the end of the fiscal year.
- 2 staff vacancies – A Computer Network Tech and an IT Operations Manager.
- Financial workflow for electronic PO/claim process. Changes to process in audit has been helpful to the Board in reviewing claims.
- Director Rast will be asking the Controller for an extension in submitting his budget – he is working with many other offices/departments causing him to be behind.
- Currently working to scan DMV documents.
- Working with Elections on GIS mapping.
- Animal shelter – Director Rast believes he has a plan in place to help refresh their equipment with used equipment from the county that has been phased out. Ideally, he would like to have them on a 1-2-year rotation. The Board is supportive of this plan. There are some large monitors around the county that are being replaced this year, and the Board is supportive of one of those going to the animal shelter for their training lab. Additionally, the Board suggested working with legal to make sure the proper paperwork is in place.
- A refresh to the Fair website is being worked on.
- Working with the Facilities and Fair Directors on the expo center IT infrastructure.
- The jury summons form has been updated and they are continuing to work on the online summons.
- Working with DSD on the online building permit tracking and the ability to apply online. Director Fultz would also like a kiosk and a queuing system.
- FY2023 projects include replacement of the Skype system, disaster recovery and CCMAD connectivity.
- The Coroner case management system has been completed.
- PaperClip and PaperVision systems will be going away soon; the PAs Office is the last one to be moved over.
- Fiber project near the fairgrounds– cooperative effort with the City of Caldwell for installation of infrastructure.
- Looking to put satellite internet at Celebration Park
- The Board requested Director Rast to identify projects within his budget that could qualify for use of ARPA funds.

- Personnel issue is still pending.

The meeting concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH CLERK AND CONTROLLER TO DISCUSS FY2023 FUNDING AMOUNT FOR SOUTHWEST DISTRICT HEALTH

The Board met today at 2:07 p.m. to continue the discussion regarding the FY2023 funding amount for Southwest District Health. Present were: Commissioners Keri Smith and Leslie Van Beek, Controller Zach Wagoner, Clerk Chris Yamamoto, Troy Cunningham, the Financial Officer for SWDH who participated via conference call, and Deputy Clerk Monica Reeves. Commissioner Van Beek summarized the conversation she had with Troy Cunningham earlier in the day. For FY2022 the state appropriation for SWDH was \$1,476,900 and that includes the \$985,800 which represents  $\frac{3}{4}$  of the state's fiscal year, plus the additional \$491,000. With the 3% increase the six counties contribution amount would be \$2,965,156. Mr. Cunningham said the \$2.9M amount is the total cost but this year they wanted to annualize that to make it account for the difference in the counties' fiscal year versus SWDH's fiscal year and the first three months of the state's fiscal year, the counties will be contributing at their prior year amount and starting October 1 they will change to this amount which is significantly higher. The difference is those first 3 months of contributions are not typically accounted for. Commissioner Van Beek said the Canyon County will go from \$1,448,358 to \$2,121,961 which is a dollar change of \$673,603 if they are granted the 3% increase. The difference between a zero increase and the 3% is \$49,304. The net increase to the County, because of HB 316, is going to be significant and it ranges anywhere from 43% to 47%. Commissioner Smith said the law changed and it required counties to fund SWDH at a higher level, but the flip side to that is we are no longer funding indigent and that's even more significant. Controller Wagoner said the \$2M to SWDH is significantly lower than the \$5M budgeted for indigent medical a few years ago. The FY2022 dollar amount was skewed because the law changed mid-stream, March 1<sup>st</sup> during the middle of the fiscal year, and had it been in effect for the entirety of Canyon County's fiscal year our allocation would have been over \$2M. We talked about how this was going to appear to be a big jump because the law change was effective mid-stream. The numbers now show the full effect for a full year for SWDH which is offset by the savings in indigent medical. Mr. Cunningham reviewed population and taxable market values and said the increase in population is a big segment of the driver; we had an influx of population and that's how Canyon County bears more of that brunt. Commissioner Smith said it's important to recognize this is not an additional request, they are not providing additional resources, this is their normal budget and they will continue providing the services they have. Looking at the cost savings to constituents and still providing ongoing health efforts across the community is important. We are the largest contributor and we also have the highest population being served and SWDH is struggling with employment and they were not able to do the payroll increases that we did and a modest increase will help cover those costs and help retain good employees to a marginal extent. She supports the 3% increase. Controller Wagoner supports it as well. Indigent costs have decreased to almost nothing and a 3% increase request is very reasonable for the money and services that come back to this county. Commissioner Van Beek is supportive of the 3% increase. Commissioner Smith will

forward that recommendation to the health board. Director Zogg will make a formal presentation to the Board, the Clerk and the Controller. The meeting concluded at 2:24 p.m. An audio recording is on file in the Commissioners' Office.

#### MAY 2022 TERM

CALDWELL, IDAHO     MAY 10, 2022

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

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Shelley Perren, Temp elections staff; Merianne Smith, Temp election worker; Anna Lopez, Temp elections staff; Jamie Siewert, Temp Elections staff; Debra Kay Bedolla, Victim Witness Coordinator; Rebecca Brumbelow, Custom Service Specialist; Natalie Kelpin, Part Time In-Court Clerk; and Hunter Glen Zimmerman, Deputy Sheriff – Inmate Control

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Legends Sports Pub & Grill to be used 5/21/22

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for NKVS LLC dba Lakeshore Market; Tacos El Rey LLC dba Tacos El Rey Restaurant #5; D&S Panasiuk LLC dba Grocery Outlet of Nampa; Prefunk Beer Bar II LLC dba Prefunk Beer Bar II; Kerry Hill Winery LLC dba Kerry Hill Winery; and La Esperanza Market LLC dba La Esperanza Market (Resolution no. 22-087)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Terry W. Dice dba Tiny's Lounge; Swirl Wine Shop and Lounge LLC dba Swirl Wine Shop and Lounge (Resolution no. 22-088)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Chapala Nampa Inc. dba Chapala Mexican Restaurant III; Whiskey River LLC dba Whiskey River; TNT's Dynamite Bar & Grill LLC dba TNT Dynamite Bar & Grill; Texas Roadhouse Holdings, LLC dba Texas Roadhouse; Brick 29 LLC dba Brick 29; Kickback Bar Inc. dba Kickback Bar (Resolution no. 22-089)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Red Top Market LLC dba Red Top Market LLC; Walgreen Co. dba Walgreens #07276; Walgreen Co. dba Walgreens #10672; Walgreen Co. dba Walgreens #11541; Walgreen Co. dba Walgreens #12483; Walgreen Co. dba Walgreens #05648; Gallegos Meat Market 2 LLC dba Gallegos Meat Market #2; The Orchard House Inc dba The Orchard House; Bitner Vineyards LLC dba Bitner Vineyards (Resolution no. 22-090)

MAY 2022 TERM

CALDWELL, IDAHO      MAY 11, 2022

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

There were no meetings held this day.

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Carie Kincaid, Clerk I; Ella Ceriani, Juvenile Probation

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Snipercraft Basic LE Sniper Course in the amount of \$1600.00 for Canyon County Sheriff
- Grainger in the amount of \$8577.99 for Facilities Department
- Prime Construction in the amount of \$19387.80 for Facilities Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Capital City Event Center to be used 6/11/22; 7/16/22; 8/20/22; 9/2/22; 9/3/22; 9/23/22

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for CBOCS West Inc dba Cracker Barrel #683; Aguililla Restaurant Inc dba Aguililla Restaurant; Precept Brands LLC dba Ste Chapelle Winery/Sawtooth Winery; Fred Meyer Stores Inc dba Fred Meyer #226 (Resolution no. 22-091)

#### MAY 2022 TERM

CALDWELL, IDAHO      MAY 12, 2022

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

#### MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:50 a.m. to consider agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White participated via teleconference, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Marv Dashiell, Cpt. Mike Armstrong, Director of Indigent Service Yvonne Baker (left at 9:53 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Consider matters related to medical indigency:*** Case nos. 2022-480 and 2022-481 do not meet the eligibility criteria for county assistance. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously (Commissioners Smith and Van Beek; Commissioner White did not participate) to issue initial denials with written decisions within 30 days. Liens and lien releases were presented for Board signatures.

Director Baker indicated that she has an additional issue she'd like to discuss with the Board, however in the interest of time it was decided to continue indigent matters to 1:15 p.m. today.

***Discussion regarding CCSO Data Storage:*** Ms. Klempel explained there was an existing MOU with the Post Falls Police Department for data sharing of the license plate recognition database. Cpt. Armstrong said that the Post Falls Police Department was the victim of a ransomware attack which affected the server that stored the data. A company named Neology provided a temporary solution until there was a decision made on a permanent solution. In that time the county has decided to continue on with Neology and the cloud-based storage. The Oregon/Idaho region of HIDTA will be funding the first 3 years at \$5000/year. Although there has been no commitment

from HIDTA past the first 3 years Cpt. Armstrong has indicated that HIDTA is very supportive of this project and thinks there could be additional funding in the future. There was no action necessary or taken by the Board, today's meeting was for informational purposes only.

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

#### CONTINUED MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 1:19 p.m. for a continued meeting to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Director Baker spoke about case no. 2015-812 which was approved October 16, 2016 for \$28,359.73. The applicant was not making payments so after 2 years it was referred to CBI for collection, at that point the applicant began making \$100 monthly payments. When the county changed collection agencies to Advantage the applicant stopped making payments although Advantage has continued to make contact in an effort to collect payments. Recently the applicant made application for a reduction in both the total amount due and the monthly payment amount. Advantage is requesting a lump sum payment of \$3600 and \$300/monthly until the debt is paid in full. The applicant has indicated she is unable to make the payment. The applicant is married, attending school but not working. The applicant's spouse's monthly income is \$6038.99. Based on the information provided Director Baker doesn't feel this is a hardship, they appear to have the means to make payment.

The total amount approved in 2016 was \$28,359.73, \$1095.26 in payments have been made leaving a balance of \$27,264.47 + 30% in collection fees for a total of \$36,261.74 currently owed.

The applicant has indicated they can make \$100 monthly payments which is the amount that was being paid to CBI.

There were three options provided to the Board as follows:

1. 10% (\$3600) + \$100 per month; no reduction on amount owed
2. \$300 per month, no 10% lump sum; no reduction on amount owed
3. \$100 per month; no reduction on amount owed.

The Board is supportive of the third option to collect a \$100 monthly payment and no reduction to the total amount owed.

The meeting concluded at 1:29 p.m. An audio recording is on file in the Commissioners' Office.

## FY2023 BUDGET PRESENTATION FOR SOUTHWEST DISTRICT HEALTH

The Board met today at 1:32 p.m. to hear the FY2023 budget presentation for Southwest District Health (SWDH). Present were: Commissioners Keri Smith and Leslie Van Beek, Controller Zach Wagoner, Indigent Services Director Yvonne Baker, SWDH Director Nikki Zogg, SWDH Financial Officer Troy Cunningham, SWDH employees Colt Deckman and Daniel Adams, Sarah Andrade with Lifeways, Inc., and Deputy Clerk Monica Reeves. Commissioner Smith, who serves on the SWDH health board, said the board met yesterday recommended approval of the budget and recommended a 3% increase as well. Director Zogg said the budget request continues to be out of the ordinary and a lot of that has to do with COVID-related type funding still coming into the district, and also the unprecedented growth which has increased the workload in a lot of areas. This year HB316 went into effect in March 1<sup>st</sup> and the impact of the public health district portion of that where state appropriation being eliminated and the expectation that the counties pick up the loss that occurred when the state appropriation was reduced and then eliminated. Director Zogg reviewed the following: fee revenues are expected to increase by 5% (anticipate nearly \$1.9 million); subgrants (anticipating a 26.8% increase in subgrant funding at \$6.5 million); employee salaries and benefits; operating expenses; capital expenses; and trustee and benefit expenses. (*A complete copy of SWDH's budget request is on file with this day's minute entry.*) Their outstanding workforce represents their biggest asset, and their largest cost. Their budget request works to keep SWDH as good stewards of public resources while continuing to provide excellent and ever-improving services to the communities. The total County contribution amount they are seeking is \$2,784,813 which will be split amongst the six counties. The state appropriation amount is \$0 (HB316). **Canyon County's contribution amount is \$2,257,029.** Commissioner Van Beek asked for a breakdown of the positions at SWDH, and Director Zogg said she will email that information. Commissioner Smith referred to the document titled FY21 health investment in Canyon County and the type of services provided in FY21 and the significant impacts it had on our community. It's a great deal for the taxpayer and she appreciates the effort SWDH has put toward it. Clerk Yamamoto said he has no problem with the proposed request. Sarah Andrade is the Executive Director for a nonprofit organization that spans eastern Oregon as well as Idaho and they have partnered with SWDH for a community crisis center for Region 3. She provided report (a copy is on file with this day's minute entry) on what the organization has been able to achieve with their partnership with the Western Idaho Community Crisis Center. The meeting concluded at 2:09 p.m. An audio recording is on file in the Commissioners' Office.

## EXECUTIVE SESSION: CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (D): INTERVIEW AND CANDIDATE EVALUATIONS FOR THE HR DIRECTOR POSITION

Commissioner Van Beek made a motion to go into Executive Session at 2:11 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d): interview and candidate evaluations for the Direct of Human Resources position. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and

Leslie Van Beek, Chief Deputy Sheriff Marv Dashiell, Prosecutor Bryan Taylor, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Assessor Brian Stender, Lead HR Generalist Jennifer Allen, and Deputy Clerk Monica Reeves. The Executive Session concluded at 4:54 p.m. with no decision being called for in open session. The final round of interviews will be held on May 16, 2022 at 3:00 p.m.

