

AUGUST 2022 TERM
CALDWELL, IDAHO AUGUST 1, 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:

- RR Donnelley in the amount of \$2,618.11 for the Assessor's Office

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Mihaela Karst, Deputy Public Defender I – limited license; Burke Romans, Sr. Certified Appraiser; John (Pete) Madison, Deputy Sheriff; Stacie Woods, and Comm. Officer – Dispatch.

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

Commissioner Van Beek made a motion to go into Executive Session at 8:36 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners 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, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, HR Director Kate Rice, HR Generalist Jennifer Allen and other county personnel. Commissioner Pam White arrived at 8:40 a.m. The Executive Session concluded at 9:30 a.m. with no decision being called for in open session.

PUBLIC HEARING – REQUEST BY SAMUEL AND MARIA GARCIA, GISELLE GARCIA AND LYNETTE GARCIA FOR A REZONE AND A SHORT PLAT FOR LAKHOTA SUBDIVISION, CASE NO. RZ2021-0025 AND SD2021-0014

The Board met today at 9:38 a.m. to conduct a public hearing in the matter of a request by Samuel and Maria Garcia, Giselle Garcia and Lynette Garcia for a rezone of approximately 2.71 acres from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. Also requested is a short plat for Lakhota Subdivision. The subject property, R33430014, is located on the west side of Lakhota Lane. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Lynette Garcia, Giselle Garcia, Samuel Garcia, Maria Garcia, Robert

Almanza, Rachel Johnson, Zac Mathews, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The parcel was created through a conditional use permit so it does have a building permit available. The applicant is seeking two lots and therefore rezoning and platting is required. Mr. Lister reviewed the potential impacts noting this will be the only R-1 zone in the area. The plat contains two residential lots with a 1.35-acre average lot size. A domestic well will be used to irrigate up to ½ acre. Stormwater will be retained on site in barrow ditches and swales. The shared driveway will be constructed to allow stormwater to run off into adjacent roadside swales. Staff found the cul de sac doesn't meet current requirements so they have to go through an easement reduction process. The applicant needs to work with the irrigation district regarding the use relinquishment or agreement regarding existing surface water rights. The Hearing Examiner recommended approval of the rezone and short plat on May 18, 2022. The final plat will have to be considered at a later date because the conditions have not been met. Following his report, Mr. Lister responded to questions from the Board. Lynette Garcia testified that she and her sister work from home and their parents are retired and they are looking for a quiet neighborhood. They met with their future neighbors about their plans and they look forward to integrating into the neighborhood. They want to build two homes next to each other on acreage property; one house will be built for their parents and Ms. Garcia and her sister will live in the other house. They are working on the construction drawings as well as the shared road users' and maintenance agreement for Lakhota Lane and the shared driveway. They have addressed some of the conditions related to ensuring that Lakhota Lane is in compliance with the County code. The engineer has done an assessment and is in the process of writing a letter stating the road is built to requirements. Ms. Garcia discussed the issues with the easement for the cul de sac and they are hoping it can stay as-is. They have a water right but they do not have an easement to get their water to the property from the access point. They are in discussions with Boise Project Board of Control to move the water allotment to the adjoining Watson Lateral, and they hope to have it resolved this winter. Commissioner Smith does not believe the request is consistent with the other splits in the area. Ms. Garcia said her lot was parceled out in the 1990's before the current code. There are one-acre parcels in the neighborhood and they don't think their request to have 2 one-acre lots is unreasonable or create an unusual precedent. Also, the land is not prime agricultural ground. Further discussion ensued. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner White said believes the request is compatible when you look at the area and she supports approval. Commissioner Van Beek said she struggles not to approve this for the reasons Commissioner White stated; however, she does not have a desire to spot zone. In looking at the size and soils she wants to know what the process would look like for a conditional rezone. Mr. Lister said it would be re-noticed and the applicant would pay the development agreement fee and we would consider the conditions. It would lock down the development to what is being requested. Commissioner Smith said the request is not consistent with the area, it's a rural residential area. To introduce a predominately single-family zone next to agriculture is not compatible. Maybe the entire subdivision should have a joint application rather than this piece meal spot approach. Commissioner Van Beek likes the proposal but it would have to be presented in a different format. She then made a motion to reverse the Hearing Examiner's decision and deny the request for an R-1 zone and subdivision for Case No. RZ2021-0025 and SD2021-0014. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the

motion to deny. The motion carried by a two-to-one split vote. The FCO's will be brought back at a later date and notify the Garcias of a new hearing date and it will come back for another hearing. The hearing concluded at 10:51 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 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 FORMS

The Board approved an employee status change form for Kyle Strempeke, Maintenance Technician; and Kelly Gardner, Maintenance Specialist.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 8/20/22.

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

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Prosecutor Bryan Taylor, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing Thomson Reuters West Publishing Corporation's Subscription Order Form for the Canyon County Prosecuting Attorney's Office: Prosecutor Taylor explained this is the legal research tool used regularly in their office. The previous version and contract were for the Classic version, however that is no longer supported and the contract will be updated to the Edge version. This renewal will be a 3-year contract as it is more cost effective than a year-by-year contract; contract has been budgeted for in fiscal years 2022 and 2023. Prosecutor Taylor did note that the contract for his office will be slightly more than the Public Defender's as there are more attorneys in his

office and the program includes a specialized civil component. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the Thomson Reuters West Publishing Corporation's Subscription Order Form for the Canyon County Prosecuting Attorney's Office (see agreement no. 22-083).

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

MEETING TO CONSIDER CERTAIN AGENDA ITEMS

The Board met today at 9:17 a.m. to consider certain agenda items. Present were: Commissioners Keri Smith and Pam White and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider approving Tax Charge Adjustments by PIN for June 2022: The total adjustment being made is \$(23,172.72) and there were no Board questions. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to approve the tax charge adjustments by PIN for June 2022. The meeting concluded at 9:17 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY GUNNER & THERESA BRADFORD FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT, CASE NOS. CR2021-0007 & SD2021-0036

The Board went on the record today at 10:03 a.m. to table the public hearing in the matter of a request by Gunner and Theresa Bradford for a conditional rezone and preliminary plat, Case Nos. CR2021-0007 and SD2021-0036. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. DSD Staff had requested a later hearing date, and when factoring in the Board's schedule the soonest available date was September 14, 2022. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reschedule the hearing to September 14, 2022 at 9:00 a.m. The meeting concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS PUBLIC NUISANCE VIOLATIONS

The Board met today at 10:04 a.m. to discussion public nuisance violations and to sign a certificate of noncompliance for public nuisance violations for properties located at 9045 Owyhee Drive (Parcel R25979) and 0 Owyhee Drive (Parcel No. R25978) in Caldwell. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Code Enforcement Officer Eric Arthur, Administrative Specialist Kathy Husted, and Deputy Clerk Monica Reeves. The code enforcement case (CDEF2021-0114) on the subject property was referred to the Prosecutor on or about June 7, 2022. The public nuisance violations on this property include non-operational vehicle(s) and/or parts, tires, junk, trash and debris including but not limited to scrap metal and scrap wood that are stacked and openly stored. On July 9, 2022, code enforcement was advised by P.A. James Haws

that the case would not be filed “in the interest of justice.” The property continues to be in violation and Officer Arthur believes the best course of action is to record a Certificate of Noncompliance, which requires approval and signature by the Board. The Board wants to speak with the Chief Criminal Deputy PA about why the PA’s Office chose not to file a prosecution case on this matter. Commissioner Smith is supportive of signing a certificate of noncompliance but doesn’t want to close the meeting until the Board can discuss the matter with PA and Chief Criminal Deputy. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the certificate of noncompliance for public nuisance violations on properties located at 9045 Owyhee Drive and 0 Owyhee Drive in Caldwell. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the discussion to August 3, 2022 at 9:00 a.m. There was follow-up discussion regarding other nuisance cases but no Board action was taken. The meeting concluded at 10:22 a.m. An audio recording is on file in the Commissioners’ Office.

MEETING WITH CANYON COUNTY SHERIFF AND NAMPA AND CALDWELL POLICE CHIEFS REGARDING LAW ENFORCEMENT OPERATIONS

The Board met today at 10:39 a.m. with Sheriff Kieran Donahue and the Nampa and Caldwell Police Chiefs regarding law enforcement operations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Nampa Police Chief Joe Huff, Caldwell Police Chief Rex Ingram, Chief Deputy Sheriff Marv Dashiell, Captain Mike Armstrong, Lt. Martin Flores, Lt. Travis Engle, Clerk Chris Yamamoto, PIO Joe Decker, Kim Deugan from the Advocates Against Family Violence, and Deputy Clerk Monica Reeves. Sheriff Donahue spoke of how Caldwell Police Department, Nampa Police Department and the Sheriff’s Office work together and keep the lines of communication open on the issues facing law enforcement. Chief Huff talked said it’s a concern that officers have been told to try not to arrest people because there is no available space in the jail. The vast majority of those who are arrested are repeat offenders, and violent crime is on an upward trend, and as of this morning violent crime in Nampa is up 7.3%. The agencies do a great job across the county of partnering but it’s the same criminals all agencies are dealing with. He said the City of Nampa cherry picks a lot of Canyon County officers (road deputies, jail deputies, and a substantial number of dispatchers) and the vast majority have said it’s for the pay and the working environment/culture. The training cost for officers is \$140,000 and so it’s expensive to lose them. Chief Huff said NPD does not follow Canyon County’s pay scales, they follow the City of Meridian, Ada County and Boise City pay scales. NPD is in the ballpark with them, but they are on the far leftfield, they cannot keep up with what’s going on in Ada County. NPD loses officers to Ada County for \$22,000 a year more. Ada County offers one-for-one credit while NPD does a one-for-two credit, but the Chief is talking to the city council about making it a one-for-one credit. There was further discussion regarding the process the City of Nampa has for salaries. The NPD budget is roughly \$31.3M and \$29M of that is wages and benefits. Chief Ingram said CPD’s budget is \$13M, with \$10M for wages and benefits. When looking at a professional organization like the CPD if you treat employees like blue collar workers you get blue collar work, not professional work and it starts with the wages. CPD employees, prior to the 10% raise they were just given, were at a starting salary of \$19 an hour. The department store Target pays \$20 per hour. The entry level

wages are now \$23 an hour which is still lower than it needs to be because we have to hire professionals. CPD officers make \$33,000 a year less than the Ada County Sheriff's Office. The criminal justice system is severely broken in California where district attorneys are letting people out on the street and the recidivism rate is extremely high and there is no accountability, and Chief Ingram does not want to see that here. We are asking officers to risk their life for pennies on the dollars and then are told the jails are overcrowded and so it seems counterproductive and contrary to what we stand for in public safety. It is heartbreaking for him to see Sheriff Donahue making \$28,000 a year less than himself when he has a span of control of 60% more personnel than Chief Ingram has to deal with. It's ludicrous. Criminals do not see borders and all agencies are involved in the partnership because they're each investigating crimes. We will not be where Ada County or Boise City are because the tax base is not there yet, however, we have to be in the same ballpark because we are losing people. People are loyal to this county and they don't want to leave their agency because they were born and raised and they love the community and despite the rhetoric in the country they choose to be a law enforcement officer and they should be paid the salary of a professional. Commissioner Van Beek talked about importance of identifying a capital fund project for a jail. Sheriff Donahue said it's difficult to ask his colleagues not to bring people to the jail; it's counterproductive and hopefully someday the citizens may understand the need for a new jail. The Sheriff said his salary is woefully below what his executive colleagues throughout the valley make and that trickles down to the chief deputy, captains, and lieutenants. His staff are being approached by other agencies for considerably more money and that's a travesty. Employees need to be paid competitively otherwise we won't have anyone working here. CCSO is down 16 employees, that's an entire team. Employees are working mandatory overtime and are being asked to do more but we're not paying them. The answer is in budgeting. Commissioner Smith said everyone has talked about the catch and release program and the impact it has and she challenged both police chiefs to talk to their city councils about their approval rates for development. She believes the councils are not looking at the whole community and the impact their approvals are having. It's putting the Sheriff in a bad situation by not having available bed space. Developments help get city officers on the street, but there is no funding mechanism in place to help the County get the jail beds the cities need. Commissioner Van Beek said the County can collect impact fees for jails and it could turn into a viable funding source. Chief Huff said there needs to be a strategic plan with a game plan in place. The vast majority of citizens want a jail, but growth needs to pay for itself. Chief Huff said Canyon County has great deputies and he asked the Board to consider keeping their salaries in the ballpark with the other agencies. Chief Ingram said CPD has lost 53 employees in the last two years to ISP and Ada County. The officers and professional staff are the most overworked and underpaid staff in the entire state, and they are dealing with the worst part of society: the most gangs, the most violence, and the most shootings. Those in Ada County and City of Eagle do not do half as much of the violent crime suppression that our deputies and police officers do. Employees cannot survive on these salaries, and we have to do a better job retaining our people. Commissioner Smith appreciates the efforts for collaboration and said we all have identified needs and we will work on solving those needs as well as the jail problem. No Board action was required or taken. The meeting concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