#### MAY 2022 TERM

CALDWELL, IDAHO    MAY 13, 2022

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$77,000.00 for Information Technology Department
- Amazon in the amount of \$3,095.00 for Information Technology Department
- Dell in the amount of \$4,582.35 for Information Technology Department
- Dell in the amount of \$1,337.66 for Information Technology Department
- CDW-G in the amount of \$15,456.00 for Information Technology Department
- Dell in the amount of \$9,439.87 for Information Technology Department

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Rebecca Brumbelow, Customer Service Specialist; Jessica Sweeney, Interpretive Specialist; Lily Brown, Interpretive Specialist; Robyn Foust, Interpretive Specialist; Brenda Stone, Interpretive Specialist; Brendan Blowers-Deleon, Interpretive Specialist; Jessica Clark, Interpretive Specialist; Dalton Kelley, Limited License/Intern; Ancel Schoberg, Deputy Prosecuting Attorney I; Kera Giedd, Deputy Public Defender I

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Mi Tierra Inc dba Mi Tierra (Resolution no. 22-092)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for TV Hotels LLC dba Holiday Inn (Resolution no. 22-093)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Canton Café Inc dba Canton Café; Garbonzo's Pizza Inc dba Garbonzo's Pizza; and Maria Sarmiento dba Alondras Store (Resolution no. 22-094)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Campos Market Nampa LLC dba Campos Market Nampa; Las Tias LLC dba Tin Roof Tacos; Evra Inc dba Casa Mexico; Horacio Tellez Castillo dba Taqueria Janitzio; Sol Invictus Vineyard LLC dba Sol Invictus Vineyard (Resolution no. 22-095)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Maverik Inc dba Maverik #287; Maverik Inc dba Maverik #178; Maverik Inc dba Maverik #298; Maverik Inc dba Maverik #430; Maverik Inc dba Maverik #522; Maverik Inc dba Maverik #551; Maverik Inc dba Maverik #595; Maverik Inc dba Maverik #661; and Caldwell Hospitality Group LLC dba Best Western Inn & Suites (Resolution no. 22-096)

#### SIGN NOTICE OF LIEN – PROPERTY ABATEMENT

The Board signed a notice of lien for property located at 26393 Riverview Drive in Wilder, Parcel No. 25894000 0. The property is in violation of the County's building and public nuisance ordinance and notice was given to property owners that unpaid abatement costs shall become a lien upon the real property. The notice of lien was recorded on May 13, 2022 as Instrument No. 2022-025604.

#### CONSIDER SIGNING THE FY2023 INDIGENT DEFENSE FINANCIAL ASSISTANCE COMPLIANCE PROPOSAL AND GRANT APPLICATION

The Board met today at 8:58 a.m. to consider signing the FY2023 Indigent Defense Financial Assistance Compliance proposal and grant application. Present were: Commissioners Keri Smith and Pam White, Chief Public Defender Aaron Bazzoli, Deputy P.A. Zach Wesley, Planning Official

Dan Lister, Planner Elizabeth Allen, Controller Zach Wagoner, Other interested citizens and Deputy Clerk Jenen Ross. Mr. Bazzoli apologized for not having the actual paperwork for the Board to review, he stated that it is sent to him to be completed and is then forwarded to the Clerk for his review and signature. Mr. Bazzoli anticipates the county receiving approximately \$1M this year which is based on a percentage the county has spent on public defense in 3 of the past 5 years. He also provided an explanation of the amounts that have been granted in the past, how the numbers are calculated and what the funds are used for.

Controller Wagoner said that the state will not be fully funding public defense in FY2023 as their funding number is based on FY2021 numbers, however, in 2022 Canyon County got three new judges which increased many costs including in the Public Defender's office. He said he Public Defender's budget will be comprised of Public Defense Commission, state and county monies.

Commissioner White made a motion to sign the FY2023 Indigent Defense Financial Assistance Compliance proposal and grant application. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

#### CONTINUATION OF PUBLIC HEARING – ORDINANCE AMENDMENT, CASE NO. OR2021-0029

The Board met today at 9:06 a.m. for a continuation of the hearing for an ordinance amendment, Case No. OR2021-0029. Present were: Commissioners Keri Smith and Pam White, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, Matt Wilke, Alan Mills, Danny Schuster, other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from May 6, 2022 and it was noted that the legal description below, which was used throughout the hearing process, will change:

**CASE NO. OR2021-0029:** AN ORDINANCE AMENDING CHAPTER 7, ARTICLES 2, 17, AND 18, ZONING REGULATIONS, OF THE CANYON COUNTY CODE OF ORDINANCES; AND SEVERABILITY CLAUSES; AND EFFECTIVE DATES TO INCLUDE PROVISIONS FOR THE LAND DIVISION OF PARCELS CREATED PRIOR TO SEPTEMBER 6, 2004 AND OTHER AMENDMENTS REGARDING THE DIVISION OF PROPERTY. THE AMENDMENT INCLUDES THE FOLLOWING:

- CHAPTER 7, ARTICLE 2, SECTION 3, DEFINITIONS: AMEND THE DEFINITION OF ORIGINAL PARCEL.
- CHAPTER 7, ARTICLE 17, SECTION 3, SUBSECTION 3: JURISDICTION: AMENDMENT TO SUBSECTIONS (A), (B), AND (F) REGARDING AGRICULTURAL PARCELS, PARCELS CREATED BY SETTLEMENT OR COURT DECREE AND DIVISION OF LAND FEWER THAN FIVE PARCELS FROM THE ORIGINAL.

ARTICLE 18: ADMINISTRATIVE LAND DIVISIONS. CHAPTER 7, ARTICLE 18: AMENDMENT TO INCLUDE SEPARATE SECTIONS FOR PURPOSE, APPLICABILITY AND APPLICATION REQUIREMENTS AND PROVISIONS, SEPARATE AND AMEND PROVISIONS AND REQUIREMENTS FOR LAND DIVISION IN AN "A" ZONE AND DIVISIONS IN OTHER ZONES

(SECTION 07-18-01), AMENDMENT TO SECTION 07-18-05 (ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE) REGARDING REMOVAL OF OWNERSHIPS OF CONTIGUOUS PARCELS REQUIREMENTS AND OTHER MINOR AMENDMENTS TO SUBSECTION (4), AMENDMENT TO SECTION 07-18-07 (LAND DIVISIONS BY JUDICIAL DIVISION) TO PROVIDE CLARIFICATION TO THE REQUIREMENTS, AND MINOR AMENDMENTS

*Staff prepared updated FCOs and a final revised document for the Board's consideration to reverse the P&Z Commission's recommendation. Dan Lister reviewed a memorandum which includes the color-coded changes that were discussed at the May 6, 2022 hearing. (A copy of the document is on file with this day's minute entry.) Staff advised that another public hearing will be scheduled and a new legal notice will be prepared with the new amendments.*

Following discussion, Commissioner White made a motion to change the P&Z Commission's recommendation and approve the case and re-notice the matter for another public hearing. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 9:14 a.m. An audio recording is on file in the Commissioners' Office.

MAY 2022 TERM  
CALDWELL, IDAHO     MAY 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 584577 to 584607 in the amount of \$179,163.57
- The Board has approved claim 584576 in the amount of \$1,757.29

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form Robert Fuller, Computer Network Technician

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for H&M Meats and Catering to be used 5/27/22-5/29/22; County Line Wine Co to be used 6/24/22, 6/4/22

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Platt in the amount of \$2418.86 for Facilities Department
- NSA in the amount of \$1549.60 for Canyon County Sheriff

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

The Board met today at 10:30 a.m. with HR staff to discuss general issues, set policy, give direction and to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek, Interim Lead HR Generalist Jennifer Allen, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing a resolution to approve the title and job description of one position in Development Services:*** Director Fultz said this resolution is to change the title and job description of the Assistant Plans Examiner to an Engineering Coordinator to more accurately reflect the job responsibilities. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution approving the title and job description of one position in Development Services (see resolution no. 22-097).

#### EXECUTIVE SESSION – PERSONNEL MATTERS

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

Commissioner Van Beek made a motion to go into Executive Session at 10:35 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Interim Lead HR Generalist Jennifer Allen and DSD Director Steve Fultz. The Executive Session concluded at 10:57 a.m. with no decision being called for in open session.

*At the conclusion of the executive session Ms. Allen updated the Board on the following:*

- Would like to move forward with finding a quote to do a harassment training. Based on suggestions from the Board Ms. Allen will find out if ICRMP is offering any trainings this year and if there are any discounts associated with those. Additionally, she will reach out to the other elected officials to see if there is any interest in having their employees attend

the training as the risk factor is associated to all county employees, not just Board employees.

- The April turnover report will be emailed to the Board.
- Ms. Allen met with Controller Wagoner on Friday regarding salary information for the HR Director candidates. Interview questions have been sent to the Board for today's meeting.

The meeting concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER ACTION ITEM

The Board met today at 11:10 a.m. to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider transfer alcoholic beverage license for Jackson's Food Stores Inc dba Jacksons #239:*** Commissioner Smith said she has reviewed the application and everything appears to be in-line. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the transfer alcoholic beverage license for Jackson's Food Stores Inc. dba Jacksons #239 (see resolution no. 22-098)

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

#### DETAILED MINUTES TO COME AT A LATER TIME

Weekly meeting with Public Information Officer to discuss general issues, set policy and give direction

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

The Board met today at 1:30 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD staff Jennifer Almeida, Stephanie Hailey and Devin Krasowski (left at 1:39 p.m.), Representatives for North Fork Ranch Subdivision, Penelope Constantikes and Scott Godfrey (left at 1:39 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider approving final plat for North Fork Ranch Subdivision, Case no. SD2018-0027:*** Ms. Almeida explained that at the last meeting the Board requested a couple questions be answered prior to the final plat being signed. One of the questions was in regard to the plat note that addressed the section line setback, everything has been consolidated into note 11. In regard to the question about irrigation, the applicant has indicated that domestic wells will be used for irrigation so a bond or letter of credit is not necessary for that item. Ms. Constantikes and Mr. Godfrey further

addressed questions from the Board regarding the irrigation. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the final plat for North Fork Subdivision, Case no. SD2018-0027.

*The Board took a brief break from 1:39 p.m. to 1:42 p.m. Once back on the record, Director Fultz provided the following update:*

- PNW is a new economic development project looking at approximately 500,000 sq. ft. and 500 new jobs; they will likely be located within in the urban renewal area.
- There is still one open inspector position; two interviews were conducted last week and they are now just waiting to hear on background checks.
- There is still one Planner III position open which has only had one applicant; they may look to underfill with a Planner II. A meeting is scheduled for Friday with a contract planner to see how that would work.
- Budgets were due to the Controller today. A first draft has been prepared and is ready for their review; the proposed budget will be equivalent with revenue.
- Director Fultz and Elizabeth Allen will be presenting a draft version of the comprehensive plan to the Caldwell Board of Realtors this week.
- On the 19<sup>th</sup> of this month Director Fultz will present to the Caldwell URA the economic development projects that have taken place over the past 18-20 years.
- Next Monday is the comprehensive plan workshop with the BOCC and P&Z.
- Planners have been working with the engineering team regarding subdivisions.
- Employee reviews will begin next week.
- The hearing to take comments on fees is scheduled for June 7<sup>th</sup>.
- An agreement with the City of Parma regarding the comprehensive plan is currently being reviewed by Zach Wesley and then will come before the Board.
- Abatement on Riverview Rd. has taken place. A few unanticipated items were encountered; the total for abatement came in at \$9800 as a lot of hidden trash and debris was discovered. A lien will be placed on the property for the abatement costs.
- The impact fees for Canyon Highway District 4 have been reviewed by Zach Wesley. Director Fultz is now in the process of getting the hearing scheduled.

The meeting concluded at 1:59 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH PUBLIC DEFENDER TO DISCUSS SALARIES

The Board met today at 2:32 p.m. with the Public Defender to discuss salaries. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner (left at 2:42 p.m.), Chief Public Defender Aaron Bazzoli (left at 2:42 p.m.) and Deputy Clerk Jenen Ross.

Mr. Bazzoli explained he's reached out to Prosecutor Taylor a couple of times based on the Board's earlier direction but all he's received is what was sent out by Mr. Laugheed. Additionally, he has made contact with several other municipalities in an effort to collect salary information. Currently his office has one open position but anticipates more resignations are imminent. He will work to compile the information he has gathered for Board review and will work with staff to get another meeting scheduled.

While still on the record, Commissioner Smith asked Commissioner Van Beek why she wouldn't approve an employee status change form requesting administrative leave. Commissioner Van Beek explained that there is a process where they don't have to go with the recommendation for administrative leave and as part of a previous discussion she did not support moving forward with paying an employee on administrative leave given the circumstances. Commissioner Smith verified with Commissioner Van Beek that she would still like to deny even after the recommendation from ICRMP. Commissioner Van Beek believes that ICRMP was spoken to after the offer was made by "our team".

The meeting concluded at 2:44 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (D): INTERVIEW AND CANDIDATE EVALUATIONS FOR THE HR DIRECTOR POSITION

Commissioner Van Beek made a motion to go into Executive Session at 3:05 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 Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Interim Lead HR Generalist Jennifer Allen and HR Director Candidates. The Executive Session concluded at 3:47 p.m. with no decision being called for in open session.

MAY 2022 TERM  
CALDWELL, IDAHO      MAY 17, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Richard E.M. Lattin, Deputy Judicial Marshal; Tara Hill, Jury Commissioner

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Cowgirls to be used 5/21/22

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Crescent Brewery LLC dba Crescent Brewery; Campos On Lonestar dba Campos On Lone Star; MFM Group LLC dba Sizzler Restaurant (Resolution no. 22-100)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Red Robin International Inc dba Red Robin Gourmet Burgers & Brews; Tacos Y Mariscos El Compa LLC dba Tacos Y Mariscos El Compa (Resolution no. 22-101)

#### LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

The Board met today at 9:06 a.m. for a legal staff update and to consider signing action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, Fair Director Diana Sinner, DSD Director Steve Fultz, Chief Deputy Sheriff Marv Dashiell, Sgt. Jason Roberts, Lt. Ray Talbot, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Consider signing a legal notice of public hearing regarding proposed revised Development Service Department's building permit and planning and zoning fee schedules*** - The hearing will be held June 7, 2022 at 9:00 a.m. where the Board will review the resolution and take comment on the proposed fees and then a decision will be made. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the legal notice of hearing regarding the proposed revised DSD building permit and planning and zoning fee schedules.