FY23 TENTATIVE BUDGET MEETING WITH ELECTED OFFICIALS

The Board met today at 12:01 p.m. with the elected officials for a discussion regarding the FY23 tentative budget. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Cpt. Mike Armstrong, Lt. Martin Flores, Lt. Travis Engel, Chief Deputy Sheriff Marv Dashiell, ADJ Davis Vander Velde, TCA Jamie Robb, HR Director Kate Rice, HR Generalist Jennifer Allen, PIO Joe Decker, Director of Juvenile Probation Elda Catalano, Facilities Director Rick Britton (arrived at 12:19 a.m.) and Deputy Clerk Jenen Ross. Commissioner Smith explained she would like to see today's meeting focus on compensation and the tax request. HR Director Kate Rice compiled a worksheet outlining three scenarios for compensation suggested by PA Taylor, Controller Wagoner and herself. A brief review of each option is as follows and a copy of the worksheet is on file with this day's minutes.

- Suggestion 1: includes a 10% COLA for each employee/position + \$3.00/hourly increase + steps for all non-exempt employees. When adding in benefits the total cost would be approximately \$15M.
- Suggestion 2: \$12,000 annual increase (\$5.77/hourly increase), does not include step increases. When adding in benefits the total cost would be approximately \$12M.
- Suggestion 3: 10% COLA + step increases + \$1.25/hourly increase. When including benefits the total cost would be approximately \$9.8M.

Ms. Rice explained that the county currently has 64 vacant positions with people continuing to give notice daily. The county needs to find ways to attract, retain and engage the younger workforce as the baby-boomer generation continues to retire.

Discussion ensued on the following topics:

- The need to retain current employees and attract new ones.
- The draw on taxpayers to fund salary increases and the counterweight of the need to provide services to the community.
- Concern regarding the compensation plan evaluation/updating, the timeframe it may take for that to be completed and what it will do to salaries if they are not caught up in a timely manner and/or continue to fall behind.
- A spreadsheet was created and provided via email by Assessor Stender giving an example of what it would look like for taxpayers if the county were to levy \$10M.

After evaluation of each option the most favorable is option no. 2, a \$12,000 increase for every employee/position, however, several elected officials expressed their desire to see the step program continue as they are concerned that without that in place the compensation plan will continue to fall behind. This increase will have the largest impact on the entry-level/customer service type positions and should bring all county employees above the poverty line. Treasurer Lloyd spoke about how oftentimes the entry-level/customer service positions are the frontline

workers and the face of their offices – the county needs to be able to hire the caliber of people to properly represent the county. The Board requested Ms. Rice to provide numbers for option no. 2 that include benefits and part-time employees that can be evaluated at the next meeting.

Commissioner Smith also indicated she would like to see a dedicated capital improvements line created for a new administration building and jail and to remove on-going costs from the ARPA monies.

The meeting concluded at 1:03 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 74-206(1)(B), (D), (F), AND (I) REGARDING PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION AND TO COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Smith made a motion to go into Executive Session at 1:03 p.m. pursuant to Idaho Code section 74-206 (1)(b), (d), (f), and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and to communicate with risk manager regarding pending/imminently likely claims. 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, Sheriff Kieran Donahue, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Assessor Brian Stender, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Chief Deputy P.A. Sam Laughed, Deputy P.A. Alex Klempel, Representatives for the Hartwell Corporation and Representatives from ICRMP (arrived at 1:30 p.m. and left at 2:20 p.m.). The Executive Session concluded at 2:41 p.m. with no decision being called for in open session.

This was an informational meeting between Elected Officials, Hartwell Corporation, and ICRMP, as to confidential insurance policy matters, including specific claims involving named personnel and pending or imminently likely litigation, as well as proprietary information not subject to public disclosure pursuant to 74-107(11). There were no action items for consideration.

AUGUST 2022 TERM
CALDWELL, IDAHO AUGUST 3, 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 \$8,700.00 for Development Services Dept.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for B&N Legacy, LLC., dba Cowgirls to be used 8/16/22

TAX DEED AUCTION - PIN 34980000 0 / POND LANE

The Board met today at 9:01 a.m. for a tax deed auction for PIN 34980000 0, Pond Lane. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Deputy P.A. Zach Wesley, Chief Deputy Joe Cox, Rural Supervisor Roger Craig, Code Enforcement Supervisor Eric Arthur, Code Enforcement Officers Gary Westerfield and Katie Phillips, Other interested citizens and Deputy Clerk Jenen Ross.

Commissioner Smith opened the auction noting that the minimum bid is \$194,400. No bids were received on the property. Discussion ensued as to what the next options would be including putting it up for auction again in November, revise the minimum bid or allowing it for regular sale. The main issue with this property is that there is no access. Commissioner Smith would like to see the county work to acquire access which may make the property more attractive to a potential buyer. Commissioners Van Beek and White are not as supportive of this idea. Mr. Wesley suggested that perhaps DSD or the Assessor's Office could provide legal document to him in order to review potential access and possible estimated costs. Additionally, he suggested that Director Schwend could also evaluate the property to determine if there are any options for recreational use. The Board is supportive of both these suggestions.

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

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

Note for the record: As properly noticed the Board met today at 9:20 a.m. for a meeting to discuss public nuisance violations. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:20 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) 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, Chief Deputy Criminal P.A. Doug Robertson, Code Enforcement Supervisor Eric Arthur and Code Enforcement Officers Katie Phillips and Gary Westerfield. The Executive Session concluded at 10:01 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER COMMENT REGARDING THE PROPOSED ESTABLISHMENT OF THE HOMEDALE PUBLIC LIBRARY TAXING DISTRICT

The Board met today at 10:08 a.m. to consider public comment regarding the proposed establishment of the Homedale Public Library Taxing District. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, Elections Supervisor Haley Hicks, Elections Specialist Brandi Long, Pam Gibbens, Nancy Belknap, Sharla Jensen, Clay Ritter, and Deputy Clerk Monica Reeves. Pam Gibbens serves on the board for the Gypsy Jackson Memorial Library and said they are requesting to be placed on the ballot for November 2022 to become a library district. Their boundaries will follow the Homedale School District which abuts the Marsing Library District and the Wilder Library District. They hope to be able to offer more classes and programs as they have a large population they believe would benefit from GED classes and ESL classes. They also plan to expand their hours into the evenings. The formation of a district will allow those outside the city proper to use the library. Currently they are under the city's jurisdiction so the fee is built into the city taxes and rural residents pay a fee. Sharla Jensen, the library director, said they have an agreement with the Lizard Butte Library District and with the Wilder Library in that if a person has a current library card they can get a card at the Gypsy Jackson Library, but it's a cumbersome process. They have a lot of people who are not in any library district but want to be in one. Following questions from the Board, Commissioner Van Beek made a motion to approve the petition to establish the Homedale Library District. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 10:18 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY FREEDOM ACRES LLC FOR A CONDITIONAL REZONE:
CASE NO. RZ2022-0005

The Board met today at 1:37 p.m. to conduct a public hearing in the matter of a request by Freedom Acres, LLC, for a conditional rezone, Case No. RZ2022-0005. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Michael Bodenbender, Curtis Bodenbender, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she is familiar with the area/property and the road conditions. Commissioner Van Beek disclosed that she is familiar with the area. Dan Lister gave the oral staff report. The applicant is requesting a conditional rezone of Parcel R37627102 from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone – Rural Residential) Zone. The request includes a development agreement to limit development to six residential lots. The property is located as 24082 Blessinger Road, Star (Lot 3, Block 1 of Rustic Acres Subdivision) and consists of 18.56 acres. The parcel is located within the Rustic Acres Subdivision. The property is designated as residential on the future land use map, and was included in the City of Star's Impact Area. There was a review of agency comments. On May 5, 2022, the P&Z Commission recommended approval of the request subject to conditions. Staff is recommending as well. Following his report, Mr. Lister responded to questions from the Board. Michael Bodenbender testified it has been his family's dream to purchase property that could be split so they could build their forever homes. He said parcel is not good for farming any longer due to the configuration and hillside slopes, and furthermore, the surrounding area is becoming residential. There was discussion regarding the impacts to the horse operation to the east of the subject property, shared road maintenance and requirements, and access. **There was a technical error with the recording system where it was momentarily taken off line due to the media card being full. A backup recorder was used during the time IT dealt with the issue. Staff estimates 1-2 minutes of testimony was offline. The testimony and discussion during that time dealt with access issues.* Mr. Bodenbender testified they are a general contractor and they store trucks and trailers there between jobs. There are three RV's on the property, two of which are occupied. Commissioner Smith said a contractor shop is not allowed in a rural residential zone and so storing material and staging equipment would not be allowed if the property is rezoned. Curtis Bodenbender testified he is the primary owner of Pro Craft Construction and his brothers work with him and drive a company vehicle to the property. There are trailers on the property including his personal camp trailer, a horse trailer, and a boat. Some of the trailers are leaving this week for sites the company is building on in Valley County. He has a shop in Star where he stores most of his equipment. The intent is for all lots to be assumed by family members. Commissioner Smith said a better option might be leaving the property as agriculture which allows for a contractor's shop, but if they switch to rural residential it won't be allowed. Mr. Bodenbender said that's not their intent, the plan is to keep the barn and arena and they will develop around what is there and maintain the agricultural character of the area. Most of outbuildings in the middle of the property will go away because they are an eyesore, but they are being used until they obtain further approval in this process. There will be a roundabout developed for the property on one lot. Dan Lister said on some of the proposed roads there are structures that won't meet setbacks so they will have to reconfigure some of that or some of the structures will have to go away. According to Mr. Bodenbender, the shop is 10 feet

too close and so it will likely be removed and something nice will be put up. There was discussion about the conceptual plan, privacy fencing and Willis Road improvements to the site. Mr. Lister said the case could be tabled with information brought back or they could develop conditions that mitigate the concerns and provide evidence at the time of platting. Commissioner Smith agreed and said she wants staff to work with the applicant on conditions of approval that match that, including general compliance with the ordinance on the contractor piece of it, and the condition of the property. The zoning map needs updated as it doesn't reflect the case map and what's been approved. Update the case summary, and the staff report to note the property is in the Star Impact Area but since the application was received prior to the adoption of the area of city impact staff is only applying the fair standards which they applied under. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to August 17, 2022 at 10:00 a.m., to pursue additional information on the part of staff and the applicant. The hearing concluded at 2:57 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW

FY23 BUDGET WORKSHOP FOR COMMISSION REVIEW AND RECOMMENDED CHANGES

AUGUST 2022 TERM
CALDWELL, IDAHO AUGUST 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

The Board has approved claims 586654 to 586696 in the amount of \$87,821.75.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Titan HQ in the amount of \$12,870.00 for the IT Department
- Titan HQ in the amount of \$15,592.00 for the IT Department

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for Sam's Smokehouse & Saloon, LLC, dba Sam's Place to be used on 8/13/22; and Sportsman's Hideout to be used on 8/12/22 and 8/13/22

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:47 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker, Case Manager Kellie George and Deputy Clerk Jenen Ross.