***Consider Signing Resolution Designating Surplus Personal Property with Nominal Value – Legacy Dive Equipment*** – The resolution takes the identified equipment valued at less than \$250 and authorizes the Sheriff's Office to trade that equipment to Neptune Warrior for dive training certificates. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution designating surplus personal property with nominal value to Legacy Dive Equipment. (Resolution No. 22-099.)

***Consider signing legal notice of public hearing regarding a proposed admission fees charge by the Canyon County Fair:*** The hearing will be held on June 7, 2022 at 9:00 a.m. where the Board will take public comment on the proposed admission fees charged by the Canyon County Fair. The

existing fair fees were set by the fair board when it was directing the fair and since the BOCC took it over there has not been a fee setting. The proposed fees have been previously discussed with Director Sinner. The fee setting for reserved seating will be brought to the Board separately as it comes up. It will vary from year to year and we won't be tied to a formula or flat fee. Director Sinner said admission went up \$1 and the wristbands went up \$5, with each exhibitor being given two wristbands. The livestock entry fee is new; it used to be collected by the U of I Extension Office but will now be collected by the Fair. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the legal notice of public hearing regarding a proposed admission fees charge by the Canyon County Fair. Commissioner Smith noted to recent resignations from the U of I Extension Service Office and there was discussion about how staffing changes will impact the Fair.

Deputy PA Wesley asked the Board 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 9:26 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) *discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and to communicate with the County's legal counsel regarding pending/imminently likely litigation*. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:48 a.m. with no decision being called for in open session.

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

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

The Board met today at 9:49 a.m. for a monthly meeting with the Fair Director to discuss general issues, set policy, and give direction. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Fair Director Diana Sinner, and Deputy Clerk Monica Reeves. Director Sinner provided a report on the following items:

Increases to the Fair budget

- 2 golf carts
- mobile ticket booths

- main stage concerts and grounds entertainment
- staffing (temp and security staff has increased significantly)
- fee schedule
- construction completion of the new building

At 9:52 a.m. Director Sinner requested to discuss a personnel matter in Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 9:52 a.m. pursuant to Idaho Code, Section 74-206(1) (b) to discuss a personnel matter. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner, and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:02 a.m. with no decision being called for in open session.

Commissioner Smith said the Board wants to ensure going into fair season that the fair board is comprised of Canyon County residents. Director Sinner will report back with recommendations if there are board members who are not residing in Canyon County and working. The meeting concluded at 10:03 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY TERRY RICHARDS AND DAVE AND CAMI LARSEN FOR A REZONE, CASE NO. RZ2021-0036/CR2022-0009

The Board met today at 10:12 a.m. to conduct a public hearing in the matter of a request by Terry Richards and Dave and Cami Larsen for a conditional rezone with a development agreement, Case No. RZ2021-0036/CR2022-0009. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Juli McCoy, Terry Richards, Dave Larsen, Matt Wilke, April Wilke, and Deputy Clerk Monica Reeves. Juli McCoy gave the oral staff report. The applicants are requesting a conditional rezone with development agreement from an "A" agriculture zoning district to "CR-R-1" conditional rezone single family residential zoning district on 31.89 acres. The applicant is proposing a 17-lot subdivision developed in 3 phases. The parcels include R37619010, R37619010A, and R37619010B and are located at 24551 Benhaven Lane and 8771 Purple Sage Road in Middleton. In January of 2022, the P&Z Commission denied the request due to the access issues and concerns with the condition of the roads. The case was heard by the Board of Commissioners on March 2, and March 31, 2022 and it was recommended the applicant re-apply for a conditional rezone with development agreement. The applicant was instructed to provide an assessment of the wetlands area and to address the access and phasing in the development agreement. There has been no comment from the Army Corps of Engineers at this

time, but staff said there could be a condition added that requires a wetland assessment at the time of platting. Staff recommends approval with the conditions listed in the development agreement. Following her report, Ms. McCoy and Dan Lister responded to questions from the Board.

The following people testified in support of the request:

Matt Wilke reviewed the preliminary site plan with 17 lots and said it will create 15 more homes on site. There is a manufactured home in phase 1 and another home in Phase 2. There are 23 nearby subdivisions with an average lot size of 1.69 acres; the proposed project's average lot size is 1.87 acres. Additionally, the Willowbrook Development is located to the east. He spoke about the demand for rural lots and the rezone activity that has occurred in the Middleton impact area. The current driveway is over one-quarter mile long which is why Terry Richards chose this site, however, that did not come to fruition. Canyon Highway District has a plan for a neighborhood transportation plan and it's conceptual only and the alignment can vary depending on surrounding development. The district intends to have it come through the flag lot, although they are not sure where, so they can continue traffic from Lansing to Kingsbury at some point. That's why they are up in the air as to when they develop the driveway and have the option to pave if the collector doesn't come through in time for Phase 3. The applicants have applied for a 50-foot easement reduction and flag lot reduction for the road, as well as on the southeast corner of Benhaven for Phase 2. The property looked like a junkyard before the applicants bought it and in the last year they have cleaned it up but there is still a manufactured home to remove. They met with the City of Middleton regarding a pre-annexation agreement and they thought as they had a way to run water and sewer through the property it would be nice to have the ability to cross the flag lot and the owners didn't see that as an issue. The applicants have hired a water engineer who has been trying to work with the Army Corps of Engineers, but for the last two months he has not been able to get a response from them. The pond system that shows a wetland but that doesn't mean it's a certified wetland because it dries up during the winter and it is off stream and is fed by a head gate. A project hydrologist has been hired to work on the project so they can get storage and irrigation use from the pond. Following his testimony, Mr. Wilke responded to questions from the Board.

Terry Richards testified when he took ownership of the property the water was not there but there were 17 abandoned vehicles as well as debris and trash. He spent over \$100,000 cleaning and improving the property and the neighbors are appreciative of the improvements. The previous owners used a garden hose to fill the pond and would throw trash in it. Following his testimony, Mr. Richards responded to questions from the Board.

Dave Larsen, who has lived on the property for 12 years, testified that Mr. Wilke and Mr. Richards have accurately reported the facts associated with the property. There is a seven-acre alfalfa field but it's not prime farm ground and he has lost money on it. He is grateful Mr. Richards cleaned up the property because there used to be a problem with raves, drug use, and people living in abandoned trailers on the property. IDWR has looked at the pond and they are fine with what the

applicants are proposing and he hopes they won't be held hostage by the agency's lack of response.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith supports the findings as written but she wants a condition of approval to include language regarding an acknowledgement from the Army Corps of Engineers regarding the wetland. Commissioner Van Beek supports the development as presented but she is not in favor of requiring anything on the wetland. The applicants are aware that if the Army Corps of Engineers comes back he would have to comply with something for the wetlands and there is credible testimony that they will not build in it. Imposing a condition will label it as a potential wetland but the Board doesn't have the expertise to make that determination today. Commissioner Smith said that's not true because the information we have identifies it as a wetland. Dan Lister said it will come back as a preliminary plat where staff will ask the same thing so whether we add it to the conditions or we add it as a condition of the preliminary plat it will be caught at some point. Commissioner Smith said if it's a wetland it needs to be included on the preliminary plat not a condition of approval for the final plat. It should be part of the planning process for the subdivision. The best available data we have is that it is a wetland and not holding them hostage and allowing them to continue with the rezone and acknowledging that it is a potential wetland and they need to do their homework is very important. Commissioner White said they can present evidence of what they have done and then it covers all the bases for both scenarios. Commissioner Smith does not want to require a pre-annexation agreement at this time. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve Case No. RZ2021-0036 and CR2022-0009, the FCO's with a modification to the development agreement conditions to include an acknowledgement from the Army Corps of Engineers regarding the wetlands and compliance with standards if applicable, and to approve the ordinance. (Ordinance No. 22-0-10, and Agreement No. 22-031.) The hearing concluded at 11:13 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:08 p.m. for a monthly meeting with the Public Defender to discuss general issues, set policy, and give direction. Present were: Commissioners Leslie Van Beek and Pam White, Chief Public Defender Aaron Bazzoli, and Deputy Clerk Monica Reeves. Mr. Bazzoli reported on the age of active pending caseload, the monthly case type count, and the clearance rates of incoming and outgoing cases: opened cases total 4,146, and closed cases total 2,206. (Copies of the reports are on file with this day's minute entry.) They have been doing jury trials since mid-March. Most of the murder cases have resolved to the extent they are getting pleas through mediation. Mr. Bazzoli reported on staffing updates including new hires and employment offers that have been made. The juvenile protection unit and some felony attorneys will soon move into the new office space. The items discussed were general in nature and did not require

Board action. The meeting concluded at 2:24 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

#### MAY 2022 TERM

CALDWELL, IDAHO     MAY 18, 2022

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Quality Electric in the amount of \$19,420.00 for Facilities Department
- Grainger in the amount of \$1994.80 for Facilities Department
- Global Industrial in the amount of \$45,371.05 for Facilities Department
- Dell in the amount of \$2,349.34 for Information Technology Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Louies Pizza & Italian Restaurant to be used 5/28/22; Eastside Tavern to be used 6/17/22

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Ashley Erickson, Clerk I; and Justin Wright, Deputy Sheriff-Patrol

#### PUBLIC HEARING TO CONSIDER A REQUEST BY EAGLE LAND SURVEYING REPRESENTING DAN CALLAHAN FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE WITH A DEVELOPMENT AGREEMENT, CASE NOS. OR2021-0020 & RZ2021-0043

The Board met today at 9:09 a.m. to conduct a public hearing in the matter of a request by Eagle Land Surveying representing Dan Callahan for a comprehensive plan map amendment and a conditional rezone with a development agreement, Case Nos. OR2021-0020 & RZ2021-0043. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, Robin Callahan, Dan Callahan, Scott Brock, Kirsten Alvord, Jack Alvord, Tyson Meeks, Robert

Tunison, Anne Wagner, Emery Meeks, Mike Nickerson, Dustin Schiffler, Roy Kilchenmann, and Deputy Clerk Monica Reeves.

Elizabeth Allen gave the oral staff report. On February 3, 2022, the P&Z Commission recommended denial of the comprehensive plan map amendment and rezone and after the decision the applicant changed the request to a conditional rezone with a development agreement. The Board heard this case on April 6, 2022 and directed staff to re-notice the hearing to take care of some noticing issues associated with the change in request. Eagle Land Surveying representing the property owner, Dan Callahan, is requesting a comprehensive plan map amendment to change the future land use designation of parcel No. R37410 from Agriculture to Residential. Also requested is a rezone of 39.98-acres from the current zoning designation of "A" (Agricultural) to an "R-R" (Rural-Residential) zone with a development agreement restricting future development of the site to four 10-acre parcels. The subject property is located on the northwest corner of Galloway Road in Middleton. Within one mile of the site there have been four land use cases approved since 2017: one case was a conditional rezone to rural residential that restricted development to one homesite; another case was a conditional rezone to rural residential that restricted the development to two 6-acre lots; and another case was a rezone to rural residential. The project site and surrounding area are primarily active farmland and development of the site will fragment viable farmland. Two dairies are located within two miles of the site and one site is situated within three miles of the site. A feedlot is situated over two miles from the site. The site is located within a nitrate priority area and the sampled wells contain a nitrate level of .005 to 2 milligrams per liter of nitrates. Individual wells and septic systems are proposed when the site develops. Staff found the requested comprehensive plan map amendment is inconsistent with the 2020 comprehensive plan. The proposed residential designation is not compatible with designations to the north and west. Extending residential designation to this property introduces a designation that is not compatible with the area's character nor is it consistent with the vision of the plan. For the straight rezone to rural residential, staff found it is not compatible with the character of the area. For the conditional rezone, staff found it would be more consistent than a straight rezone but any rezone in the area will still fragment farmland, although conditions could mitigate some concerns. The applicant is proposing a homesite footprint limited to a half acre on each of the corners of the 10-acre parcels. They are proposing four 10-acre lots. The subject property is an original parcel and is eligible for an administrative land division as an alternative option. Letters of opposition were received citing concerns about the loss of farmland and impacts to farming operations, rural character, wells, water, water supply, infrastructure, fragmentation of remaining farmland, impacts to infrastructure and services, lack of impact fees, traffic concerns, schools, the loss of wildlife habitat. Ms. Allen reviewed agency comments and following her report she responded to questions from the Board.

The following people testified in support of the request:

**Robin Callahan** testified the land is family-owned and has been in her family for 41 years; she and her husband have owned it for 25 years and they are seeking approval to split it into four parcels. There is a mainline irrigation with risers across the top of the property that will facilitate

pressurized irrigation on both of the northern parcels. There is a pipeline to the pivot that goes from the upper corner to the center so it would be easy to extend irrigation to the two southern splits. They talked about trying to give the greatest flexibility by designating 1.5 acres as the maximum size for the home envelope and having it on any of the corners on each parcel so that would give people the opportunity to choose where they want their home to be. They would also have the road coming off Middleton Road or Galloway Road whichever makes the most sense and is preferred by the highway district. Depending on where the building envelope is located there will be additional roads, possibly. The property is at the corner of where the proposed residential area is supposed to be and by splitting it into four 10-acre parcels instead of straight development it would act as a buffer and help protect the farm ground around it. Of the 10 acres, the 8.5 acres that remain could be agricultural and would help address some of the concerns about traffic, schools and water quality as well as keeping the agricultural lifestyle. She reviewed the City of Middleton's proposed impact zone which shows the city going to Goodson Road which is beyond where the Callahan's property is by one mile. Several neighbors in the area support the request. Anne Wagner owns property to the north and she does not support the request. Mrs. Callahan spoke of properties in the area that used to be farmed but have been fragmented and divided into six parcels. She spoke of the developments that have occurred in the area which resulted in quality projects. Following her testimony, Ms. Callahan responded to questions from the Board. She had hoped her family would want to live on the property and some were initially excited about it, but after hearing how some of the neighbors have responded they no longer want to live there. Mrs. Callahan said she and her husband hoped to try to acquire another piece of farm ground that's closer to a dairy and be able to preserve and farm it; however, the property will likely be sold for development, although that was not their plan.

**Dan Callahan** testified the main goal was to help his children with some property. He does not want to sell the farm but his health has declined and he is not in a good position to retire. He hopes to sell the property and purchase another 80 acres by a dairy and try to preserve it for future use by his grandchildren or rent it to a younger generation. Mr. Callahan has served his community and state and said farmers are not given a chance; if they sell for less money to a developer the developer is able to get their requests approved.

**Scott Brock** said Robin Callahan has done an exceptional job at learning the process without having the financial ability to bring in "high-dollar folks" to get this done. The average age for a farmer is 73 so you will see this continual rotation of retirement; there is a human face behind all of the bureaucracy but this is their property and in Idaho we have personal property rights. This process has pitted neighbors against neighbors. The 2020 comprehensive plan is not appropriate; we've never given the option for 5-acre, 10-acre or, 20-acre parcels. If you allow a developer to do a 2-acre parcel he is going to do it but if you give the opportunity for 5, 10 or 20-acre parcels they will do it and it's better. The way to stop urbanization is to stop the water and sewer lines – do it with a border, perimeter, a buffer zone of homes they cannot go through with water/sewer and if you don't do that no matter what your decision is know that in 20 years there will probably be 60 or 100 homes on that property. Voluntary annexation will take over and it won't be stopped with paperwork so the way to stop it is to put appropriate-sized parcels in the way and make it more

expensive for them to draw water and sewer lines. The Callahans deserve to do what they need to do on their own property.

**Jack Alvord** said people are trying to make 1-2 acres but that's going to destroy things. He spoke about how the Board of Commissioners approved his request to have a family member live on his property. It would be great if no other homes were built in the county, but if development is going to happen 10-acre lots that are farmable or small ranchettes are better than 1-2 acre lots that fill up the area with houses.

Testimony in opposition was as follows:

**Tyson Meeks** testified he has farmed next to the Callahans for several years and he owns 40 acres ¼ mile from the subject property. 10-acre parcels can sort of be farmed, but it's not nearly as appealing to agriculture as a 35-acre field with a pivot than splitting it into tiny 8-acre fields with different landowners. This property is in the middle of farmland and it should stay that way. The best way to slow down housing is to put farmers on the land that have no interest in moving on, they want to keep running it. He sees the Callahans point of trading land around and retiring, but at the same time he doesn't see a good trade for the community as far as trading one good 40-acre piece for 4 houses. It would be better to sell it to another farmer, or rent it and maintain it as-is. The Board had follow-up questions from Mr. Meeks.

**Mike Nickerson** owns 35 acres and has lived in his custom-built home since the 1990s and he is opposed to the request due to compatibility concerns and as well as traffic and growth concerns.

**Robert Tunison** said the Wagner Trust is opposed to any straight rezone or amendment to the comprehensive plan. Regarding the conditional rezone, the trust would like a more detailed site plan that the applicant would be stuck to through the development agreement if it was approved and until that plan is approved Mrs. Wagner opposes the plan as it exists mainly because she wants to preserve the area for agriculture. If she were to consider a conditional rezone she would want to see a specific site plan that shows exactly where the building sites are going to be, what the changes to the irrigation are going to be and that way she can make a determination of whether it really looks like it will be easily used going forward in the future as ag land. Mrs. Wagner also has concerns with the proposed roadway off Middleton due to visibility issues. Without a detailed site plan she is opposed. The Board had follow-up questions for Mr. Tunison.

The Board took a brief recess at 10:13 a.m. and went back on the record at 10:15 a.m.

**Ralph Kilchenmann** testified that he owns nearly 80 acres and said just because he disagrees with their proposal doesn't mean they cannot get along. This is prime farm ground; the property was taken out of sage brush in the 1950's through successful crop rotation, fertilizing, and a lot of levelling and the ground has become better and better every year. It took 70 years of improvements to make this ground what it is today. Dividing it into 4 pieces with 8 ½ acres of tillable ground is classic example of farmland fragmentation that will make it unusable for commercial farm use. The property is designated as agricultural in the current and the 2030

comprehensive plan and therefore a rezone request should not be on the table. This property has building permits as-is and if the Callahans want to downsize the farming operation they can sell it as farm ground or lease it.

**Dustin Schiffler** testified there is unfettered growth in Middleton and he is opposed to further development of ag land. The schools are overcrowded, there no impact fees and the burden to pay for growth falls on the taxpayers.

**Emery Meeks** testified he has been neighbors with the Callahan family for many years and he has no animosity toward them. There is no site plan, but only the owners' assurance that most of the land will remain as farm ground. He is a retired farmer and farmers do not rent 8.5 acre lots from 4 different landlords to make a field. They need to be sizeable enough to warrant the risk they take. Mr. Meeks spoke of the challenges farmers face with the fragmentation of farm ground and the pressures on producers and they should be allowed to farm unimpeded by development. The obvious threat to farmland is housing and traffic. In the even the property is rezoned to rural residential, in view of the premium value placed on housing and agriculture, the property should be densely developed 1-3 houses per acre because it would do more to keep the remaining farmland viable for longer. Placing one dwelling per 10 acres is selling the property short in terms of the value of housing space. 10-acre parcels could accommodate multimillionaires, whereas 20-50 parcels would accommodate that many working families.

Rebuttal testimony was offered by Robin Callahan who stated they have provided a concept, but not a plat because they did not believe it was a requirement and so it's confusing that people are continually asking for that. The investments made to the property have helped, the property has not been very productive and they have struggled for years but kept it because it is family farm ground and they wanted to make it productive. In 2020 they had a bean crop but it didn't cover the expenses even with the improvements; it's a challenging piece of property. Some years they have had bumper crops, but it's not been the easiest place to farm. Traffic and equipment on the roads are a problem and having four 10-acre parcels would help minimize the equipment traffic in that rea; having residential on two sides is going to be very difficult for the other ag land to the north. The impact to the Middleton schools would be minimized by four 10-acre parcels compared to if it were more fully developed. The current environment is changing so quickly it's impossible to make a plan and have it to be accurate for any length of time. Following her testimony, Mrs. Callahan responded to questions from the Board.

Commissioner Smith said the best option is for the applicants to take advantage of the two administrative land divisions which would give them two parcels. If they continue with the conditional rezone to identify very clearly where those building lots would be and ask for that rural residential zone on those two-acre lots and be very clear with the request and how would it promote efficient farming of the remaining parcel. It would not require a plat but it would require some detailed planning of where those sites would be. She agrees with the opposition testimony that additional work is needed to show the ongoing protection and promotion of the ag opportunities that exist in this area. There needs to be a plan and without having that it's hard to support approval. There are options that would leave a majority of the property in ag. The

Callahans should evaluate the impacts and narrow the scope and take advantage of their administrative splits and look at where they would build to help preserve farm ground. Recently the Board passed a transfer of development rights to contiguous parcels and they should explore if there are other original parcels in the area where they could transfer those between contiguous parcels with separate owners and showing the promotion of ag. Ms. Allen said there might be more opportunities and tools they could utilize after the comprehensive plan is updated and adopted. Further discussion ensued. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. The Board's deliberation was as follows:

Commissioner Van Beek said it's a timing issue; farmers invest in the community and have every right to maximize full market value of their investment for what they deem at the timely moment to be the best and highest use of that property and she's not sure on the timing of this if the Callahans would be able to do that even if a developer bought it. There are options available to the Callahans. She doesn't think it's a bad plan, but an underdeveloped plan. Commissioner White believes in personal property rights. Ag land is important and it's going away; farmers want to use the sale of the property and they are willing to take advice on that and purchase this other acreage by a dairy so they can stay out there. There is an option to have further discussion and understanding that may allow them to find a workable way for this to happen. Commissioner Smith told staff that Exhibit 5C needs to be updated to reflect the rural residential zoning on the southwestern border. The only portion of the Alvord property that was rezoned was the 2.64-acre parcel and that's important to note because it goes back to what she was providing for them to apply for the administrative land divisions. It will get them going on the two parcels and depending on what their plan would look like she would be open to hearing it again. Commissioner Smith said Mrs. Callahan did an excellent job in presenting the plan but the timing is not there and to rezone a full 40-acre parcel to rural residential is too much at this time. She concurs with the P&Z Commission's recommendation and she encouraged the Callahans to look at the other options.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to uphold the P&Z Commission's recommendation for denial on the Callahan request for a comprehensive plan map amendment and conditional rezone with development agreement. Commissioner White encouraged the Callahans to have discussions with staff and with the neighbors to see what can be done. Commissioner Smith reviewed the actions the applicants could take for future consideration would be fulfillment of the administrative land division requirements and timing and more transition for the agricultural area. The hearing concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

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

#### APPROVED CLAIMS

- The Board has approved claims 584608 to 584634 in the amount of \$34,556.28

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Rocky Mountain Steel in the amount of \$1,363.46 (note exceed \$1,500.00) for Parks Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Sage Watson, Canoe Science Camp Program Intern

#### APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 6/10; and O'Michael's Pub & Grill to be used 6/11/22, 6/16/22, 6/18/22

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License change in application for Angeles De Puebla Ice Cream dba Angeles De Puebla Ice Cream (Resolution no. 22-102)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for The Pretty Company LLC dba The Pretty Bubble; and Jackson's Food Stores Inc dba Jacksons #239 (Resolution no. 22-103)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Jalapeno's Bar & Grill LLC dba Jalapeno's Bar & Grill; Treasure Valley Road Runners LLC dba The Tower Grill; The Hop House LLC dba The Hop House; and New Empire LLC dba The Blue Eye (Resolution no. 22-104)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Krung Thai Restaurant LLC dba Krung Thai Restaurant; Williamson Orchards Inc dba Williamson Vineyards; Melba Pizza Extreme LLC dba Melba Extreme Pizza; Danelion Brewery LLC dba Danelion Brewery; Intermountain Food Stores Inc dba Franklin Junction; Intermountain Food Stores Inc dba M&W Markets #6; Winco Foods LLC dba Winco Foods #144; Winco Foods LLC dba Winco Foods #11 (Resolution no. 22-105)

#### DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action items:

- Action Item: Consider hearing public comment regarding sole source procurement of Caterpillar Model 972MXE Wheel Loader from Western States Equipment
- Action Item: Consider authorizing execution of Caterpillar Model 972MXE Wheel Loader from Western States Equipment sales agreement after opportunity for public comment
- Action Item: Consider signing notice of publication and public comment period regarding proposed gas collection and control system for the Pickles Butte Sanitary Landfill
- Action Item: Consider signing Canyon County Agreement for Fair Expo Building audio/video equipment and installation with Neurilink, LLC

#### DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Assessor's Office to consider various new and renewing property tax exemptions under codes: 63-602P, 602W, 602D, 602P, 602B, 602C, 602E, 602GG, and 50-2014

#### PUBLIC HEARING – REQUEST BY APRIL BIBBINS FOR A PRELIMINARY PLAT FOR LANSING LANE SUBDIVISION, CASE NO. SD2021-0046

The Board met today at 1:35 p.m. to conduct a public hearing in the matter of a request by April Bibbins for a short plat for Lansing Lane Subdivision, a three-lot subdivision, Case No. SD2021-0046. Commissioners Leslie Van Beek and Pam White, Present were: DSD Planning Official Dan Lister, Jesse Christensen, April Bibbins, Kevin Bishop, Gary Martin, John White, Tom Mehiel, and Deputy Clerk Monica Reeves.

Dan Lister gave the oral staff report. April Bibbins is requesting approval of the preliminary plat for Lansing Lane Subdivision, three (3) residential lots, on Parcel R33835011. The property is zoned "R-1" (Single Family Residential). The subject property is located at 23412 Lansing Lane, Middleton. On February 17, 2022, the P&Z Commission recommend approval of the plat subject to conditions. The project will utilize individual wells and septic systems. Irrigation follows along the east and north side using existing water rights; they can also use a domestic well up to a ½

acre feed. A pressurized irrigation line exists and is provided through water rights they have through the Lansing Meadows irrigation pump. Stormwater runoff will be maintained on each lot. The initial plan for access was to maintain the existing access for Lot 1 along Lansing Lane and then Lots 2 and 3 would maintain a private driveway and share access. However, Canyon Highway District did not agree with keeping the Lansing Lane access because it's a major collector and there is planned future expansion of that so they want right-of-way but no additional access points. They provided options on how to address the access. The applicant asked for a variance but it was denied so they are proposing that instead of having access at the front of the property, Lot 2 will have access off New Castle Drive, and Lots 1 and 3 will have a shared access point from Arden Circle which meets the intent of the highway district's letter. Neighbors have concerns about the maintenance of the irrigation system because the property is using the Lansing Meadows water system for irrigation without paying for the services. Water rights are through the Middleton Mill Ditch Company, but the owners have not paid for associated irrigation maintenance costs that the HOA for the Lansing Meadows is providing. It's been requested that the plat include a recorded water users maintenance agreement to ensure those platted lots pay their fair share. Staff reviewed the original approval from 2002 of the Lansing Meadows Subdivision and there was nothing stating this owner had to pay. If anything, the owner of the 4.7 acres was concerned about their water rights being affected by this subdivision and within the decision it talked about the developer taking care of that and making sure their rights would not be taken away and so when they installed the pressurized irrigation system they would have access to it. The history, per Kevin Bishop, is that since they have it in their HOA that fair payment would be made by that owner it never happened. The P&Z Commission found this to be a civil issue; the applicant has shown they have water rights and how they're going to use them and it doesn't disrupt the water rights of others within the subdivision. The P&Z Commission recommended approval of the plat without the water user's agreement. Staff has augmented some of the conditions because of the change in access. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Jesse Christensen testified as the project engineer and said they were hoping for a shared private drive to two lots and to retain access off Lansing Lane for the Bibbins, but it didn't work out. Last week they made some small changes to access points so they could provide access directly off New Castle Drive for the single lot, and a shared access off Arden for the other two lots. The highway district has the new drawings. In the SE corner of the lot is where irrigation water has historically entered the property, and they brought a stub from there providing irrigation water to all three lots; ultimately it will reduce the amount of irrigation on the lots due to the houses and driveways that will be constructed. The purpose of the lot split was to get a lot for the Bibbins' daughter to move to the property.