The hospital has withdrawn on case no. 2022-176 and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue a final denial with written decision within 30 days.

Director Baker explained that the August 25, 2022 hearing date needs to be vacated so those cases will need to be continued to September 8 and 22, 2022.

Case nos. 2022-494, 2022-499, 2022-502 and 2022-381 will be continued to September 22, 2022. Case nos. 2022-497, 2022-128 and 2022-501 will be continued to September 8, 2022. Commissioner Van Beek made a motion to continue the cases as stated. The motion was seconded by Commissioner Smith and carried unanimously.

Continuance and lien releases were presented for Board signatures.

Director Baker spoke about case no. 2006-319 which has been discussed with the Board the past few weeks. The total remaining amount due on the case at this time is \$6514.85. Discussion ensued regarding options that have been presented and how the Board would like to move forward. At the suggestion of Ms. Klempel and Board consensus, Director Baker will contact the family letting them know that the Board is unwilling to accept the 10% full and final offer previously presented.

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

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

The Board met today at 9:07 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Coroner Jennifer Crawford (left at 9:11 a.m.), DSD Office Manager Jennifer Almeida (left at 9:15 a.m.), Building Official Dave Curl (left at 9:15 a.m.), Fleet Director Mark Tolman (left at 9:13 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing agreement for pathology services between Canyon County and Ada County: Coroner Crawford explained this is an updated agreement in order to provide coverage in the event the county pathologist is unavailable. A brief review of costs was provided which are the same costs Canyon County charges to other counties for pathology services. Ms. Klempel stated the agreement has been reviewed and there are no legal reasons not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the agreement for pathology services between Canyon County and Ada County (see agreement no. 22-084).

Consider signing resolution consenting to sale of surplus county property to Wilder Police Department: This vehicle will be sold to the Wilder Police Department for market value. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign a resolution consenting to the sale of surplus county property to Wilder Police Department (see resolution no. 22-164).

Consider signing a resolution issuing a refund to Optimum Electric for a withdrawn building permit: Ms. Almeida explained the customer cancelled the job and the permit was unneeded. No work was done by the Development Services staff and the Building Official can authorize up to an 80% refund. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution issuing a refund to Optimum Electric for a withdrawn building permit (see resolution no. 22-165).

Consider new alcoholic beverage license for Yogi Farms, LLC dba H&M Meats and Catering: Commissioner Smith said this business is already in downtown Nampa and there is nothing of concern in the application. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the new alcoholic beverage license for Yogi Farms, LLC dba H&M Meats and Catering (see resolution no. 22-166).

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

EXECUTIVE SESSION – PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 9:18 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners 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, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 10:01 a.m. with no decision being called for in open session.

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

PUBLIC HEARING TO CONSIDER THE TERMINATION OF A DEVELOPMENT AGREEMENT FOR TREASURE VALLEY RENEWABLES, LLC., CASE NOS. PH2016-56 & PH2016-71

The Board met today at 10:12 a.m. to conduct a public hearing to consider the termination of a development agreement for Treasure Valley Renewables, LLC, Case Nos. PH2016-56 & PH2016-71. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, Jan Phillips, Diana Sitts, Karen Winkle, Hugh Phillips, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that on August 4, 2021 she was contacted by Diana Sitts and there was communication regarding concerns with the proposed plans for this case. There was a request to schedule a meeting and a follow-up meeting was held to talk about starting the process of revoking the agreement and returning the property to an agricultural designation because of a failure to meet the conditions of approval for the project. Commissioner White disclosed that she has had communication on the subject as well. Dan Lister summarized the staff report and findings. DSD is requesting the reversion of a development agreement for Treasure Valley Renewables, LLC, for property located at 27349 Shelton Road in Parma. The site was approved in 2017 for a sorghum fiber facility with anaerobic digestors for the production of biogas and biogas distribution. The Board of Commissioners approved a conditional rezone to a CR - Light Industrial Zone on April 4, 2017 and it included a planned unit development that was approved on June 5, 2017. In 2019, the development agreement was modified and recorded to include 42 conditions of approval. The applicant was required to supply annual progress reports which began October 2, 2020, and to submit a building permit for an enclosed structure within two years of the date of signature of the amended agreement. To date there has not been a building permit for an enclosed structure submitted to DSD and as a result the applicant has defaulted on the agreement. DSD gave a notice of default to the applicant on February 14, 2022 and gave them 30 days to cure the default by submitting a building permit for the enclosed structure. The 30 days passed without any permits being submitted and therefore staff is proceeding with the revocation/termination of the agreement and the property reverting from an M-1 zone to an agricultural zone. On May 19, 2022 the P&Z Commission recommended the agreement be terminated and the zoning reverted back to agriculture as it is not in compliance with the current development agreement and development proposal and because no plan was provided by the applicant demonstrating they could complete this within the granted timeframe.

Testimony in favor of the termination of the development agreement was as follows:

Jan Phillips testified farmland is precious and should not be taken away without great consideration. Because of its proximity of adjacent farmers are limited to which fungicides and pesticides can be used within 300 feet of the proposed site. The applicant has not proved they have funding in place for the project and more than enough time has been granted to this project and it's time to return the zoning to agriculture. The proposed project would diminish the lifestyle and property of this rural agricultural neighborhood.

Diana Sitts testified about concerns to her property and property value. The applicant has had several years to obtain financing but they have failed.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek is in favor of terminating the development agreement and allowing the property to revert back to the agricultural designation. Commissioner Smith agrees with the P&Z Commission's recommendation. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the FCOs which would terminate the development agreement and put the property back to its original zoning designation of agriculture. The signed FCOs for Case No. PH2016-56, PH2016-71 and DA2019-0006, as well as the ordinance directing amendments to the zoning map, (Ordinance No. 22-105) are on file with this day's minute entry. The hearing concluded at 10:38 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION WAIVING LANDFILL FEES FOR PROPERTIES LOCATED AT 22504 EEL LANE AND 22558 EEL LANE; AND CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR MESQUITE CREEK OUTFITTERS

The Board met today at 2:22 p.m. to consider resolution waiving landfill fees for properties located at 22504 Eel Lane and 22558 Eel Lane in Middleton, Idaho, and to consider a new alcoholic beverage license for Mesquite Creek Outfitters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Code Enforcement Officer Gary Westerfield, and Deputy Clerk Monica Reeves. The properties located on Eel Lane are longtime code enforcement cases and there is a neighboring constituent who has received permission to clean up the property. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution waiving landfill fees for properties located at 22504 Eel Lane and 22558 Eel Lane in Middleton. (Resolution No. 22-167.) The Board also considered a new alcoholic beverage license for MCO Idaho, LLC dba Mesquite Creek Outfitters, a new business at Indian Creek Plaza. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the new license. (Resolution No. 22-168.) The meeting concluded at 2:24 p.m. An audio recording is on file in the Commissioners' Office.

FY23 BUDGET WORKSHOP FOR COMMISSION REVIEW AND RECOMMENDED CHANGES

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 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 ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$3,995.00 for the IT Department
- BOE in the amount of \$1,725.00 for the IT Department
- Canon in the amount of \$1,207.99 for the IT Department
- PluralSight, LLC in the amount of \$9,264.00 for the IT Department
- 1,000 Bulbs in the amount of \$2,064.90 for the Facilities Department
- KIE Supply in the amount of \$2,932.80 for the Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Jaycob Rush, Deputy Sheriff; and Randy Pyell, Deputy Sheriff.

PUBLIC HEARING - APPEAL BY BOBBI BICANDI OF THE PLANNING AND ZONING COMMISSION'S APPROVAL OF A C.U.P. FOR A DOG KENNEL, CASE NO. CU2022-0010-APL

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of an appeal by Bobbi Bicandi of the Planning and Zoning Commission's decision regarding the approval of Case CU2022-0010, a conditional use permit (CUP) to allow a dog kennel use within an "A" (Agricultural) Zoning District. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Jenna Petroll, Bobbi Bicandi, Mitch Bicandi, Gene Shaffer, Patti Burdick, Walter Burdick, Greg Asbury, Blaine Nabors, Warna Sears, Lyman Belnap, Joyce Crawford, Cheryl Bloom, Teagan Sears, NaDonna Stanley, Stan Sears, James Robison, Harold Viola, Chris Middleton-Luckman, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she knows Bobbi Bicandi and had a conversation with her where she described the process of a CUP and pointed Ms. Bicandi to the zoning ordinance. Commissioner Van Beek disclosed that she knows the Bicandi Family.

Jenna Petroll gave the oral staff report. The subject property is located at 0 Polk Street in Caldwell (Parcel R34800010), just north of 2715 Polk Street in Caldwell. Blaine and Kailynn Nabors are allowed up to five dogs on their property without an approval of any kind. They currently own two adjoining parcels and would be able to have up to five adult dogs on each of those parcels totaling 10 adult dogs. Between the two properties they can have 10 dogs and with the CUP they are seeking 12 dogs. They plan to build a house on the north parcel and once that is built they can put the kennel structure on the property. The reasons for Bobbi Bicandi's appeal are: dust control, commercial traffic, inappropriate location, and noise concerns. There was a review of agency comments. Following Ms. Petroll's staff report, she responded to questions from the Board. Dan Lister also provided follow-up information in response to questions from the Board. Commissioner Smith said this case was specifically noticed for the property on the north and they would get 12

dogs there and 5 dogs at their residence. Ms. Petroll said that's why condition #7 was added which states prior to the certificate of occupancy to the kennel structure, the existing kennel on the lower parcel will cease within 30 days. Commissioner Smith said they can still have 5 dogs at their home. Mr. Lister said they could have this kennel and have a new house; the house on the other parcel is not subject to that so they could sell it off and they could have up to 5 dogs before asking for a kennel. It's their right in an agricultural zone. Commissioner Smith said that is correct, and it is a 12-dog request on the north property. It's asking for 7 more dogs than what you would normally be allowed. Mr. Lister said that is correct, unless conditioned otherwise. Commissioner Van Beek said if there is a facility built for 20 animals she anticipates they would put 20 animals there at some point in time. Mr. Lister said they are agreeing to a condition limiting it to 12 dogs.

The following people testified in support of the appeal:

Bobbi Bicandi, whose property is located 800 feet from where the dogs are located, is opposed to the CUP that would allow for a dog kennel for the following reasons: noise, traffic, and because the location of the new facility will upset her normal livelihood. She provided audio clips of barking sounds that can be heard from her front porch. If the kennel is approved there needs to be enforcement because it will impact the peacefulness of her property. She spoke about Polk Street, which is a gravel road, and how there has been an increase in traffic because of the current facility on the subject property, and when people park on the street it goes from a two-lane road to a one-lane road. Ms. Bicandi said at the application meeting it was stated the Nabors had 20 dogs on site at that time so they were over the amount they were requesting. She acknowledged it's a beautiful facility and the animals are well cared for, but her concerns deal with noise, traffic, and the location of the new facility because it will affect her normal livelihood. She is trying to acquire an adjacent farm and she is concerned about how a kennel will affect her ability to farm, crop dust and apply pesticides. She said the people in favor of the kennel either work for the Nabors, are going to build the kennel, or have been promised a service dog from the Nabors. She believes the proposed facility would be a better fit someplace else. Ms. Bicandi testified there is no subdivision going in next to her house; they have withdrawn their application and the land will stay in active agriculture. Following Ms. Bicandi's testimony, she responded to questions from the Board. (The Board took a brief recess from 10:00 a.m. to 10:02 a.m.)

Gene Shaffer lives in the area and is a licensed architect, former member of the Caldwell P&Z Commission, and was a member of Caldwell's economic development team and it's obvious by his service he is not against development or change. He spoke of the importance of proper planning and the application of the findings of facts and how it affects the community. His parents owned all of the property in the area and he knows the topography and how the rock formations impact sound, and with external dog runs the sound will rise and amplify. A soundproof dog kennel will not stop the barking from the exterior dog runs that are incorporated in that design. The roadway has historically been a private road but because it's covered by a perpetual easement they have placed that on all of the properties and in doing such they have taken on the responsibility of maintaining that roadway (grading to improve the surface).