April Bibbins gave testimony regarding the irrigation water system. She said the letter submitted by the HOA's attorney does not contain facts. The Bibbins purchased their house and they have a letter from the Lansing Development Company and the original owner stating they will provide pressurized irrigation to her property; but, the letter did not state there would be costs involved. According to Ms. Bibbins, none of the previous homeowners have paid Lansing Meadows HOA so

she questions why she is being forced to. When she moved to the property in 2019 she was not asked by the HOA to pay for the pressurized irrigation and said when the HOA learned the Bibbins' were building two homes that's when they requested payment. She said the development will not affect the pressurized irrigation system. Following her testimony, Ms. Bibbins responded to questions from the Board. There were also follow-up questions for Mr. Lister.

The following people offered neutral testimony:

Kevin Bishop serves on the Lansing Meadows HOA and said they are not opposed to the development, but they are trying to work out the water issues. The staff report indicates the plat and the existing surface water rights will be utilized by all lots and the HOA's concerns is that if this is a short plat they urge it not be passed until there is a water users' agreement worked out. Mr. Bishop said the HOA has been trying to obtain a copy of the letter Ms. Bibbins referenced. He gave testimony about the history of the irrigation system; there is no statement saying the system will be paid for in perpetuity by the Lansing Meadows HOA. In the CC&R's filed it states *the 4.5 acres would be furnished with irrigation water with part of the pressurized irrigation system. The lot owner will not be a member of the HOA and as such will not be assessed homeowners' dues for common area maintenance or domestic water service. The lot owner will be assessed for the irrigation service based upon lot size and pro rata share.* Since the P&Z Commission hearing, Mr. Bishop has had communication with the former secretary/treasurer of the HOA who said they were supposed to pay \$25 per month from April to October. In 2018 the HOA had to upgrade the system to maximize pump usage to bring on more people; shortly after he attended a meeting with the Bibbins and they mentioned they were bringing on new lots Mr. Bishop informed them that the agreement said each one would pay \$1,000 to come on to the system. The Bibbins pay for their own water; but the HOA pays for its percentage for the pressurized irrigation system as it relates to the overall system of Lakes at Telaga and Lakes of Middleton, and with the Bibbins bringing on two more houses the HOA will have to pay a greater percentage to the system and so the Bibbins were billed. It's a civil matter and they have hired an attorney to pursue the matter. He urged the Board not to approve the plat without some type of water users' agreement. Following his testimony, Mr. Bishop responded to questions from the Board.

Rebuttal testimony was offered by Jesse Christensen who stated that from the outset, they were planning to water up to one-half acre off of their private wells. If they subdivide the lot they have to provide the historic irrigation to each lot and if for some reason the Bibbins chose to sell the properties they would have to provide irrigation water to it. If the Lansing Meadow Subdivision decided to cut off the Bibbins from the irrigation and provide the to/through of the historic flow through the ditch they would not have a problem with that because they were hoping to irrigate off the wells anyway because there aren't any plans for large yards. He said the applicants are okay with them bringing the ditch back if that's what they need to do to satisfy themselves to provide water, but right now the Bibbins have access to water and they have to get it to the corner of each lot. Mr. Christensen responded to follow-up questions from the Board.

Following testimony, Commissioner White made a motion to close the public hearing. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Van Beek said

she does not have any proposed changes. The applicant has provided documentation that supersedes the desire of the HOA, which they do not belong to. She is in favor of approving the plat, as presented. Commissioner White encouraged the parties to move forward with a water users' maintenance agreement. Mr. Lister said the request is for a short plat but because of the concerns expressed, the preliminary plat was brought to the Board without the final plat so it's up to the Board on whether it wants to the preliminary plat without the final plat, or, the Board can delay action until the final plat is ready. Following the Board's deliberation Commissioner White made a motion to approve the preliminary plat for Lansing Lane Subdivision, Case No. SD2021-0046 and to issue the FCO's. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 2:41 p.m. An audio recording is on file in the Commissioners' Office.

#### MAY 2022 TERM

CALDWELL, IDAHO      MAY 20, 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. 2217

- The Board of Commissioners approved payment of County claims in the amount of \$1,881,138.34 for a County payroll

#### APPROVED CLAIMS

- The Board has approved claims 584990 to 585006 in the amount of \$9,548.75
- The Board has approved claims 584667 to 584701 in the amount of \$61,543.77

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Idaho Post in the amount of \$1,200.00 for Canyon County Sheriff
- Bollards Plus in the amount of \$19062.73 for Facilities Department

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Hong Kong Restaurant Inc dba Hong Kong Restaurant; Burger Joint Inc dba Burger Joint; Amano Restaurant LLC dba Amano; JM Assets LLC dba Garbonzo Pizza (Resolution no. 22-106)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Co-op 21, LLC dba Chaparral Tavern; Short Stop Inc dba Lake Lowell Market; Scoria Vineyards & Winery LLC dba Scoria Vineyards & Winery; The Stil LLC dba The Stil; Lifestyle Café LLC dba Lifestyle Café; East Cleveland Beverage & Tackle LLC dba East Cleveland Beverage; Gallegos Meat Market LLC dba Gallegos Meat Market; Wild Heart Springs LLC dba Wild Heart Springs; Ridgewood Enterprises Inc dba Legacy Feed & Fuel; Umbra LLC dba Mongolian BBQ Nampa (Resolution no. 22-107)

#### DETAILED MINUTES TO COME AT A LATER TIME

Action Items:

Action Item: Consider signing 2022 National Safe Boating Week proclamation

Action Item: Consider signing Treasurer's tax charge adjustments by PIN for April 2022

#### DETAILED MINUTES TO COME AT A LATER TIME

Public hearing to consider a request by Troost Family Living Trust for a rezone: Case no. RZ2021-0035

Action Item: The Board will consider whether to grant the request and issue:

Findings of Fact, Conclusions of Law & Order

Ordinance

This hearing will be rescheduled to June 17, 2022 at 9:00 a.m.

#### DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action item:

Action Item: Consider signing release and settlement agreement for Information Technology Department

#### MEETING WITH PUBLIC DEFENDER TO DISCUSS SALARIES

The Board met today at 9:34 a.m. with the Public Defender to discuss salaries. Present were: Commissioners Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli, Clerk Chris Yamamoto, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Mr. Bazzoli said that although he hasn't spoken with Prosecutor Taylor, Mr. Laugheed did forward him some documentation and arguments. He explained they are in the same position as the Prosecutor's Office to the extent that they are all fighting for the same pool of applicants. Often new attorneys who've recently passed the Bar exam will apply for many open positions within an area so that puts Canyon County's Public Defender department in competition with the Ada County's Public Defender department but they have a significantly higher budget for each attorney and start each pay band \$4000 higher than Canyon County. Additionally, Ada County operates their budget differently from Canyon County in that once the new fiscal year begins they are given their budget and allowed to manage it, giving them latitude to adjust salaries as necessary to accommodate a situation. Recently, Mr. Bazzoli has lost attorneys to both Ada County and the Attorney General's office, each of them will be making more money and the attorney at the AG's office received an 11% raise within a month of starting and is anticipating another 7% in July. He feels that when the Board approved raises for Prosecutor's Office employees the compensation plan was kind of thrown out. Until that point they were able to keep people relatively happy because they knew they were making the same as the Prosecutor's Office employees, there was a compensation plan in place guiding salaries and that any raises would come in October. Another attorney, with 18 years' experience, will be leaving for a position in Idaho Falls, it's essentially a lateral move but Mr. Bazzoli had to deny the request for a raise, in an effort to keep him, stating that the county doesn't do mid-season raises. With several openings within his department they have been in a consistent interview phase since last October. They've been managing because there was not a full set of judges, however all judge positions are now filled and they are a couple courtrooms short plus losing a couple more people.

Mr. Bazzoli said that word spread quickly when the Board decided to authorize raises in the Prosecutor's Office which opened a floodgate of employees asking him when they'd be receiving their raises. There are employees working the same courtrooms and the same cases but attorneys working in the Prosecutor's Office with fewer years of experience making, to his understanding, \$10,000 more. He has about four attorneys come to him feeling that this change is not fair and is unacceptable. Mr. Bazzoli feels that with this kind of discrepancy it invalidates his argument that there is a compensation plan in place when his attorneys know that prosecuting attorneys with less experience are making significantly more. He's never come to the Board to argue for specific number or part way thru a budget cycle but he feels this is not a situation he created but one he's having to react to. His 'A' budget is about \$200,000 under due to multiple unfilled positions; he doesn't have any positions he can give back as he has the minimum number of attorneys according to PDC guidelines.

Mr. Bazzoli's understanding is that the pay bands were being modified in the Prosecutor's Office to be a 5, 10, 15-year progression instead of a 7, 14, 21-year system and that is where people became affected by that change. He now understands that was not the case, it was much more selective; some attorney salaries were increased and some were not, he doesn't find that to be a very good practice.

In response to a question from Commissioner White, Mr. Bazzoli explained what he really wants is parity and equity between positions within both the Prosecutor's Office and his department.

He'd really like to continue following the compensation plan that has been followed for several years; it's based on years of experience which worked well for the most part because it removed the favoritism component. In today's market it's hard to retain an attorney if you have a less experienced attorney handling misdemeanor cases making more than a more experienced attorney handling felony cases. It's an employee market and there are many more attorney positions available than actual attorneys to fill them.

Commissioner Van Beek spoke about how she did not approve the FY22 salaries and noted for the record that Mr. Bazzoli never "bullied" the Board for salaries, he has maintained public decorum and professionalism and runs a great staff. She explained that there is a no notice to the public allowing for input on employee's salaries and by her calculations there is close to a million dollar increase to the budget halfway thru the budget year which is unprecedented. Mr. Bazzoli provided information from the IDAPA rules indicating that the change to prosecutor attorney salaries has placed the county in jeopardy because the public defender's office has to be compensated at a rate that is comparable to the Prosecutor's Office for like positions and what she hears Mr. Bazzoli saying is that there is some inequity and Canyon County does now stand in violation. She said she doesn't own that, didn't support it and is not going to support it today even though she agrees with Mr. Bazzoli's position. She feels there is principle here and there is a responsibility to the taxpayer to hold the budget as sacred. Without a newspaper notice or a public hearing to look at the implications of that, the fund balance is not a long-term source of funding for those salaried, on-going positions. In regard to the resolution [recently signed for the PAs Office], there is no defensible way to justify the salary increases in there because if it just takes someone coming to the Board and putting enough political pressure on them to get that thru with a resolution without public input, that could change and there could be another adjustment. Mr. Bazzoli has provided caseload studies which have been consistent and on-going since she has been here. She has asked for information on caseloads [from the PAs Office] but it has not been provided. Commissioner Van Beek indicated that information from Latah County was provided to the Board but since that is northern Idaho she doesn't feel that is comparable. She understands that Ada County PA, Jan Bennetts, does provide caseload information to her Board in making decisions on salaries, however, that is not done in Canyon County and she objects because she doesn't, as a commissioner, have an indicator on what the total number of that dollar amount impact is. She doesn't feel that the numbers should not be sealed, that information is public record and she is in favor of Transparent Idaho where like positions with like salaries can be reviewed. Salaries are a matter of public record and she will make sure that Mr. Bazzoli gets that information. Commissioner Van Beek said that today's request would require a resolution and she believes she's covered the points. She noted that Commissioner Smith is not here today, she was a participant in increasing the salaries. Commissioner Van Beek said she cannot be a participant in that because that is the commitment she made to the taxpayer, that she would do her diligence and hold the line on the budget and this will have an impact on the budget.

Commissioner White said this is just a meeting to discuss salaries, there is no action item and asked for the opinion of the Controller.

Mr. Wagoner said it is always the goal to operate within the approved budget, but reality is often a different story. The county needs to be able to respond to the environment within which it operates and because of sound financial practices and sound financial management, there are sufficient financial reserves and resources to respond. The increases that were approved by a majority of the Board for the PAs office for a few attorneys was discussed in public. The action to change the compensation for detention deputies and dispatchers was done in a public setting. Other changes that have happened this fiscal year include the addition of four (4) positions to Juvenile Detention due to the increased workload and changes to Development Services department positions. As positions were advertised and there were no applicants, pay ranges were then revised, pay ranges were raised by this Board. There have also been pay changes approved in the Human Resources department, there was a position that was modified and changed mid-year, this current fiscal year, that he believes was approved by all 3 commissioners which raised the pay range for a position in the HR department. There have been mid-stream changes made this year and the county has the financial resources to do that. Mr. Wagoner said he believes that small changes, scattered throughout the county, have been made. Those changes are moving farther away from the main goal of the compensation plan – equity, fairness and consistency.

Commissioner Van Beek's understanding is that increased fees in the Development Services department will offset increased salaries and additional positions, there is no impact to property tax dollars. She said that in regard to Juvenile Detention she would need someone to provide information on the difference between out of county fees that were accumulating, as those costs did go up vs. the number of inmates they had. Director Brown gave up six (6) positions 2 years ago which was unsustainable on a safety basis. In response to a question from Commissioner Van Beek regarding the HR position, Mr. Wagoner said there was a permanent increase in modifying a Human Resource Specialist to a Human Resource Generalist. Commissioner Van Beek said she did recall that change and noted there has been a lot of turnover in that department affecting their 'A' budget. She feels that without a wage and compensation specialist or analyst it's just kind of stabbing in the dark. She said she doesn't have a problem with Mr. Bazzoli or the documentation he's provided, she said she does have a problem which will need to be solved by the two commissioners that approved that [PA Office increases] and created this cascade of wage war that is currently out of control. Fund balance is not a permanent, on-going identified source of revenue for increases in salaries which are on-going, it will deplete that fund.

Controller Wagoner clarified that none of these changes will deplete/come from fund balance. There is sufficient revenue, the county has multiple streams of revenue including sales tax, DSD fees, recording fees, etc. These changes will all be covered by current revenue streams, they will not deplete the fund balance and there will be no increase in the property taxes. The property taxes were established and set, they cannot, they absolutely will not change, they will not increase in this fiscal year. You cannot change property taxes but there are other sources of revenue that will more than cover these changes. Commissioner Van Beek asked Mr. Wagoner to provide documentation to the Board showing where the funding will come from. She understands there is potentially an increase in sales tax revenue.

Clerk Yamamoto explained that fees really don't have anything to do with compensation. They tried to put together a compensation plan that was fair and equitable. He indicated that when changes started being made to the compensation plan by the Board that he, nor the Controller, made any recommendations and had no vote in the decisions being made. They only answer the question as to whether the request can be funded.

Commissioner Van Beek noted that parity between the PA and PD offices is not only salaries but also facilities and that Mr. Bazzoli's staff has been working in very tight quarters although there have been some accommodations made to increase the workspace. Mr. Bazzoli spoke about renovations that have been done to create more space.

Commissioner Van Beek said the public was welcome to attend today's agenda meeting to hear the information but they were not welcome to provide input. Comparatively speaking, for the fee increases at the Fair and in DSD public comment will be taken and those costs are insignificant in comparison to the long-term salary affects. She thanked the Clerk and Controller for providing information on where that funding will come from and asked if that could again be provided to the Board.

Mr. Bazzoli reiterated that they wanted a system that was equitable consistent and fair but it's now constantly getting skewed and changed. He explained he doesn't get involved in other departments salary requests - this isn't something he's acting upon, it's something he's reacting to. He addressed the "bully" comment, noting that the language of that was taken from an idea that the county may be in violation of not only IDAPA but also Idaho Statute 19-850 which requires parity; IDAPA is very specific regarding salary and pay.

Mr. Bazzoli will speak with Controller Wagoner regarding the increases that were given in the Prosecutor's Office to determine how it would need to be applied to his department.

Commissioner White said she would like that information and to see specific numbers and people.

Commissioner Van Beek spoke about some of the percent increases some prosecuting attorneys have received since the start of the fiscal year but believes there is some information missing from the documents that she would like to see completed so there can be a true comparison in years of experience between the Prosecutor's Office and the Public Defender's department.

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

MAY 2022 TERM

CALDWELL, IDAHO    MAY 23, 2022

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

APPROVED CLAIMS

- The Board has approved claims 584702 to 584724 in the amount of \$11,326.81
- The Board has approved claims 584771 to 584804 in the amount of \$54,087.00
- The Board has approved claims 584805 to 584842 in the amount of \$26,188.72
- The Board has approved claims 584990 to 585006 in the amount of \$9,548.75
- The Board has approved claims 584959 to 584989 in the amount of \$38,297.31
- The Board has approved claims 584635 to 584666 in the amount of \$22,463.09
- The Board has approved claims 584924 to 584958 in the amount of \$23,929.50
- The Board has approved claims 584750 to 584770 in the amount of \$53,853.15
- The Board has approved claims 584726 to 584749 in the amount of \$100,057.44
- The Board has approved claims 584843 to 584856 in the amount of \$708,906.91

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Tracy Sevy, Housekeeper; and Norma Trujillo, Sr. Misdemeanor Probation Officer

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Stewart's Hospitality & Services LLC dba Stewart's Bar & Grill; Nampa Aerie #2103, Fraternal Order of Eagles dba 2103 Aerie; Caldwell Elks Home Association dba Caldwell Elks Lodge #1448; Blazin Wings Inc dba Buffalo Wild Wings #592 (Resolution no. 22-110)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Parma Ridge Wine & Spirits Co LLC dba Parma Ridge (Resolution no. 22-111)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for The Chicago Connection LLC dba Chicago Connection; The Chicago Connection LLC dba Chicago Connection (Resolution no. 22-112)

CONSIDER SIGNING A RESOLUTION TO APPROVE THE JOB DESCRIPTION OF ONE POSITION IN TRIAL COURT ADMINISTRATION DEPARTMENT

The Board met today at 9:01 a.m. to consider signing a resolution to approve the job description of one (1) position in the Trial Court Administration department. Present were: Commissioners

Keri Smith, Pam White and Leslie Van Beek, TCA Jamie Robb, Assistant TCA Benita Miller, Clerk Chris Yamamoto, Controller Zach Wagoner, Representatives for Valley Regional Transit and West Valley Humane Society and Deputy Clerk Jenen Ross. Ms. Robb explained they would just like to add to the job description that the Jury Commissioner must reside within Canyon County; that is the only change being made. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving the job description of one (1) position in the Trial Court Administration department (see resolution no. 22-108). The meeting concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

#### FY2023 BUDGET PRESENTATIONS

The Board met today at 9:03 a.m. for FY2023 budget presentations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Karly Cantrell and Brittney Sundell with WVHS (left at 9:20 a.m.), Kelli Badesheim and Leslie Pedrosa with VRT (left at 9:49 a.m.), Matt Stoll with COMPASS (arrived at 9:20 a.m.) and Deputy Clerk Jenen Ross.

***West Valley Humane Society (9:03 a.m. to 9:20 a.m.):*** Ms. Cantrell and Ms. Sundell gave a review of the handout they provided giving a review of 2021 statistics. A copy of their presentation is on file with this day's minutes. They are requesting to renew the funded amount provided last year of \$200,000 – this amount is just for shelter operations and does not include building maintenance. Commissioner Smith said she will be supportive of the request.

***Valley Regional Transit (9:20 to 9:49 a.m.):*** Ms. Badesheim reviewed their PowerPoint presentation which included information about Canyon County transit services, On-demand transit, Connected Canyon County Initiative, FY2023 Assessments and local cost allocation review. A copy of the PowerPoint presentation is on file with this day's minutes. At this time, they are requesting \$93,299, however this may be reduced based on other upcoming budget meeting but they hope to have final numbers by the end of the week.

The Board took a brief break from 9:49 a.m. to 9:54 a.m.

***COMPASS (9:54 a.m. to 10:24 a.m.):***

Mr. Stoll reviewed a document showing county-wide benefits between FY2017 – FY2021 including federally funded transportation projects, COMPASS funded grants, assistance and technical analyses for agencies, additional regional projects, COMPASS primary regional plans and programs and breakdown of FY2023 membership dues. Discussion ensued regarding the consequences if Canyon County chooses not to participate in COMPASS. The request for FY23 is \$122,508 and there was general Board support.

The meeting concluded at 10:24 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR CHAPALA MEXICAN RESTAURANT #7 INC DBA CHAPALA MEXICAN RESTAURANT #7

The Board met today at 10:24 a.m. to consider a new alcoholic beverage license for Chapala Mexican Restaurant #7 Inc dba Chapala Mexican Restaurant #7. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Smith noted that this is for a new restaurant in Nampa and that the application looks to be in order. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously sign the new alcoholic beverage license for Chapala Mexican Restaurant #7 Inc dba Chapala Mexican Restaurant #7 (see resolution no. 22-109).

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

JOINT WORKSHOP WITH BOARD OF COMMISSIONERS AND P&Z COMMISSIONERS TO DISCUSS THE 2030 COMPREHENSIVE PLAN UPDATE

The Board met today at 5:04 p.m. for a joint workshop with the P&Z Commissioners and DSD staff to discuss the 2030 Comprehensive Plan Update. Present were: Commissioners Keri Smith and Leslie Van Beek; DSD Director Steve Fultz, DSD Staff members: Dan Lister, Elizabeth Allen, Juli McCoy, and Cassie Lamb; P&Z Commissioners Ron Amarel, Harold Nevill, Robert Sturgill, Patrick Williamson, Robert Larison, Miguel Villafana, and Bryan Sheets; other interested citizens and Deputy Clerk Monica Reeves.

Elizabeth Allen gave the staff presentation which was summarized as follows:

- General changes
- Public involvement summary
- Chapter 1 – Property Rights
- Chapter 2 – Population
- Chapter 3 – Economic Development
- Chapter 4 – Land Use and Community Design
- Chapter 5 – Natural Resources and Hazards
- Chapter 6 – Schools
- Chapter 7 – Public Services, Facilities, & Utilities
- Chapter 8 – Transportation
- Chapter 9 – Recreation
- Chapter 10 – Special Areas and Sites
- Chapter 11 – Housing
- Chapter 12 – Agriculture
- Chapter 13 – National Interest Electric Transmission Corridors

- Intensive Agriculture Overlay
- Agri-Tourism Overlay
- Next steps include: Schedule public hearings to adopt the plan and create ordinances to implement the plan

A roundtable discussion followed regarding various elements of the draft comp plan, and planning in general. The P&Z Commissioners and the Board of Commissioners will email their comments to staff for another review. Elizabeth Allen said the plan will be scheduled as a special hearing and it will take several hours to get through the comments. Director Fultz said the likelihood of getting the comp plan to 100% acceptance by the 240,000 people in the County is probably not going to happen. We will be reviewing the plan on an annual basis and it's his vision that we always have a 10-year that will be reviewed every year. There was general consensus to move the plan forward to the P&Z Commission for public comments at public hearing.

The meeting concluded at 6:44 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2022 TERM

CALDWELL, IDAHO MAY 24, 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:

- A-Gem Supply Inc in the amount of \$2,190.00 for Parks Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Kathleen (Kate) Rice, Human Resources Director; Alex Eelis, Outdoor Recreation Planner

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Carniceria Mi Tierra Inc dba Carniceria Mi Tierra (Resolution no. 22-114)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for La Michoacana Mexican Restaurant LLC dba La Michoacana; Clifford Randall Raymond dba Red Dog Saloon; Shewil LLC dba Slicks Bar (Resolution no. 22-115)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Target Corporation dba Target Store T-2206; Khanpur LLC dba Frendly Fred's; Valley Wide Cooperative Inc dba Balley Country Store (Resolution no. 22-116)

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 6/11/22; Raising Our Bar to be used 6/3/22, 6/4/22, 6/5/22, 6/10/22, 6/12/22, 6/13/22, 6/17/22, 6/19/22, 6/24/22, 6/25/22, 6/26/22

#### DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action items:

Action Item: Consider signing resolution classifying records of the Canyon County Sheriff's Office and authorizing the destruction of certain records - continued to May 26th at 10:00 a.m.

Action Item: Consider signing memorandum of agreement with Idaho Department of Juvenile Corrections to support the community based alternative services and substance use disorder services programs

Action Item: Consider signing a resolution to change the County Travel Reimbursement Rate

Action Item: Consider approving and signing supplemental services addendum with Forensic Logic for Coplink data integration maintenance

#### DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with the County Agent to discuss general issues, set policy, give direction and action item:

Action Item: Consider signing University of Idaho Extension Office cooperative agreement for University of Idaho Extension Programs

#### DETAILED MINUTES TO COME AT A LATER TIME

Canvass May 17th, 2022 Election

MAY 2022 TERM

CALDWELL, IDAHO MAY 25, 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 584889 to 584923 in the amount of \$25,570.69
- The Board has approved claims 584857 to 584888 in the amount of \$114,336.12

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Rocky Mountain Steel in the amount of \$5,701.78 for Facilities Department
- Asphalt Drive Ways & Patching in the amount of \$2,919.00 for Solid Waste Department
- Northwest Land Services LLC in the amount of \$9,987.00 for Development Services

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Tara Hill, Administrative Supervisor; Marsha Larson, Deputy Attorney I; and Haven Davis-Martinez, Canoe Science Camp Program Intern

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Carl Dille

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Conrad & Bischoff Inc dba Garrity 66; Family Dollar Inc dba Family Dollar Store #26963; Family Dollar Inc dba Family Dollar #27513; Family Dollar Inc dba Family Dollar #30025; Family Dollar Inc dba Family Dollar #27267 (Resolution no. 22-117)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for LD Wood Investments LLC dba The Ranch (Resolution no. 22-118)

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Legends Sports Bar & Grill to be used 6/9/22

#### MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS THE GAS COLLECTION SYSTEM IMPROVEMENTS AND FLARE STATION DESIGN

The Board met today at 9:00 a.m. with the Solid Waste Director to discuss the gas collection system improvements and flare station design. Present were: Commissioners Pam White and Leslie Van Beek, Landfill Director David Loper, Facilities Director Rick Britton, Clerk Chris Yamamoto, Controller Zach Wagoner (left at 9:57 a.m.), IT Director Greg Rast, PIO Joe Decker, Maureen McGraw with Tetra Tech and Deputy Clerk Jenen Ross.

Director Loper stated this project will be a large budget item in FY23 so he wanted to provide the Board with an overview. He and Ms. McGraw gave a PowerPoint presentation which is on file with this day's minutes. Topics covered in the presentation included an explanation of landfill gas and why it matters, regulatory framework, gas collection and control system compliance schedule, design overview, goals of GCCS, vertical landfill gas wells, vapor monitoring probes, horizontal landfill gas well, utility flare, operational components and engineers estimate. The estimated cost for construction is \$2,797,348; there will be other on-going costs once construction is complete. Director Loper said the money has already been saved for this project so at this time there will be no impact to landfill fees. The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

#### EMERGENCY EXECUTIVE SESSION REGARDING RECORDS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE, TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION, AND TO COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

The Board met today at 1:01 p.m. for an Executive Session pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) to discuss records exempt from public disclosure and attorney-client communication, to communicate with legal counsel regarding pending/imminently likely litigation, and to communicate with the County's risk manager regarding pending/imminently likely claims. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Deputy PA Wesley said it was scheduled as an emergency session because the group had intended to meet at another time, but ended up re-setting it due to a lack of Board availability. The session is appropriate pursuant to Idaho Code, Section 74-204(3) which allows for an emergency session with 24 hours' meeting and agenda notice. *The agenda was updated at approximately 3:00 p.m. May 24, 2022 to include today's 1:00 p.m. Executive Session which was held as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 1:03 p.m. pursuant to Idaho Code, Section 74-204(3). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. The Executive Session concluded at 1:44 p.m. with no decision being called for in open session.