Patti Burdick testified she is opposed to the kennel due to the following concerns: impacts to her quality of life, road issues, and noise. She expressed concern with people who are behaving badly with threatening behavior when neighbors interact with each other.

Walter Burdick is opposed to a kennel in his neighborhood. He stated the property owner is not in compliance with the number of dogs that are on the property right now nor does he have a permit to have that many dogs on the property. He also has concerns with the road and access issues.

Mitch Bicandi testified that he grew up in the area and he agrees with the testimony that's been given. Over the years he has seen water on the Burdick property and at times it has reached as far as the area where the kennels are proposed.

Chris Middleton-Luckman lives above the current kennel and she is opposed to the proposal due to concerns with the noise from the barking dogs. She filed a noise complaint with animal control. She spoke to her neighbors about her concerns to get community input, not to slander the Nabors. She told there was breeding and training occurring on site and that the puppies would be sent to California to be sold and eventually the Nabors will train, sell, and give the dogs away under their nonprofit operation.

The following people offered neutral testimony:

James Robison testified that most of his concerns have been addressed. His main concern deals with barking dogs.

Harold Viola testified about his concerns regarding speed, traffic, and dust.

The following people testified in support of the appeal:

Blaine Nabors, who is the applicant, testified he is one of the owners of Cuttin Blue Farms and he spoke about the service dogs that are offered through their nonprofit organization. Mr. Teagan Sears will receive the first service dog in Idaho that will be trained to do several different tasks including retrieval, getting help, bracing, and traffic awareness. Mr. Nabors purchased his property in 2017 from the Shaffers and he did extensive remodeling on the house for a couple years. In 2019 he learned that the County does not have a kennel licensing program so he registered Cuttin Blue Farms as an LLC with the State of Idaho as a registered stable and breeding farm. The existing kennel has been on the site for many years. He is seeking a CUP so they can stay compliant and do things the right way. They have 12 dogs at the facility and the breeding program is their own personal dogs. It's not a public facility for people to bring in boarding dogs or outside training for other people. They are in the cutting horse business and they show locally and plan to do breeding in the next year or two. The Nabors are avocado farmers in San Diego and they produce exotic flowers as well so they have knowledge about farming. He has spoken to some of the neighbors and explained how the facility will help eliminate noise. Dogs are going to bark and when that happens they address the problem immediately so that it's not consistent barking. He spoke about the plans for the facility and how it's designed to help with the noise

levels and he discussed his plans to help with dust control at his own cost. He has requested the speed limit of 20 mph be reduced to 10 mph and is expecting a decision from the City of Caldwell soon. Mr. Nabors said it was previously stated that his facility is a puppy mill, but that is not true and the reference is slanderous. Animal control officers have performed wellness checks and found it to be a nice, clean facility. A technical trainer from the Assistance Consultant of the ADA of Idaho did a review of the kennel and program and agreed it was not a puppy mill and said this service will be a benefit for Idaho because there is not currently a training facility for the service dog industry in the state. There are dog training facilities for hunting, but not for a true ADA-compliant type of training facility. Commissioner Smith asked how often the family travels to California to their second location. Mr. Nabors said they are in Idaho permanently but they will travel to California during the summer for a few weeks a year. He has 4 employees and there is 1 employee per shift, sometimes 2 a day. He has surveillance cameras onsite and if barking is detected the facility manager will be called to handle the situation. The downtime of when someone is not constantly on site is two weeks per year. The size of the building is between 1200-1800 square feet. He will put in fewer kennels but the size will remain the same. He will keep 10 kennels on top and 2 horse stables so he doesn't have to also build a horse facility. He can utilize the building for two purposes. Mr. Nabors said he will agree to a quarterly review of the facility. He has 12 adult dogs and the puppies stay on site until they are 3 months old. With this facility there will be 1 or 2 litters in this location; they will do the mating portion of it and then they are transferred to San Diego where they have employees who will do the birthing. This kennel will mostly be a training facility. Once the new kennel is built they will shut that portion of the current facility and he will use it for storage for tractors, implements, etc. The Board had follow-up questions regarding the following: why did the applicant not apply for a CUP on both parcels; the nonprofit organization and the commercial breeding facility; design plans for the facility; parking for events on the property; potential uses on the property; and training of horses on the property; accessory uses; and staffing of the facility.

A recess was taken from 11:16 a.m. to 11:20 a.m.

Greg Asbury lives directly above the Nabors' home on the corner of the dirt road that's been discussed. He has no concerns for the Nabors' proposal, and he said the road is a dusty road but he doesn't feel it's the Nabors who are creating the issue, there are trucks using the road all the time. He's heard the dogs bark and they are quick to quiet them down. He believes the Nabors have a good plan and for providing service dogs to people in need.

Lyman Belnap is the attorney for the Nabors and he said the question has come up as to how they operate their business. They have a for-profit operation that sells competition/show dogs and a nonprofit operation that places the dogs that being primarily bred at this facility and that fact should not be a concern to the Board or have any impact at all on the CUP application. If they are violating the terms of their 501 (c)(3) that's between the Nabors and the IRS and the fact that they operate a very legitimate business and have a nonprofit dimension - they should be congratulated for thinking ahead and using the nonprofit for the purposes that it was set up. The Nabors had a wedding on the property and they have explained they are not operating a bed and breakfast. Regarding the road situation, it's a gravel road and it's dusty but the Nabors are not the primary

or the only cause of the dust but they are stepping up to try to control the dust for the benefit of themselves and their neighbors.

Cheryl Bloom owns Idaho Service Dog Advocates and is a certified ADA coordinator who volunteers for several agencies in Idaho. She is the author of the Idaho Service Dog bill that was passed unanimously by the Idaho Legislature in 2019 and she volunteers for the Northwest ADA Center Idaho. She toured the facility and he is to be commended for what he's doing. It's a unique one-of-a-kind facility, if approved. There are no service dog training facilities in Idaho. This is a needed facility as Idaho is lacking in well trained service dogs as many people in need of service dogs have to go to other states and parts of the country to get service dogs. Ms. Bloom has a lot of experience and she was dismayed when those in opposition referred to the opposition as a puppy mill – it is not a puppy mill.

NaDonna Stanley works for Cuttin Blue Farms and is the manager of the existing area where they raise dogs and she gave testimony about the kennel operation, employee management, and health of the dogs, etc. She is not there 24/7 but she is there very regularly and is in constant communication with Mr. Nabors about the facility. Employees are instructed to drive below the posted speed limit of 15 mph to minimize dust. Dogs bark at stimulation and it takes employees five minutes to get the dogs outside stop the barking. Neighbor dogs come to the property in turn causing kennel dogs to bark. Mr. Stanley takes some dogs to her home to breed and once they are bred they are returned to the kennel. She is a retired law enforcement officer and she chooses to work at this facility because she likes the operation, it's one of the best she has seen in her career. When the boss vacations a couple times a year she and the employees manage the facility. Ms. Stanley answered questions about the whelping process.

Blaine Nabors answered additional questions about whelping and the sale of dogs. He has no plans to sell service dogs at this site, all sales are done through San Diego. This facility will be a training facility. Selling a dog and donating a dog are two different things. If he chooses to donate a dog people will pick them up from this site. Commissioner Van Beek had questions regarding a commercial breeding facility, and Commissioner Smith said the only definition that is relevant to this line of questioning is the County ordinance.

Rebuttal testimony was given by Bobbi Bicandi. She had questions about the road name change from Polk Road to Polk Lane, and has concerns that the applicants have not provided a correct schematic of the proposed kennel design. She said the Nabors' nonprofit operation has nothing to do with the CUP. Her concerns are noise, dust, the inconsistencies, and enforcement of barking dog complaints.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek has concerns about the following: there should be consideration for the surrounding neighbors on their property rights and longtime farming practices; negative impacts to surrounding properties; there is a volume of conflicting testimony; the City of Caldwell has stated opposition to the proposal; there will be a change in the nature and character of the area by allowing a commercial operation

or a 501 (c) (3) organization to sell from this site by increasing traffic; the road is substandard; and there are no conditions that would mitigate concerns or the existing conflict. She does not support the application as presented. Commissioner Smith said the Board's answers need to be tied to the application in front of it and it should not speculate on potential uses. She relies on City of Caldwell's planning experience. DSD staff has said it's only a couple more dogs than would be allowed, but that's not the case. It's an entire property and she would have encouraged a full application of an entire property. In looking at 12 dogs on a single parcel with no caretaker residence tied to that parcel it could be sold and it could be treated on its own merits as a single-use building. She understands that's not the intention but when the application was applied under a single parcel that is a worst-case scenario and it would be allowed by law and so a finding for a dog kennel on a single parcel on its own adjacent to a residential subdivision and single-family residential zoning that will come is not compatible with the area. She recommends denial with a change to the findings of fact and conclusions of law to support that denial based on deliberation. Commissioner White said the need for service dogs is tremendous and she supports the Nabors' proposal, but she said the dust problem needs to be mitigated. In regards to what the applicant can do to gain approval, Commissioner Smith said they should submit a full site plan showing all uses and including correct building plans with identified kennels and other proposed uses clearly listed; conditions of approval that address all of the concerns to very clearly identify mitigation measures; a condition for when code enforcement cases are brought to their attention there is compliance with site reviews as well as quick remediation; and the application should include both parcels - the entire property - so that if either parcel is sold the use would cease. Commissioner White is not opposed to that. Commissioner Van Beek made a motion to approve the appeal and overturn the P&Z Commission's decision with the changes Commissioner Smith directed staff to make. The motion was seconded by Commissioner Smith. The motion carried by a two-to-one split vote with Commissioner White voting against the motion to approve the appeal and overturn the P&Z Commission's decision. The FCO's will be brought back at a later date. The hearing concluded at 12:26 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER RE: CALVIN WALSH'S APPEAL FOR A CUP MODIFICATION, CASE NO. CU2022-0005-APL

The Board met today at 12:27 p.m. to consider the FCO's regarding Case No. CU2022-0005-APL in the matter of Calvin Walsh's appeal for a conditional use permit modification. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. The Board needed time to review the document and decided to take the matter up again at 1:15 p.m. The meeting concluded at 12:28 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW:

MEETING TO CONSIDER APPROVING THE FY2023 TENTATIVE BUDGET FOR PUBLICATION
ACTION ITEM: CONSIDER SIGNING FY2023 BUDGET PUBLICATION

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 8, 2022

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

APPROVED CLAIMS

- The Board approved claims 586697 to 586729 in the amount of \$103,385.75
- The Board approved claims 586730 to 586756 in the amount of \$8,120.20
- The Board approved claims 586757 to 586791 in the amount of \$75,317.64
- The Board approved claims 586792 to 586832 in the amount of \$406,523.18
- The Board approved claims 586833 to 586860 in the amount of \$74,244.62
- The Board approved claims 586861 to 586898 in the amount of \$47,079.83
- The Board approved claims 586899 to 586934 in the amount of \$40,493.21
- The Board approved claims 486935-ADV in the amount of \$762.36
- The Board approved claims 587035 to 587070 in the amount of \$39,756.26

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 9, 2022

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

APPROVED CLAIMS

- The Board approved claims 586936 to 586965 in the amount of \$56,718.08
- The Board approved claim 587071 in the amount of \$36,400.00
- The Board approved claims 586982 to 587008 in the amount of \$18,977.73
- The Board approved claims 586966 to 586981 in the amount of \$9,100.00
- The Board approved the May jury claim in the amount of \$5,643.64

- The Board approved claims 587009 to 587034 in the amount of \$26,760.45
- The Board approved claim 587072 in the amount of \$5,202.98

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

The Board met today at 9:04 a.m. with County attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, Chief Deputy Sheriff Marv Dashiell, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing Amendment No. 3 to Agreement for Inmate Health Care Services between Canyon County, Idaho and VitalCore Health Strategies, LLC - Chief Dashiell reported that the vendor advised the County in May of this year that there would be a substantial rate increase around \$400,000 to \$430,000 on the jail medical side, largely due to increased employee costs. However, the initial increase was in excess of the amount they were told and so the Sheriff's Office advised the vendor that the amount would not work and so they reduced it to the expected and budgeted amount. The contract amount is now \$2.18 million for 2023 jail services. The amendment includes a section for the jail and a section for the juvenile detention center. Deputy PA Wesley noted that the juvenile detention amount increased from \$124,652 to \$147,117. The remainder of the contract is the same. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve Amendment No. 3 to Agreement for Inmate Health Care Services between Canyon County, Idaho and VitalCore Health Strategies, LLC. (Agreement No. 22-085.)

Consider signing a Resolution to Accept the Donation of A K9 from Breakaway Retrievers LLC - Breakaway Retrievers, LLC, wants to donate a yellow Labrador retriever by the name of "Tampa" for the retail value of \$7,000. The County will not pay any fees but will accept responsibility upon donation. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution to accept the donation of a K9 from Breakaway Retrievers, LLC. (Resolution No. 22-169.)

As part of the legal staff update, a request was made to go into Executive Session as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 9:12 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) to discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with

Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy PA Zach Wesley. The Executive Session concluded at 10:01 a.m. While in open session, Deputy PA Wesley said there was discussion about making sure that it was clear who would sign off on the director's administrative decision without a director in DSD, which would be the Planning Official. He will prepare a letter for the Board to that effect.

Consider Alcoholic Beverage Transfer License for ADI Capital, LLC dba Nampa-ADI - Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the alcoholic beverage transfer license for ADI Capital, LLC, dba Nampa-ADI. (Resolution No. 22-170.)

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 – CONSIDER AN ORDINANCE AMENDING CHAPTER 7, ARTICLES 17 AND 18, ZONING REGULATIONS, OF THE CANYON COUNTY CODE OF ORDINANCES, CASE NO. OR2021-0029

The Board met today at 10:09 a.m. to conduct a public hearing to consider an ordinance amending Chapter 7, Articles 17 and 18, Zoning Regulations of the Canyon County Code of Ordinances, Case No. OR2021-0029. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planner Elizabeth Allen, George Crookham, Claudia Haynes, Deputy Clerk Monica Reeves. The amendment includes the following:

- CHAPTER 7, ARTICLE 17, SECTION 3, SUBSECTION 3: JURISDICTION: AMENDMENT TO SUBSECTIONS (A), (B), AND (F).
- CHAPTER 7, ARTICLE 18: AMENDMENT TO INCLUDE SEPARATE SECTIONS FOR PURPOSE AS SECTION 07-18-07, APPLICABILITY AS 07-18-03 AND APPLICATION AS 07-18-05, SEPARATE AND AMEND PROVISIONS AND REQUIREMENTS FOR LAND DIVISION IN AN "A" ZONE AND DIVISIONS IN OTHER ZONES TO CHANGE FROM SECTION 07-18-01 TO 07-18-07, AMEND SECTION 07-18-03 ADMINISTRATIVE DIVISION OF NONVIABLE PARCELS IN AN AGRICULTURAL ZONE TO BECOME SECTION 07-18-09 AND CORRECT A FORMATTING ERROR, AMEND 07-18-05 ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE TO BECOME SECTION 07-18-11 AND REMOVE THE REQUIREMENT 100% OWNERSHIP IN BOTH THE ORIGINATING PARCELS AND DESTINATION PARCEL, ADD SECTION 07-18-13 AS ADMINISTRATIVE LAND DIVISIONS IN ALL OTHER ZONES, AND REMOVAL OF SECTION 07-18-07 LAND DIVISIONS BY JUDICIAL DIVISION (COURT ORDER)

Elizabeth Allen prepared an addendum that supersedes the staff reported previously presented to the Board at its first hearing in March, 2022. She reviewed the summaries and draft amendments based on the feedback received during the May 13, 2022 continuance of the May 6, 2022 public hearing. The addendum, which details the revised amendments, is on file with this day's minute entry. Ms. Allen noted that when this matter first came to the Board the biggest item was changing the originality date to 2004, but that has been completely removed based on discussions leading up to today's hearing.

George Crookham said he wanted to make sure the date of originality portion did not "sneak back in" to the document. Commissioner Smith confirmed that it is not in the ordinance.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Ms. Allen noted that Page 2 of the ordinance, under Section E., the word *parcels* is missing. The sentence should read as follows: "Land that is divided into no more than four (4) parcels from the original parcel is in accordance with Article 18 of this chapter." Commissioner Smith said staff has captured what the will was for this amendment and it makes some improvements especially in process and kind of the beginning of the transfer of development rights, but that's manageable so she's really supportive of that part. She supports the amendment with the change to Page 2, Section 07-17-03 (3) E. to add in the words no more than four parcels, and to accept all other changes. To change Page 5 of the proposed ordinance, Section 07-18-05 (1) C. to specifically change the word *lots* to *proposed divisions*. It will read "Site plans showing all proposed divisions and access locations." In Section 07-18-07 (2) B. delete the words *subject regulations in accordance with*. The line will only read: "An additional parcel designated as agriculture only and at least five acres in size may be created in accordance with this article and Article 10 of this chapter." Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the ordinance amending Chapter 7, Articles 17 and 18 of the Canyon County Code of Ordinances as presented with the changes noted. The FCOs as well as the ordinance and summary will be signed later. The hearing concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM
CALDWELL, IDAHO AUGUST 10, 2022

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

APPROVED CLAIMS ORDER NO. 2223

- The Board of Commissioners approved payment of County claims in the amount of \$1,817,758.26 for a County payroll

PUBLIC HEARING TO CONSIDER A REQUEST BY CHRISTOPHER AND KATHRYN PHOENIX, REPRESENTED BY SKINNER LAND SURVEY FOR A CONDITIONAL REZONE, CASE NO. RZ2022-0006

The Board met today at 10:11 a.m. to conduct a public hearing in the matter of a request by Christopher and Kathryn Phoenix, represented by Skinner Land Survey, for a conditional rezone, Case No. RZ2022-0006. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Chris Phoenix, Kathryn Phoenix, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request is for a conditional rezone of Parcel R34484104, consisting of 2.72 acres, from an "A" (Agricultural) Zone to a "CR-R-1" (Conditional Rezone - Single Family Residential) Zone. The request includes a development agreement and it would create one division on the property creating an average lot size of 1.36 acres. The property is located at 23117 White Oak Drive in Caldwell within the Sleepy Hollow Subdivision. There are approximately 30 subdivisions within a one-mile radius of the property. The comprehensive plan designates this property as residential, and it is located within the Middleton Impact Area. If approved, private road and shared access requirements would have to be met. Canyon Highway District has no objection to the request. On May 19, 2022, the Planning and Zoning Commission recommended approval of the request subject to the conditions of the development agreement. Staff is recommending approval as well. The applicants have a shared access on the property that provides access to an accessory structure to the property to south; they do not use it for a main access. As part of the request they will use the existing access road to access Parcel 2. The conditions will limit the construction on Parcel 2 to one dwelling with no secondary dwellings. They have no interest in making that a private road so they agreed to lock it down to one primary dwelling in the back and they wish to retain their secondary dwelling rights on Parcel 1 so they can have the ability to have a secondary dwelling for their elderly parents. Kathryn Phoenix testified she has lived on the property since 2016 and they want to split the parcel and to give family members the option to live on site. Her request is consistent with the other properties in the area. The Board had follow-up questions for Mr. Lister and Ms. Phoenix regarding access. Chris Phoenix testified the initial impetus came from the neighbor, Dee Bowen, who suggested splitting the property. The other neighbors are supportive of it as well. He offered comments regarding access and an existing shared maintenance agreement. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek supports the recommendation from the P&Z Commission and she supports the request. She then made a motion to approve Case No. RZ2022-0006 for Christopher and Kathryn Phoenix for a rezone, development agreement, and FCO's. The motion was seconded by Commissioner White and carried unanimously. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the ordinance directing amendments to the map. (Ordinance No. 22-016 and Agreement No. 22-086.) The hearing concluded at 10:35 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING FOR BORTON-LAKEY LAW AND POLICY, REPRESENTING NICK AND HAILEY BLAND FOR A CONDITIONAL REZONE, CASE NO. CR2022-0002

The Board met today at 2:05 p.m. for a continuation of the public hearing in the matter of a request by Borton-Lakey Law and Policy, representing Nick and Hailey Bland, for a conditional rezone of Parcel R29600012, approximately 1.27 acres, from an "A" (Agricultural) zone to a CR-R-1 (Conditional Rezone - Single Family Residential) zone. The request includes a development agreement limiting residential development to a primary dwelling on the site. The property is located at 9762 Deer Flat Road in Nampa. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Todd Lakey, Carey Cook, Hailey Bland, Nick Bland, Scott Bullock, Kelly Rhinehart, Louis Spiker, Diana Stanford, Valerie Duke, Von Duke, Grace Blaylock, Kathy Purvis, and other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from June 27, 2022, so more information could be obtained from the applicant on whether they were able to find another means for approval which would include a potential purchase of a building permit. Commissioner Van Beek disclosed that subsequent to the hearing a constituent was talking about a house, and she realized after the fact that it was related to this case and that information caused her to look at the staff report in depth as far as dates of application, building permits, etc. There was some indication that the realtor or the applicant had knowledge of that so she has looked at this case in light of that information. Commissioner White disclosed that she met with Todd Lakey and they talked about the comprehensive plan but it had nothing to do with this case.

Dan Lister gave a summary on how we got to today's hearing. At the hearing held on June 27, 2022 the Board tabled the case to see if there were other options the applicant could take to get a building permit for the site. The parcel to the east was an original lot and if they worked with that applicant, subject to the new ordinance being adopted allowing a building permit relocation without the same ownership to go through, then perhaps there is an option there. To date staff has not received any updates on that option. No matter what decision the Board makes today, the case needs to be re-noticed because it is a material change from the original application heard by the P&Z Commission and even though they recommended approval, the application has changed since the approval. It was the full three acres with two parcels and now it's be amended to only impact one parcel. The Board had questions of Mr. Lister regarding the property history, application process, secondary dwelling and building permit requirements, etc.

Testimony in support of the request was offered as follows:

Todd Lakey, the attorney representing the Blands, said his clients were clear about their intention for the property and did not represent that they lived on the site, that their desire was to split to it and have a home for Nick and Hailey Bland. Had they known what would have brought them here today they would not have proceeded, they would have looked for a different property. It was not clear that the secondary resident permit required them to live on site, in fact, they didn't understand that to be the fact and as was noted they disclosed Carey Cook's address was not on site, it was not the parcel itself. They have been clear about that and they did not do anything intentional or nefarious – they didn't understand that a secondary residence permit required that

nor was that explained. There was discussion about a potential split afterwards, but that could provide for division but it would not be a recognized division. The Board continued the case to see if the Blands could find some kind of mutually agreeable resolution, and they have talked to their adjoining property owners but they do not have a desire to sell any building permits so they cannot obtain building permits from their neighbors. They reached out to the Dukes to try to discuss a resolution, but ultimately, they were not able to meet, but they did receive a letter from the Dukes' attorney regarding this case. Mr. Lakey said this application does exactly what the Dukes expected going in, it would allow for the division of the parcel and the Dukes would own their property with the existing house on it and the Blands own their property and build a house on that parcel. The Blands' home is one-half to three-quarters of the way constructed. The Dukes retain the agricultural zoning on their property and they will retain their zoning. The Blands had no intent to harm the Dukes or limit their uses and ultimately, they were removed from the application and the Blands are pursuing just the application on the subject parcel. The Dukes paid \$600,000 for their home and parcel. The letter from the Dukes' legal counsel wanted the Blands to buy the property back for \$875,000 if they agreed to it before the hearing, or \$975,000 if they decide after the hearing. The Blands cannot do that. The application meets the comprehensive plan. The conditional rezone harms no one, the development agreement limits further divisions on the property – there will be no secondary residences. It creates one parcel and is consistent with the area. Commissioner Smith said it was very clearly stated in the building conditions on the zoning compliance that the owner must live on site. They were told multiple times and she questioned how they cannot know what they were doing. Mr. Lakey said they are not attorneys and were following what they felt they needed to do based on their communications. They did not say they were the occupant. They were honest in their application and were clear in their intent, they did own the property and did not understand it was required to live on site. There was no knowledge or intent to be unclear or dishonest. There was discussion regarding building permits, secondary residence, application process, etc.