PUBLIC HEARING - CONSIDER A REQUEST BY SIERRA VISTA PROPERTIES, INC., FOR A CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT, AND A PRELIMINARY PLAT FOR MINT FARM ESTATES SUBDIVISION, CASE NOS. RZ2021-0046/SD2021-0038

The Board met today 1:53 p.m. to consider a request by Sierra Vista Properties, Inc., for a conditional rezone of approximately 90 acres from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone/Single Family Residential) zone including a development agreement. Also requested is approval of a preliminary plat, irrigation, and drainage plan for Mint Farm Estates Subdivision (53 residential lots), Case Nos. RZ2021-0046 & SD2021-0038. The subject property, parcel no. R37496 is located at 8718 Purple Sage, Rd., Caldwell, Idaho. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Darin Taylor, John Cotner, Ammon Andelin, Keith Bowhan, Derritt Kerner, Jill Jenkins, Allen Colson, and Deputy Clerk Monica Reeves.

Dan Lister gave the oral staff report. The Hearing Examiner recommended denial of the request on January 20, 2022. The Board heard this case on March 30, 2022 and continued it today's date and asked the applicant to consider a rural residential zone and potentially a variance if they cannot meet the two-acre average minimum lot size. The applicant has submitted a variance application to reduce the lot sizes and they provided an amended plat that reduces the number of lots to have some of the larger lots on the outskirts of the boundary and the smaller lots in the middle of the property. It reduced the number of lots to 50 with a 1.57-acre average lot size. Staff cannot approve the variance as it does not meet the requirements; there is no hardship identified as part of this variance. They are applying for a rezone and are showing how they comply with that rezone and so if it's a rural residential zone they want they should comply with that zone. If it cannot comply the Board can condition it to better match the area. Staff provided the code that allows for a conditional rezone to not constitute a spot zoning and it doesn't create presumptive proof that other properties in the area could get the same thing. There is a way to use the R-1 zone conditionally to get that project to be closer to what the area is trying to maintain; however, the Hearing Examiner recommended denial of this case and promoted more of a rural residential zone in this location. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in favor of the request:

Darin Taylor offered testimony on behalf of the applicants. After the last hearing they revised the plat to submit with their variance application and after making the adjustments they lost three lots. The perimeter average lot size is 2.37 acres, included in that number are two stormwater basins totaling .43 acres and they are identified on the plat as separate lots and they can be

changed to easements if the Board prefers. Overall, the average lot size is 1.57 acres. The 18 lots located in the center are just above 1 acre. The nearest conditional R-1 zoning is ½ mile west, ½ mile east and a ½ mile south of the subject property. There are platted subdivisions within ½ mile of the subject property. They lost 3 lots along the north boundary. The code states that a conditional rezone is not spot zoning and is not a precedent for future zoning. The subject property is across the street from the City of Middleton impact area, and is identified on Canyon County's future land use map as residential. If the County requires a 2-acre average density, 11 or 12 lots will be lost. A traffic impact study and a groundwater study were completed and there is no information in the record about why the lots proposed should not be approved. The subdivision design and use complies with the requirements of the Canyon Highway District. Following his testimony, Mr. Taylor responded to questions from the Board.

The following people testified in opposition to the request:

Jill Jenkins is a partner with Western Land, LLC and she owns the property on the northeast side of the project. She's attended the hearings and talked about the need for municipal services, water shortages, cross contamination between sewers and wells, traffic problems, and school overcrowding. This is prime farmland and the applicant knew it was zoned ag when he purchased it. There is a lot of less productive land around the valley that could be for housing until there's a need for it to be zoned that way. There is a lot of traffic on the roads and a single-access road is a safety issue and a two-lane road is not sufficient for emergency responders. Ms. Jenkins said more planning needs to go into this because it's becoming hodge-podge and they should go through the planning process again.

Allen Colson testified that he agrees with Ms. Jenkins' testimony. There is a County mandate to preserve ag land, this is prime farm ground that's been farmed for at least 20 years. Reducing the proposal from 53 homes to 50 homes will not make much of a difference; the development is not helping to pay for community services. He spoke about road safety issues and traffic concerns. He does not support development that takes farmland; the community prefers larger 5-acre lots. Darin Taylor offered rebuttal testimony. Regarding the concern about overcrowded schools, Mr. Taylor said schools sit idle three months a year to a large extent so there are other schedules that could be part of the solution to overcrowding. Regarding the concern about a single access, the fire codes require a second access before you have more than 30 lots and the proposed second access is according to the highway district's required plan for this area. There are two planned accesses that will serve the subject property. The record indicates the land is not prime farmland, and there is a demonstrated need for housing in the area. Mr. Taylor does not see any demonstrated damage or injury to any of the adjoining properties nor does he see any injury or interference with farming or agricultural operations if this project is approved. The proposal meets the minimum standards in the code. Following his testimony, Mr. Taylor responded to questions from the Board.

Commissioner Smith believes rural residential is a better fit. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek appreciates the applicant's proposal and noted they have

made concessions, but she is in favor of upholding the Hearing Examiner's recommendation understanding that an R-R zone would reduce the project a number of lots but it would also be more compatible especially in light of what the surrounding lot sizes are. This is not a denial of the project but it is a denial of higher density in the middle of the project. Mr. Taylor made a great argument for use and did a great job cleaning up some of those arguments in the last hearing, but the property is outside the area of city impact and with the surrounding properties chose to comply with the rural residential zone because that is what this truly is. Commissioner White is not opposed to the project, but she believes a rural residential zone would be a better fit. Commissioner Smith agrees with the findings from the Hearing Examiner's decision, and she would improve them to note that the rural lifestyle is more agreeable there. When using the land use matrix things like the agriculturally-related activities aren't allowed in an R-1 zone which would be consistent with other uses in that area. The timing is not right for R-1 zoning and if the project moves forward at this time the R-R zone is the best. Otherwise she would give it a few years and see if Willowbrook develops and if it does it will be R-1 or more dense. It should be noted in the essential public services section that we did receive a letter from Middleton and the school is at capacity. Technically, we could also state that the jail is full. We have traffic mitigation through the future impact fees but there isn't anything that is proposed to be mitigated regarding any of our services that are at capacity currently. Commissioner Van Beek made a motion to uphold the recommendation of denial by the Hearing Examiner on Case Nos. RZ2021-0046 and SD-2021-0038, and to include the additional findings suggested by Commissioner Smith to support the denial regarding services and the other items under condition no. 2. Steps the applicant could take to gain approval include lowering the density in the area. The motion was seconded by Commissioner White and carried unanimously. Mr. Lister will make the changes to the FCO's and submit them for the Board's signature. The hearing concluded at 3:04 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2022 TERM  
CALDWELL, IDAHO    MAY 26, 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:

- Sunbelts Controls in the amount of \$2,950.00 for Facilities Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Payton Emmitt Talbot, Marine Deputy-Temp; Stephanie Hailey, Engineering Coordinator; Ripley Orr, Canoe Science Camp Program Intern; and Ryan Varon, Canoe Science Camp Program Intern

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Koda Bear Winery Inc dba Koda Bear Winery (Resolution no. 22-120)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Grit Ground Game LLC dba Grit; Uppercuts Barber Shop LLC dba Uppercuts Barber Shop/Upperclass Beauty Salon; 4T Sports Bar LLC dba 4T Sports Bar (Resolution no. 22-121)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Eva Contreras De Cuevas dba Tacos El Centro; 2C Family Brewing Company dba 2C Family Brewing Company; Destination Caldwell Inc dba Destination Caldwell; Salon Columbia Event Center LLC dba Salon Colombia Event Center (Resolution no. 22-122)

#### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:52 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Case nos. 2022-496, 2022-467, 2022-494, 2022-497 and 2022-495 do not meet the eligibility criteria for county assistance. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record. Liens and releases of liens were presented for Board signatures. The meeting concluded at 8:54 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 9:02 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne

Baker, Deputy P.A. Alex Klempel, Attorney Bryan Nickels for St. Alphonsus, Interpreter Laura Leavitt and Deputy Clerk Jenen Ross.

Director Baker provided a brief synopsis of each of the following cases and the following actions were taken.

Commissioner Van Beek made a motion to continue case no. 2022-176 to August 25, 2022. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to continue case no. 2021-957 to June 23, 2022. The motion was seconded by Commissioner White. A vote was taken on the motion with Commissioners Van Beek and White voting in favor and Commissioner Smith voting in opposition. The motion carried in a 2-to-1 split vote.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to deny case no. 2022-281.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue case no. 2022-128 to August 25, 2022.

The meeting concluded at 9:28 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:30 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue final denials on case nos. 2022-338, 2022-408 and 2022-330 with written decisions within 30 days.

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

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

The Board met today at 10:02 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, Chief Deputy Sheriff Marv Dashiell (left at 10:10 a.m.), Fair Director Diana Sinner (left at 10:18 a.m.), Representatives from the Sheriff's Office (left at

10:10 a.m.), Director of Juvenile Probation Elda Catalano (left at 10:15 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution classifying records of the Canyon County Sheriff's Office and authorizing the destruction of certain records:*** Ms. Klempel provided a review of the records to be destroyed, most of which are electronic, however the boat records are paper documents. All the records to be destroyed are classified as temporary and are more than two years old. Upon the motion of Commissioner White and second by Commissioners Van Beek the Board voted unanimously to sign the resolution classifying records of the Canyon County Sheriff's Office and authorizing the destruction of certain records (see resolution no. 22-119).

***Consider signing community support agreement between St. Luke's Health System, Ltd and Canyon County:*** Mr. Wesley explained this is a contract prepared by St. Luke's in order to provide funding for a proposed program run by Juvenile Probation. The commitment on the county side is to fulfill the proposal and spend the money only on that proposal. Ms. Catalano said that St. Luke's will be providing \$2000 to fund a self-esteem building program for young women. The program runs two sessions, one in the spring and one in the fall. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the community support agreement between St. Luke's Health System, Ltd. and Canyon County (see agreement no. 22-037).

***Consider signing Canyon County Fair 2022 Entertainment Contracts with the following contractors:*** Mr. Wesley said these are the standard forms used each year and Director Sinner explained these contracts are for grounds entertainment and represent 68% of the budget for that line item. Commissioner Van Beek made a motion to sign the contracts as listed. The motion was seconded by Commissioner White and carried unanimously. The contracts were signed as follows:

- Aussie Kingdom/CJ's Animal Adventures Inc., Carolyn Lantz: agreement no. 22-038
- Carol Grabner: agreement no. 22-039
- Drew Murray Inc.: agreement no. 22-040
- Hispanic Folkloric Dancers of Idaho/Brad Ebert: agreement no. 22-041
- Idaho Reptile Zoo/Tyler Messina: agreement no. 22-042
- Jason Buckelew: agreement no. 22-043
- Rhys Thomas/Up for Grabs Inc.: agreement no. 22-044
- Patti Syme: agreement no. 22-045
- National Entertainment Group/Richard Barker: agreement no. 22-046
- Wilma June Madison: agreement no. 22-047

As part of the legal staff update, Commissioner Smith spoke about an email she recently received from Sheriff Donahue which indicated that Commissioner Van Beek made contact with one of his deputies requesting front door security services so she may independently continue holding the afterhours community input meetings in the Commissioners' meeting room. Commissioner Smith asked at what point, as a Board, can Commissioner Van Beek be censored from being allowed use of public resources – in regard to both use of the BOCC meeting room and Sheriff's Office security

services in order to keep the courthouse open. Mr. Wesley said that to the extent that the BOCC meeting room is held out as a public meeting place it should be available to any community group, when not acting as a Board, an individual commissioner in their own political capacity making a request for the meeting room, he would recommend the Board follow regular policies for the administration of the room. Commissioner Smith the BOCC meeting room has not been used for non-BOCC meetings and the public meeting room only gets used by the Republican and Democratic parties; at this point no other outside groups are allowed to use the room. Mr. Wesley said he feels the request should be formal to hold a meeting in one of the rooms under the Board's jurisdiction and then the Board, as a majority, can consider the request in line with existing policies. Commissioner Smith said that if Commissioner Van Beek wants to hold a meeting during regular business hours that isn't an issue as it doesn't require additional resources. Anything afterhours would require Board approval because there is no policy in place to address it and there would be a need for additional resources.

A request to go into executive session as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 10:23 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, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 11:02 a.m. with no decision being called for in open session.

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

FY2023 BUDGET PRESENTATION FOR ADVOCATES AGAINST FAMILY VIOLENCE

The Board met today at 11:07 a.m. for a FY2023 budget presentation by Advocates Against Family Violence. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Kim Deugan and Trisha Lofton with Advocates Against Family Violence and Deputy Clerk Jenen Ross.

Ms. Deugan reviewed a handout outlining the services they provide and previous budgets. For FY2023 they are requesting \$50,000. The handout reviewed by Ms. Deugan is on file with this day's minutes. The Board has indicated they are supportive of the request. The meeting concluded at 11:44 a.m. An audio recording is on file with this day's minutes.

## COMMISSIONERS TO REVIEW FY2023 BUDGET MATTERS

The Board met today at 11:45 a.m. to review FY2023 budget matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Administrative Supervisor Monica Reeves and Deputy Clerk Jenen Ross.

Commissioner Smith explained this is the time for Board discussion in order to submit a requested budget to the Clerk for consideration in his suggested budget. Some of the line items discussed were as follows:

- Outside training for the admin. staff – line will remain at \$6600 with the knowledge that it will include training for both staff and BOCC.
- Airfare and other travel costs will remain the same.
- There is no recommendation from the Clerk and Controller for salaries yet.
- Subscriptions – Commissioners Smith and Van Beek would like to include subscription costs for the Idaho Statesman.
- IT has recommended replacement of Ms. Reeves' desk printer for \$287; Board would like \$500 in the computer equipment line for any unforeseen expenditures.
- Office furniture – will be reduced to \$0 as there are no known needs.
- Advertising: increase to \$18,000.
- Misc.: will remain the same to cover water.
- Local mileage line will be eliminated; mileage line will remain at \$3000.

Commissioner Smith said she has been looking at elected officials' salaries and may get with the Clerk and Controller for information on how those salaries were determined. If applicable for changes it will come back as a Board discussion.