Nick Bland testified there was no ill intention on their part, nor they were not trying to be deceitful. They would not have risked hundreds of thousands of dollars if they thought there was a chance they would be in this situation today. There was a comment that when Carey Cook signed the paperwork saying he was living the house, it was not clear to him. Nick Bland has reached out to the Dukes multiple times but they have no interest in working with the Blands and now they are threatening to take legal action against them. Mr. Bland does not know what else to do. He understood from his father-in-law, Mr. Cook, that a building permit was available. There was a misunderstanding and now they are stuck.

Scott Bullock testified he was the listing agent and helped the Blands buy the land from Mr. Cook. He communicated with the County in regards to the applications, options to build, and any information that was given to him he provided to the owner. They tried to go through all four steps that were given and now today they are on the final step. He wishes he had had known Mr. Cook had to live in the house to get a secondary building permit because if he had known it would have stopped at that point. He feels horrible they are in the position but is grateful there is a way to resolve it. He said the Dukes did know by way of the real estate transaction that a home would be built next to them and that the property was being split. There has not been any harm. The

Dukes are still getting the property that was sold to them with the understanding that a new home would be built next to them. It was a shock to find there was a problem with a building permit. Following his testimony, Mr. Bullock responded to questions from the Board regarding the parcel inquiry, communications with DSD staff about the options they had: 1. Ask the adjoining landowner if they would be willing to sell his building permit; 2. Obtain a secondary building permit; and 3. Request a zone change. The second option fell apart, so they went with the third option which has fallen apart and today's hearing is the fourth option. The intent from day one was to get a separate building. He wishes he was never given the option of a secondary residence permit. The Board had follow-up questions regarding Mr. Bullock's communication with staff regarding process.

Kelly Rhinehart testified that he works for a private lending company and spoke about how he assisted with the financing and with some of the construction for the original parcel. He checked to make sure there was a building permit issuable and was told a permit issued on the parcel to the east of the original parcel they had the loan on, which is important because most people don't know the difference between an additional building permit and a secondary building permit. He said this is a vocabulary misunderstanding rather than a shell game. The family has real dollars invested in this property and he feels bad for them. The Board had follow-up questions for Mr. Rhinehart.

Testimony in opposition to the request was offered as follows:

Louis Spiker, the attorney representing the Dukes, testified his clients were not told the secondary residence building permit for their parcel was being used for the construction next door. It was not on the property condition disclosure. The building permit for that secondary residence was issued after his clients were under contract for their property and their primary concern is that while we have run out of options, but all the other options before this impacted their property: 1. They wouldn't be able obtain a CUP for an events center; they cannot transfer a secondary building permit, so you have two different owners so in his mind there is not a workable solution to have a 99-year lease for a secondary residence to fix it. It's unfortunate the farmer next door was not willing to sell the Blands a building permit. The Dukes provided an offer in which they felt the value was based on the improvements that have been done, and the loss of use of their property during this time period and the market appreciation. The letter did not threaten litigation; if the Dukes' property was impacted they were prepared to pursue those damages because this parcel was purchased because it's in an ag zone and has a barn that can be used as an events center and they believe the demand is there to utilize that. The Blands are in this position as a result of their own actions. The Dukes did not know the manner in which the Blands and Carey Cook were moving forward, but they initially were lumped into and the resolution to this wasn't explained to them until they got to the hearing and found out they would lose their rights through a conditional rezone to residential. The Dukes were not informed that the availability of a secondary residence building permit for the parcel they were purchasing was being used to construct the house next door. The Board had follow-up questions for Mr. Spiker.

Diana Stanford is concerned that someone was allowed to sell property that had not been legally subdivided, and it seems there are “shenanigans” going on with land in the area. There needs to be more structure in place so that people cannot be taken advantage of.

Von Duke testified that the Blands tried to rezone his land without talking to him about it and it has cost both parties thousands of dollars and has caused hard feelings. He hired an attorney to protect his property rights. Commissioner Smith said the Dukes wanted to put a wedding facility on their property, but under R-1 zoning it's a prohibited use so they wanted to withdraw from the rezone application, but they live on a not recognized divided parcel so because of that they cannot apply for a building permit and so there is no resolution for them to move forward. The Dukes cannot apply for any permits on their property, and if they go with the R-1 zoning to correct the one-acre parcel he cannot use it for what he wanted to.

There was Board discussion with staff about the illegal land division that occurred.

Valerie Duke testified that when she signed the rezone documentation, she had just had surgery and was told it was just another document the County needed. She said they pulled their application because they did not want to move forward with the rezone.

Kathy Purvis testified about wells and well testing that has occurred in the area and how she is concerned about the backdoor deals that are going on as it relates to people being targeted for their water rights. She is also concerned about what seems to be domestic terrorism.

Rebuttal testimony was offered by Todd Lakey who said the Blands want a house, they are not fracking or engaging in domestic terrorism or backdoor scams. Their request will add one well that will have negligible impact. The Dukes property is no longer part of the application therefore their property will not be rezoned to R-1, it will remain agriculture and they can apply for a conditional use permit for their special event facility. What is before the Board is not approval of a secondary residence permit, it's approval of a conditional rezone and as staff has analyzed it complies with the comprehensive plan and does what the Dukes and Blands anticipated. The Dukes wanted a separate parcel and knew there was going to be a split and although it's tarnished now, they were supportive initially of the Blands doing what they are trying to do. The application only rezones the Blands property to R-1 and there are conditions so they cannot have a secondary residence permit. None of the limitations apply to the Dukes property. This finds a solution that is a win and meets the code and the comprehensive plan. The Blands are supportive of what the Dukes want to do on their property with the events center. There was discussion between the Board, Mr. Lakey and staff regarding land use, the illegal land division, the process for a rezone, and the abatement process.

Commissioner Smith said we cannot make this a predominately single-family area; however, she thinks there are ways to look at a nonviable split. They could amend the original application if they are able to get the farmer and the Dukes together and if the farmer would agree to put his building permit on that land and protect the farmland, identifying a building envelope that would preserve farm ground. Dan Lister worries about what that proposal would open. Mr. Lakey said if they

pursue the administrative land division, they should be able to apply for the three acres and say it wasn't an option that was given to them and there was no intent to make a nonviable piece when it was initially approved, they were simply correcting an old error that they thought was going to give them a building permit but didn't. Commissioner Smith said the parcel must be eligible for division, but it's not. What is eligible for a division is all of it. It goes back to amending the application for a different way, but this way is more legal than introducing a zone. Getting multiple people to sign on would give three permits total. The farmer could create a building permit lot that is sellable for him in the area he doesn't farm and retain his farm ground, and the other two lots would be these two lots. The application would include Lakeview Land Company, the Dukes and the Blands. This option resulted in further discussion. Mr. Lakey asked the Board to approve the conditional rezone knowing there must be a second hearing and the Blanks must make the case at the second hearing, but it would give them time in the interim to apply for the nonviable ag and maybe have that approved before the next hearing. Commissioner Smith said the only alternative is the Board can also deny it and change its mind at the next hearing. Commissioner Van Beek said the Board did not create this scenario; it is being asked to remedy a scenario that is messy.

Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Smith reviewed the FCO's and suggested changes. She cannot make a finding that when considering the surrounding land uses, which is highly intensive agriculture, that the proposed conditional rezone is more appropriate than the current zoning designation so she recommends a change to the conclusion that the proposed zone change is not more appropriate than the current zoning designation and she would strike the language after the first paragraph that ends with *therefore a zoning map amendment to R-1 is not appropriate in the area pursuant to CCZO 07-10-25 (3). The purpose of the R-1 single-family residential zone is to promote and enhance predominately single-family living areas at a low-density standard.* She reviewed other sections in the FCO's. She wants to deny the case and direct staff to make changes to the FCO's and re-notice it for a second hearing. The options for approval in the future would be to explore the nonviable land division with all applicable property owners for the original parcel, or explore ordinance text amendments that would not cause any hardships to the neighbors that would allow each property owner to move forward with the property rights they are afforded.

(The recording system stopped momentarily so the portable recorder was used at 4:54 p.m.)

Commissioner Van Beek said she wants to find a path forward but she has to use what she's been given as tools and it's problematic for her that there is not a clear building permit. She is in support of the nonviable ag option. It is problematic that the applicant that went through a remedy to correct a recorded deed, but it wasn't a recognized division with a split. It's not in the comprehensive plan, it doesn't follow the other smaller parcels that are zoned agricultural. Keeping this zoned agriculture is the right way to go. She feels bad for the parties involved but said people have to find informed users of information that represent them in a way that doesn't put them in financial jeopardy. Commissioner White wants to find a straightforward resolution so that everyone can be made whole, and they can move forward with what each had hoped to do.

Commissioner Van Beek said we have to find a way to maintain it as an agricultural area for the time being because it's not in an area of impact, it is not on the comprehensive plan. We still do not have a remedy for an illegal land division if we split it and rezone it and there is injury at some level. Commissioner Van Beek made a motion to deny the conditional rezone, the development agreement, and ordinance for Case No. CR2022-0002 for Nick and Hailey Bland with instructions to staff to make changes to the FCO's as directed by the Chairman and suggest the applicant move forward with an application that includes a nonviable amendment to the original application that allows them to accomplish their goal of getting a parcel based on the administrative land division process entitling the Blands and the Dukes to each have their own parcel with the Blands maintaining the two parcels and a building permit. Commissioner Smith asked if she would consider including the direction for staff to look at sections B and C of the FCO's and make changes that are in line with today's testimony and deliberation. Commissioner Van Beek agreed. The motion was seconded by Commissioner Smith and restated as follows: To reverse the decision of the P&Z Commission to a denial and direct staff to make changes to the FCO's to sections B and C, and to include the actions the applicant can take which is to pursue the nonviable option. Commissioner White was opposed to the motion to deny. The motion carried by a two-to-one split vote. The case will be noticed for a second public hearing when the applicant is ready and in the mean time they will be able to pursue that application if it's possible for them. Commissioner Smith said there is a portion in the ordinance that allows for mediation and that might be important between the parties that are here and perhaps staff can pursue that option with them. According to the ordinance the County pays for the first mediation session. Commissioner Van Beek said there are people who look for houses with a secondary residence and there is sentiment on both sides that neither are happy with the relationship so this property could be sold as a single parcel and people could pursue their business ventures or personal residences at a different place. The hearing concluded at 5:04 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 11, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Keller & Associates in the amount of \$14,875.00 for the Development Services Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Zachary Blakeslee, Recorder/Passport Specialist; Janae Meng, Clerk II; Jennifer Tellez, Clerk III (Magistrate Judicial Assistant); Margaret Franco, Clerk IV; Veronica Blanco, Legal Support Specialist III; Raena Russell, Juvenile Probation Officer.

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for Serve it Up dba Legends Sports Pub & Grill to be used on 8/27/22.

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form for Norm Swaffield.

MEDICAL INDIGENCY MATTER – RELEASE OF LIEN

The Board met today at 9:30 a.m. to consider a medical indigency matter regarding a release of lien. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Kellie George, and Deputy Clerk Monica Reeves. Ms. George reported that the applicant for Case No. 2010-737 had recently paid off the case and the lien should be released. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign a release of lien on Case No. 2010-737. The meeting concluded at 9:31 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS EMPLOYEE SALARIES

The Board met today at 9:42 a.m. to discuss employee salaries. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kate Rice, IT Director Greg Rast, Assessor Brian Stender, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Rick Britton, Fleet Director Mark Tolman, Chief Deputy Sheriff Marv Dashiell, Financial Manager David Ivers, TCA Jamie Robb, Assistant TCA Benita Miller, PIO Joe Decker, Weed and Gopher Superintendent AJ Mondor, Juvenile Probation Director Elda Catalano, Captain Harold Patchett, Lt. Martin Flores, Assistant Director of Misdemeanor Probation Mary Gomez, other interested persons, and Deputy Clerk Monica Reeves.