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

## FY2023 BUDGET PRESENTATIONS

The Board met today at 1:33 p.m. for FY2023 budget presentations. Present were: Commissioners Leslie Van Beek and Pam White, Commissioner Keri Smith arrived at 1:39 p.m. Clerk Chris Yamamoto, Controller Zach Wagoner, Terry Harrell, Chris Trakel and Joe Moore from the Caldwell Veterans Council; Tina Freckleton from the Third District Youth Court; Melissa Radloff and Asia Miller from JANNUS; Ali Rabe and Evan Stewart from Jesse Tree of Idaho; Mike Swartz, Bob McKellip, Mike Summerville and Lori Kent from Canyon Soil Conservation District; Bill Larsen from Treasure Valley Partnership as well as other interested persons, and Deputy Clerk Monica Reeves. The following budget presentations were given to the Board:

**Caldwell Veterans Council:** This year the council is requesting \$32,000. They provided information regarding their civic purpose, groups who use the hall, and spoke about the humanitarian outreach

programs. The average yearly cost is about \$50,000 to keep the hall open and the Veteran Service Officer who works full-time is paid by the V.A. Caldwell Veterans Memorial Hall. A copy of the presentation is on file with this day's minutes. The presentation completed at 1:59 p.m.

***Third District Youth Court:*** A review of their budget and income was provided. Youth Court activities, demographics, and their success rate was shared with the Board. \$10,000 is being requested for FY2022. (2:02 p.m. to 2:14 p.m.)

***Aging Strong Programs by Jannus:*** Melissa Radloff spoke about the volunteers and the programs they offer as well as the type of funding they receive. This year the organization is requesting \$18,000 in County funding. (2:22 p.m. to 2:47 p.m.)

***Jesse Tree of Idaho:*** Ali Rabe and Evan Stewart spoke about the organization and what their needs are. Jesse Tree supports individuals who are at risk for homelessness and they estimate they are receive between 100-200 applications for Canyon County residents each month. They have received community support through donations, rental assistance grant. Jesse Tree is requesting \$2 million in County funding to help them sustain their mission over the next three years in providing rental assistance. (2:49 p.m. to 3:32 p.m.)

***Canyon Soil Conservation District:*** A PowerPoint presentation was given showcasing the services the district provides. This year the organization is requesting \$15,000 in County funding. There was discussion regarding the drought year and the need for an updated and comprehensive aquifer study since the last one was done in 1995. The soil conservation district could help call the meetings and bring people together but the actual groundwater studies would be done by the Idaho Department of Water Resources and/or the USGS. If the district had a letter from the Board requesting assistance they could make contact with the other agencies. There was also discussion about the need to have more specific information regarding soil classifications when the Board is making land use decisions. The district would need more investigation of the site and their staff would have to do an inventory of the existing system and they would probably need another position. Commissioner Smith would like to explore that idea with funding assistance provide through the Development Services Department budget. Mr. Summerville said if they received a letter from the Board on the groundwater issue they would contact their partners and see what data is already in existence and what other things could be done and what the costs might be. Clerk Yamamoto asked if the district's matching funds would increase if the County increases its funding. Mr. Summerville said it would help them, and there is an opportunity to seek additional federal funding and if they can get some assistance from the County and a part-time position. Commissioners Smith and White support that. Commissioner Van Beek wants more to time think about the implications on DSD staff and she believes more conversations are needed. (3:33 p.m. to 4:19 p.m.)

***Treasure Valley Partnership:*** The partnership's mission is to provide a forum for mayors and commissioners to build relationships, collaborate, share information and best practices and work together to address issues affecting the citizenry. This year TVP is requesting \$5,580 in County funds, which is less than last year's request. Commissioner Smith suggested the partnership look

at a floodplain model ordinance for the valley because there are restrictions that are a disservice to constituents. Commissioner Van Beek said there is also an interest in reviewing the covered load ordinance for gravel. (4:20 p.m. to 4:28 p.m.)

Today's budget presentations concluded at 4:29 p.m.

The Board went back on the record at 4:40 p.m. for continued discussion about the presentations. Discussion resumed regarding Jesse Tree's request for ARPA funds – theirs was not a property tax request. The Clerk and Controller want to take a closer look at the request which is a 3-year commitment of over \$600,000. The Board likes the idea of the program because if the data is correct about the cost of homelessness that is a significant cost to the community. Clerk Yamamoto said he's not come to any conclusions yet about his suggested budget; it's going to be an odd budgeting situation and it's highly likely the Clerk's suggested budget will have the mandatory services and other things will be left blank for the Board to fill in. The question was asked about whether there are any amounts that need to be flagged on the other organizations. Commissioner Van Beek said Advocates Against Family Violence is going to apply for ARPA funding. The Board wants to include a new budget line item for honorarium and congratulatory items with a funding level of \$750. The discussion concluded at 4:51 p.m.

The Board went back on the record at 4:56 p.m. and said it wants to make sure the facilities budget includes funds for new paint, new lights, and window reconstruction in the Commissioners. The discussion concluded at 4:58 p.m. An audio recording is on file in the Commissioners' Office. *\*Due to technical difficulties with the recording system, the last 12 minutes of the discussion was not captured on the audio file.*

MAY 2022 TERM

CALDWELL, IDAHO      MAY 27, 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 \$228,510.88 for Emergency Management

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change forms for Aldo Fortanelly, Clerk II; Mary Banford, Clerk I; and Tenley Ozuna, Clerk II

#### APPROVED KEY AND SECURITY ACCESS REQUEST FORM

- The Board approved key access form for Payton Talbot, Marine Deputy

#### APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permits for Paleteria Y Neveria Mi Linda Michoacana Ice Cream LLC to be used 6/3/22 and 6/4/22; The Curb Bar & Grill dba The Curb Bar & Grill to be used 6/10/22; Garden City Bar, LLC dba 1918 Lounge to be used 6/9/22, 6/18/22 and 7/30/22

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Bon Appetit Management Co. dba McCain Pub; and City of Nampa dba Centennial Golf Course (Resolution no. 22-123)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Hispanic Cultural Center of Idaho, Inc. dba Hispanic Cultural Center of Idaho; Coronar LLC dba Los Mariachis Mexican Restaurant #2; and The Tilted Ace LLC dba The Tilted Ace (Resolution no. 22-124)

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Tacos Colimas LLC dba Tacos Colimas (Resolution no. 22-125)

#### PRESENTATION BY SOUTHWEST DISTRICT HEALTH FOR ARPA FUNDS

The Board met today at 9:09 a.m. for a presentation by Southwest District Health for American Rescue Plan Act (ARPA) funds. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, SWDH Director Nikki Zogg, and Deputy Clerk Monica Reeves. Director Zogg said she had intended to make an ARPA request, but some things have transpired since then so she thought it'd be good to have a discussion and get input and potentially come back later. The premise of the conversation is around youth behavioral health support systems in the health district. (reviewed her PowerPoint)

#### Focus Areas:

- Lack safe environment or supervision for children when adult needs to access care

- Reduce juvenile justice and child welfare involvement
- Individualized plans for youth and family
- Provide 24/7 services for youth in behavioral health crisis

### **Adults in Crisis**

Option 1: Seek one-time ARPA funding to pilot a respite nursery, complete a solicitation for interest to existing childcare providers, and contract with providers who can provide drop-in childcare. Estimated cost to pilot one year is \$50,000

Option 2: Seek one-time ARPA funding to pilot a respite nursery and collaborate with WICAP on a project to provide respite nursery services with a broader scope. Estimated cost: More conversations need to happen with WICAP to see if blending or braiding funding would be feasible.

### **Prevention: Safe Teen Assessment Centers**

#### **Youth in Crisis: Youth Crisis Center**

Director Zogg asked if the Board would entertain a funding request and offer some guidance if she came back and asked for help with purchasing an existing space or building a place. SWDH will look at pursuing other funding opportunities. Commissioner Smith said building a campus on the lot that's available is the best option but she'd like to find a temporary option to get by for a small period of time. The biggest challenge is finding available counselors and resources. Director Zogg said they have reached out to behavioral health players and one intends to apply for the contract funds or through the SWDH as the administrator as was done with the adult crisis center. Commissioners Van Beek and White would like additional information since we do not know what the financial need is. Clerk Yamamoto said there are multiple entities who are requesting ARPA funds and we'll have to determine what is the most urgent need and best use. The funds have to be allocated by 2024 and spent by 2026. Commissioner Smith said the County sent the money for the rapid rehousing and housing assistance back to the state, and because the state didn't spend it, it will be sent to other states and cities and we won't have any chance to use it. She would like to see the money used, in part, for the crisis center but we need to keep working on what we could do for the immediate need and also what would it take to build the long-term home. Director Zogg said she will wait for the request for the crisis center funding and see what that looks like because there is potential funding that can be used. The district has some funding for COVID-response-related things, but she will have to ask if it could be used for something like this. The amount is \$6 million over two years, but she doesn't know if it can be used for infrastructure; if not, they will be sending more than half of the money back. Commissioner Smith said they should ask for it and see if there are other ways to connect other entities with that money. Director Zogg will come back in a month or so. No Board action was required or taken. The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

### **PRESENTATION BY CITY OF MIDDLETON FOR ARPA FUNDS**

The Board met today at 9:41 a.m. for a presentation by the City of Middleton for American Rescue Plan Act (ARPA) funds. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Middleton City Clerk Becky Crofts, Middleton Public Works Director Jason Bengilder, Mike Bowick from SPF Water, and Deputy Clerk Monica Reeves. Ms. Crofts said the City of Middleton received \$1.8 million in state funding and they are trying to solve two critical infrastructure projects which are a qualified expenditure under ARPA spending. The projects are as follows:

- Hartley Sewer Trunk Line Wastewater. Middleton is using their \$1.8 million on that project which will serve the City and it will serve for expansion to the west down Highway 44 for residential and commercial development. It will be completed by July of this year.
- Southern Middleton Water System Loop and Boise River Watermain Bore - The City wants to partner with Canyon County to use \$2.2M of the ARPA funds the County received. The project will connect to the southern planning area and will allow a connected system and enable them to bring more industrial growth. There are 500 acres of potential industrial area that the project would help serve long-term needs in terms of growth and employment.

Commissioner Smith asked if the City is talking about slowing the residential growth and working on industrial and commercial so there's a better balance and so that we are not continuing to overfill the schools. Ms. Crofts believes there will be a natural slowing occur in residential growth due to the rising interest rates. Traffic is a big concern to the City and there are a lot of things they're working through. Middleton leadership does not want to become a bedroom community, they want to develop the commercial and industrial corridors that provide jobs. Commissioner Van Beek had follow-up questions regarding the projects. Jason Bengilder gave an overview of the loop request. The projects will improve water infrastructure, meet an existing need and set us up for redevelopment as Highway 20/26 corridor grows. Commissioner Smith said there are some discussions on what the County will use the ARPA funding for but most of it is planned for revenue replacement funds which opens the door to additional opportunities such as capital projects including a second administration building so we can handle our own growth. The County can consider Middleton's request but we are little early and as we work through what those priorities look like it will be a matter of timing and what the Clerk's suggested budget looks like. Clerk Yamamoto said the \$44 million in ARPA funds the County is receiving does not come close to what the needs of the County are so those discussions are happening and he hopes to have better ideas soon as to what the best use of the funds will be. No Board action was required or taken. The meeting concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

FY2023 budget presentations:

FY2023 budget presentation for Genesis Community Health

FY2023 budget presentation for WICAP

DETAILED MINUTES TO COME AT A LATER TIME

Presentation by Canyon County Emergency Manager for ARPA Funds

MAY 2022 TERM

CALDWELL, IDAHO     MAY 31, 2022

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

FILE TREASURER'S REPORT IN MINUTES

- The Board filed the Treasurer's monthly report for April 2022

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Cameron Lybbert, Fair Events Coordinator; Travis Joseph Weber, Deputy Sheriff-Inmate Control; William Ty Kinghorn, Deputy Sheriff-Inmate Control; Perter Krantz, Deputy Sheriff-Patrol; Addison Rennigton, Temporary Legal Support; Kamryn Wiese, Temporary Legal Support

APPROVED CLAIMS ORDER NO. 2218

- The Board of Commissioners approved payment of County claims in the amount of \$1,923,674.84 for a County payroll

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Miwall Corporation in the amount of \$6,850.00 for Canyon County Sheriff
- Apple Inc in the amount of \$1,849.00 for Information Technology Department
- Dell in the amount of \$1,188.74 for Information Technology Department
- Dell in the amount of \$2,377.68 for Information Technology Department
- Wasp Barcode Technologies in the amount of \$1,977.00 for Information Technology Department

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Salinas Foods LLC dba Yita's Family Restaurant King Legend Hall (Resolution no. 22-126)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for 2C Wine Down LLC dba 2C Wine Down (Resolution no. 22-127)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Fast Mart Nampa, Inc dba Fast Mart (Resolution no. 22-128)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Hat Ranch Winery LLC dba Vale Wine Company/Hat Ranch Winery (Resolution no. 22-129)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for SAS Restaurant Ventures Inc. dba Denny's Restaurant #6640; Paleteria Y Neveria Mi Linda Michoacana dba Paleteria Y Neveria Mi Linda Michoacana Ice Cream (Resolution no. 22-130)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Swirl Wine Shop and Lounge LLC dba Swirl Wine Shop and Lounge (Resolution no. 22-131)

DETAILED MINUTES TO COME AT A LATER TIME

Executive session:

Pursuant to Idaho Code, Section 74-206 (1) (d) and (f) regarding records that are exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation

DETAILED MINUTES TO COME AT A LATER TIME

Presentation by the Idaho Chapter American Farmland Trust regarding crops data in Canyon County

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to consider offer to purchase County property located at 0 Pond Lane

DETAILED MINUTES TO COME AT A LATER TIME

Executive session:

Pursuant to Idaho Code, Section 74-206 (1) (b) and (d) regarding personnel matters and records that are exempt from public disclosure

THE MINUTES OF THE FISCAL TERM OF MAY 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CANYON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Commissioner Leslie Van Beek

\_\_\_\_\_  
Commissioner Keri K. Smith

\_\_\_\_\_  
Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: \_\_\_\_\_, Deputy Clerk