Directors Rast and Rice were tasked to look at different options on the salaries and compensation. The problem with the previously suggested \$12,000 compensation per employee, which was included in the tentative budget, is that on the bottom end put some staff over the top of other staff; for example, a receptionist position would be paid more than a journeyman in the facilities department. They ran numbers top to bottom and if there were one-off's or inequity it resulted

in the same issue. They tried percentages top to bottom and had the same problem so they used a rubric and came up with a slide in salary ranges and then a COLA rate and then brought it into situations and scenarios. The following pain points were considered:

1. There was discussion about getting the bottom rate up to \$20 an hour for entry level positions. The entry level pay for some staff is \$14.83 per hour, which qualifies them for food stamps and rental assistance.
2. The starting salary of patrol officers and deputies in the Sheriff's Office; they are behind because of recruitment and vacancies.
3. Jail deputies starting points on the entry level salary.
4. Elected officials' salaries should be included in the compensation study.

With the four pain points and working the math, everyone is eligible for a 9% across the board COLA. Inflation rates are between 8.5% and 9.1% in 2022, and social security backs that up as well. \$19.95 per hour will be the new minimum rate. The starting salary for patrol officers will be \$24.76 per hour (\$51,500 annually), and \$26.20 per hour for jail deputies. Part-time employees will get a straight 9% COLA. From top to bottom it's a 13.32% average increase. In previous discussions the Clerk had proposed a \$3,000 amount and HR recommended \$12,000 and with this new recommendation it will equate to \$7,500 per employee. The tentative budget included \$16 million and by doing this new rubric it's \$6.6M plus 25% benefits and part-time, the cost will be \$8.4 million which is a savings of \$7.5M. Director Rast said their main goal was to put the money where the big issues were. The low end will get the higher percentage, and the more money you make the lesser your percentage; for instance, if you make over \$100,000 you will only get a COLA, if you're not an elected official.

Director Rice said they looked at the pain points for the County and this provides a significant increase and will provide for a stable workplace for our employees, will provide for stable services for the citizens, and will meet some of the goals we are looking to solve. Other agencies are doing the exact thing, maybe not with the same numbers, but with COLA's, salaries, literally every employer, including the U.S. Postal Service which is providing its first-ever COLA for employees at the federal level. Ada County will not release their numbers until next week, but she is very in tune with what they will be doing. Their budget is completely different because of their size, they have 2.5 times the number of employees we have and so it's not apples to apples. This recommendation does not solve every problem we have, but she and Director Rast spent a considerable amount of time going line-by-line with all 886 positions. She assumes there are still some inequities based on racial inequities, gender inequities, service inequities department-to-department, and we may have some other things that this strict math situation does not solve because those problems exist today, and they will exist as we go through something as strict as this. Those are one-off situations that she's asking the Board to indulge through the next year that we look at on a case-by-case basis and with justification documentation and the right approvals we have the ability to solve some of those issues going forward to relieve the liability issues that we are living today because of our pay inequities. Director Rast said this does not include step increases, but it gives us something to work within that we can fix in FY2023 and not wait until FY2024.

Commissioner Smith said her worry is if we make changes individually we will lose the equity of following the plan. Director Rast said they found if they made a change by even \$5 it throws off all the calculators and the risk is if we start messing with it the compression rates come back and inequality comes back based on the math. Director Rice said when you put nearly 900 employees in a spread between our lowest paid and our highest paid, it leaves very few gaps as you go from salary to salary up or down the scale which is what made it difficult to band these salaries but they were able to define differences in very small areas and that is why they recognized the break at the \$38,000 level, the \$75,000 level, and the \$100,000 level. It is the four people at the \$75,000 level where we may need to get somewhat creative, but they have worked with the numbers and it's mere hundreds of dollars to bring it into compliance. There was discussion regarding the pay for patrol deputies and jail deputies, and how patrol deputies have a benefit of a vehicle they take home. There is a \$3,000 difference between the two positions based on their discussions with the Sheriff's Office. Director Rice believes the new salaries will significantly improve the recruitment opportunities for the Sheriff's Office and the goal is to minimize the amount of mandatory overtime required.

Commissioner Van Beek asked how the midyear raises were factored in, and what is the true increase on those positions. Director Rice said they realized those midyear positions were justified at the time and brought people into compliance with the current expectations for those positions and so we had a zero base and started at the current salary regardless of what had happened midyear for those positions. Commissioner Van Beek asked if they included in the calculations a percentage increase to the where we would have to levy taxes next year? Director Rice said they did not go to funding sources but they did look at the benefit load and so it is a complete and full accurate number using the 25% that the Controller provided. Director Rast said the tentative budget was approved with that levy rate set; this saves money. We have what's in the tentative budget to cover all of this because we are down \$7.5M, even if you put the \$2.5M back in for the inequities. Commissioner Smith said it will reduce the amount we have for fund balance. One of her worries was the future increase in property tax that would be needed to cover these. Right now, we can use fund balance, but if we reduce that she'd like to explore a one-time payment to all employees this year with some of those savings because it's in the budget and we have the fund balance for some help right now that people are needing. Director Rice said retention bonuses are things other employers are implementing.

Commissioner Van Beek said this is a \$10.5M proposal and gaining if retention bonuses are included. She spoke about her personal experiences and how they compensated workers in different ways such as butchering an animal and sharing the beef and giving a .25 cents per hour bonus, and if they wanted more than she could pay they had the choice of finding a different employer, or the employer not finding employees to work at that wage. Government does not generate a profit. Commissioner Smith said if the County was a private business, it would have stopped losing employees and stopped the bleeding a long time ago and it would have been funded but the Board of Commissioners failed to do that. We are epically failing at retaining employees and there is support across the board that says that. Commissioner Van Beek said she cares deeply and agrees there is a need, especially on the lower tier pay, but we need to look long-

term at solvency and so the question is how do we fund those long term? Commissioner Smith said if we are not able to fund those positions the Board will have to make hard decisions and readjust pay. Keeping employees stifled because of a “maybe” in the future is what Boards have continually done to their staff and the epic rates of employees leaving show the inadequacy of the Commissioners’ job to fund staff at a level where they will stay here. Commissioner Van Beek said this is the first year she’s observed where the Board is actively looking at it. Director Rice said we have held wages so low that employees are choosing between staying at a job they love or putting food on the table and the compression that exists in some of those departments is not related to the decision of the Board; they recently found there were issues on years of service for the Sheriff’s Office and internal competition and we are addressing that. Those are valid issues, but we are not able to address all of them and we do not have a one size fits all that will fix the situation. The scenario in front of the Board fixes the majority of the problems that are at hand right now, not the one-off’s and that’s where she is asking for a contingency fund with some very strict guidelines to be able to fix the inequities that will be identified as we go forward and reduce our liability for other situations mentioned previously.

Commissioner White said Commissioner Van Beek has been involved in four budgets but she has not approved of any of them, in fact, she and Eljay Waite were given a 2-hour meeting to present their budget. The time put into this is equitable and that’s what we want as leaders; this is justifiable and equitable. Clerk Yamamoto said any good business must be competitive in paying wages and benefits, but we have not been competitive. He met with Director Rast and Director Rice and saw some things he liked and others he did not like. Controller Wagoner wanted to clarify one point: the cost for the \$12,000 per employee payment with no step increase is actually \$13.5M. On the spreadsheet he noticed that a customer service employee who’s been here for 5 years would get paid exactly the same as a new hire for a customer service-type position. Director Rast said perhaps we should put some money aside for years in position (YIP) for FY2023. Controller Wagoner said if we applied the step increase it would address it. The importance of the step is to recognize the employees who have been with the County, learning new skills, performing, and carrying out their job duties effectively and efficiently. The total cost to fund the step program is \$1 million. Clerk Yamamoto said the step needs some slight tweaks and we have ranges that need some work. He agrees that the proposal would be a good recruitment tool, but without the step we won’t have a retention program and so we have to take a holistic approach to this or it’s going to be a breakdown situation. Director Rast gave an example in the Assessor’s Office where there is a \$700 difference between a min and a mid, and if broken down by increases its \$100 a year of salary increase. Those are the salary ranges the compensation person needs to fix. Assessor Stender said this will help him retain staff and help his employees survive on their wages.

Commissioner Smith wants to move forward with this plan, apply the step program within the structure to fix the issues that were identified, and then maybe look at the retention bonus that could be done at either the \$500 level or the \$1,000 level. Clerk Yamamoto said they will run some numbers, and the Board will meet again on August 15, 2022, at 3:30 p.m. for further discussion. The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners’ Office.

PUBLIC HEARING – REQUEST BY GARY STARK FOR A CONDITIONAL REZONE, CASE NO CR2021-0013

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Gary Stark for a conditional rezone, Case No. CR2021-0013. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Elizabeth Allen, Gary Stark, Kohl Hall, Lauri Smith, LaurieAnn Shoemaker-Beumeler, Richard Javaux, Karen Wilson, and Deputy Clerk Monica Reeves. Commissioner Smith referenced a letter in the file from Lauri Smith who believes the Commissioner who knows the applicant needs to withdraw from making any decisions on this matter. Commissioner Smith stated she has no financial gain in this property. She hired Gary Stark as a horse trainer 10 years ago but hasn't had any contact with him beyond trying to contact his son regarding some dental work for horses. She has no problem recusing herself from this hearing to clear up any issues. Commissioner Van Beek said Commissioner Smith makes fair and informed decisions and said a three-member Board is in the best interests of the constituents. Commissioner Smith left the Board's table at 1:37 p.m. and said she would not participate in a vote on this case. She remained in the meeting room and provided technical assistance/comments. Commissioner Van Beek chaired the hearing.

Elizabeth Allen gave the oral staff report. Gary Stark is requesting a conditional rezone to change the zoning designation of parcel R38442011, approximately 23.15 acres, from "A" (Agriculture) to CR-RR (Conditional Rezone - Rural Residential) zone. The request includes a development agreement to limit residential development to three 2-acre lots along the north side of the parcel. The subject property is located at 0 Hop Road in Caldwell. In 2003 a land division was approved creating parcel R38442 (5 acres) and parcel R38442010 (a 69.35-acre lot) and in 2006 that parcel was divided without approval from the County creating parcel R38442011. Those two lots are agriculture only with no building permits available. If approved the request will require platting which will bring the parcel into compliance. Ms. Allen reviewed the staff analysis. Active farmland and agricultural zones are located in all directions surrounding the site with an average minimum lot size of 34.72 acres. Administrative land divisions have occurred in the area. South of the parcel there are four lots that were zoned agriculture with houses built on them and that was allowed through the relocation of building permits from the adjacent parcels and that did not go through the rezone process. There was a review of soils information as well as agency comments and public comments. The P&Z Commission recommended denial of the conditional rezone. Staff recommends denial as well as the area is predominately agriculture with widely scattered homesteads; the request would fragment farmland and it does not fit within the comprehensive plan or the current future land use and character of the area; and it could set a precedent that is inconsistent with the current zoning of the area as well as the future land use designation and the comprehensive plan. Ms. Allen met with Gary Stark on August 2nd and they discussed the options he could explore such as only conditional rezoning a portion of the parcel where the proposed residential lots would be located. He said he would not need three lots; it could be two residential lots that are two acres in size and leaving the remaining lot as a third lot of agriculture only with no permits available. If that concept is approved, new conditions would need to be drafted and a second hearing would be required. Following her report, Ms. Allen responded to questions from the Board.

The following people testified in support of the request:

Gary Stark testified the only reason he is asking for the splits is because initially he agreed with the landowner to the south to purchase 3 of the 4-acre parcels referenced in the report, but due to the price being raised to almost double the original agreed upon amount he was forced to look for an alternative plan and therefore he is asking for two 2-acre splits, or, if need be, two 5-acre splits for two of his children and their families. Mr. Stark said the planner assigned to his case was new at her job and made several errors in her report. She would not meet with him to discuss his options, but she did offer suggestions over the telephone, one of which was to have the homes built next to his home, but that option wouldn't work because it would interfere with the drain field and the sprinkler mainline, and because the drop off from Hop Road to field level is 15 feet in that area so that is not a feasible option. Another option was to gain access from a privately-owned lane known as Indecision Lane, which upon inquiry would have been denied. The planner wanted him to build the road approx. ½ mile around the perimeter of the property taking a huge amount of farm ground out for a road when coming directly off Hop Road only uses a very small portion of lesser quality land for common access for the two homes. On July 12th, when he asked for help the planner informed me she was changing jobs and a new planner would be assigned. Mr. Stark is a long-term Idahoan and has resided on Hop Road for nearly 17 years. He's been an insurance agent for 35 years and has owned a horse training business for many more years. If the 5-acre split is more in keeping with the long-range goals he will accept that compromise along with an agreement with his children to farm what they would not be using for their homes. Mr. Stark said he is not trying to set a precedence with 2-acre parcels, he's trying to minimize the impact on the farmland but still provide a forever home close by for his family members. It's been stated this is prime farm ground if irrigated, however, the property is not prime farmland. After farming the property for 16 years he knows this land is the least productive and will have the least impact on irrigation system, and the current slope of the property will allow for proper storm drainage through the existing ditches and culverts. There will be an irrigation agreement addressing the water allotment for each parcel; the remaining acreage will continue as farmland. No future development will be allowed. The lots are for family only and are not for sale. Mr. Stark recognizes it's not in immediate compliance with the goals to have 2-acre parcels, but he feels he has addressed the findings noted in the staff report. Following his testimony, Mr. Stark responded to questions from the Board. (Commissioner Van Beek disclosed that she knows the parents of Mr. Stark's son-in-law, Kohl Hall, who was in attendance at today's hearing.)

The following people testified in opposition to the request:

Lauri Smith testified she has lived on Hop Road for 41 years and it has always been a rural agricultural area. She is aware we cannot stop the invasion of housing development but it needs to be managed and we must preserve farm ground. Her concerns include: traffic, wells, taxes, and others complaining about aerial spraying, ground work, harvesting and the moving of large equipment. New residents need to understand the boundaries of private property. Three houses on two acres, or two houses on five acres each is too congested for the area. The roads are already congested. It's important that farm ground be left as farm ground. There are drainage issues on the property as well. Following her testimony, Ms. Smith responded to questions from

Commissioner Van Beek.

LauriAnn Shoemaker-Beumeler testified she and her husband are fourth generation farmers in the Treasure Valley who own 300 acres of prime farmland and they are being kicked out. She opposes Gary Stark's proposal. Anybody can move in and devastate farmland and the effects are irreversible. The County cannot get a commitment from the Stark Family that they won't move out tomorrow. Administrative splits are valid, but to do a rezone to enable this to occur means we are enabling the slippery slope that has been happening in the valley for 10-20 years and it's getting more accelerated. She is in opposition to any rezoning of agriculture to residential unless it's a life or death situation. Ms. Shoemaker-Beumeler suggested the following options/solutions: tax incentives to farmers and ranchers so they don't have to sell their land; conservation easements; and impact fees for developers. The community has decided on the rules and if you're going to make an exception to the rules, there is a process – the community decides on that. Mr. Stark should be able to do what he wants on his property (within the rules.)

Commissioner Van Beek had a question for Commissioner Smith regarding the process for 5-acre parcels in an agricultural zone. Commissioner Smith said the rezone process has to happen, we have to follow the rules and standards for approval, but you could take a smaller piece and rezone only the specific portions so that the other property is not entitled. If Mr. Stark adjusted his property line to encompass the remaining farmland and just rezoned the two parcels then he doesn't have the entitlement on the other agriculture and they wouldn't have to plat any of it. He could administratively do a land division for the two parcels with the adjustment of the farmland to add these. That would require him to agree to a property boundary adjustment. Ms. Allen said that is similar to what she discussed with the applicant about the residential parcels and the property would be agriculture only with no permits available. Further discussion ensued with staff about options.

Rebuttal testimony was offered by Mr. Stark who said taxes are going up regardless because the value of land is going up and whether someone moves to the property is immaterial. He mentioned the "four monstrosities" that are being built south of this property. With regard to aerial spraying, Mr. Stark said they do not spray over his house. Commissioner Van Beek had follow-up comments regarding generational farming and conservation easements. Commissioner White spoke about how she supports having family members living nearby.

Following testimony, Commissioner White made a motion to close public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously. Following the Board's deliberation, Commissioner Van Beek made a motion to direct staff to create findings for Case No. CR2021-0013 and re-notice the hearing to consider only two 2-acre parcels and cite the preservation of agriculture and keep it so there are no building permits allowed on the other 19 acres. The case will be re-noticed for a second public hearing. The motion was seconded by Commissioner White and carried unanimously. (The Board did not sign FCO's.) The hearing concluded at 2:38 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 12, 2022

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

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 15, 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:

- Dell in the amount of \$6,376.08 for the IT Department
- BOE in the amount of \$1,280.00 for the IT Department
- BOE in the amount of \$2,300.00 for the IT Department
- Mountain Home Auto Ranch in the amount of \$378,432.00 for the Fleet Department

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for The Hop House LLC dba The Hop House to be used on 8/18/22; and for Garden City Bar, LLC dba 1918 Lounge to be used on 8/17/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Meagan Farrell, PA Victim Services Coordinator; and Deana Martinez, PA Victim Services Coordinator.

RESCHEDULE PUBLIC HEARING – TROOST FAMILY LIVING TRUST REZONE REQUEST, CASE NO. RZ2021-0035

The Board met today at 9:14 a.m. to go on the record to set a new hearing date for the Troost Family Living Trust rezone request for a “C-2” (Service Commercial) zone on property located on the west side of Riverside Road, approximately 424 ft. south of the intersection of Karcher and Riverside Road. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Monica Reeves. Due to staffing shortages in DSD the planner assigned to this case requested a continuance of the hearing. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to reschedule the hearing to October 12, 2022 at 9:00 a.m. Staff was directed to re-post the property with the new hearing date. The meeting concluded at 9:15 a.m. An audio recording is on file in the Commissioners’ Office.

MEET WITH DEVELOPMENT SERVICES DEPARTMENT STAFF TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION AND TO CONSIDER AN ACTION ITEM

The Board met today at 2:34 p.m. with Development Services staff to discuss general issues, set policy, and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Planner Elizabeth Allen, Economic Development Specialist Tammie Halcomb (left at 2:42 p.m.), HR Generalist Jennifer Allen, Deputy Superintendent for the Middleton School District Lisa Pennington, Joey Palmer for Middleton School District and Caldwell Superintendent Dr. Shalene French (left at 2:42 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing Teacher Appreciation Week proclamation: Commissioner Smith read the proclamation into the record and Commissioner Van Beek made a motion to sign the proclamation. The motion was seconded by Commissioner White and carried unanimously. A copy of the proclamation is on file with this day’s minutes.

The Board went off the record briefly from 2:40 p.m. to 2:42 p.m. When the meeting resumed, the Board went into executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS and RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 2:42 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were:

Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Generalist Jennifer Allen and DSD Staff Dan Lister and Elizabeth Allen. The Executive Session concluded at 3:35 p.m. with no decision being called for in open session, however, direction was provided by the Board. Commission Smith said the Economic Development division of DSD will be now be under Planning Official Dan Lister, additionally, the GIS and Engineering positions will be moved under the Planning Official.

The meeting concluded at 3:36 p.m. An audio recording is on file in the Commissioners' Office.

DISCUSSION REGARDING EMPLOYEE SALARIES

The Board met today at 3:36 p.m. for a discussion regarding employee salaries. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, IT Director Greg Rast, HR Director Kate Rice, Clerk Chris Yamamoto, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Treasurer Tracie Lloyd, Assessor Brian Stender, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, Assistant IT Director Eric Jensen, HR Generalist Jennifer Allen, Weed and Pest Superintendent AJ Mondor, Judge Davis Vander Velde, Facilities Director Rick Britton, System Analyst Steve Onofrei, PIO Joe Decker, Chief Public Defender Aaron Bazzoli, Cpt. Harold Patchett, Lt. Martin Flores, EOM Christine Wendelsdorf, Communications Manager Roxanne Wade, Fleet Director Mark Tolman, CCSO Financial Manager David Ivers, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Kim Yanecko and Deputy Clerk Jenen Ross.

At the request of the Board, Directors Rast and Rice spoke about the spreadsheet they created and provided to the Board earlier today via email. *At this time the document contains confidential information and is exempt from public disclosure.* Director Rast said that the main request was to add years in position to the salary basics. He spoke generally about the numbers provided in the document stating that the last proposal with benefits came to \$8,432,262 which was a savings of \$5,067,738 with the average increase per employee being \$7507 or 13.32%. After reevaluating to include the years in position (\$100 per year in position capped at 10 years) the new amount is \$8,948,821 which is still a savings of \$4,551,179 which would be a \$7973 increase per employee or 15.38%. The total increase in including the years in position is \$516,559. Years in position is capped at 10 years because after that point it is believed that responsibilities associated with that position change, additionally, after 10 years no matter which way it is calculated it may fix some salaries but for others it moves them out of the range for the position. Director Rast said they want to give the new Salary and Compensation Analyst an opportunity to properly evaluate salaries. He noted that there are always a few individuals that end up being outliers in a system like this but is a firm believer that the current compensation program has been outgrown. He participated when it was originally established in 2016 but since that time it really has not been worked; the market data is old and the only thing that has been done is COLAs. Director Rice feels this is the best work yet and this plan meets the expectations that the lower wage earners are well compensated so that they reach a level above poverty based on the federal poverty level of \$38,000 annually for a

family of 4. She said the intent is not to make them ineligible for federal assistance but to make them independent and able to afford their own wellbeing and needs within the community.

Commissioner Smith said that without any further discussion she would support Board direction to have Controller Wagoner include the provided numbers into documents to be prepared for final consideration at Wednesday night's budget hearing.

Director Rice explained that the management staff that she has spoken with over the past week regarding these potential changes have indicated to her that this type of wage will provide a completely different set of applicants and candidates for open positions. She believes that people will be looking for more of a career at the county and that the turnover numbers will show the value of the changes.

Commissioner White expressed her appreciation to the Commissioners who came before her who had the foresight to conduct the compensation study and implement the compensation plan. She is grateful to the Clerk and Controller for their sensitivity to the value of the investment of the study and getting the county competitive in the marketplace.

Commissioner Smith spoke about how this will put some positions over the marketplace because flat numbers were used, but overall it helped the employees. However, she did not that if someone is being paid outside the market rate their salary could be reduced or frozen by future a Board. At this point she is supportive of the proposal because it took a plan that was in place and applied some standards that would help those that would need it the most.

Commissioner White is also supportive of moving forward with the plan as presented.

At the request of Commissioner White, Commissioner Van Beek said she has never not supported looking at the wages for the Sheriff's Office or the Customer Service Reps. She has been in favor of evaluating that and is on record stating that she believes county wages in the past few years for increases have been top-heavy. She is glad there is a proposal.

The meeting concluded at 3:55 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 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 587073 to 587114 in the amount of \$84,122.00
- The Board has approved claims 587115 to 587153 in the amount of \$45,219.53
- The Board has approved claims 587154 to 587182 in the amount of \$30,715.38
- The Board has approved claims 587183 to 587190 in the amount of \$35,481.03

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

The Board met today at 9:06 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Landfill Director David Loper, Mike Murgoitio with Timber Creek Recycling and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing Timber Creek Recycling LLC Change Request No. 2: Director Loper explained this is a renewal of the contract for the upcoming year. There is a rate increase for the grinding from \$27.50/ton to \$29.00/ton. A review was provided of other minor charges related to water issues on-site and possible water truck usage. Director Loper feels the renewal rates are reasonable; this will be the first increase in 2 years. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the Timber Creek Recycling LLC change request no. 2 (see agreement no. 22-087).

The meeting concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING - REQUEST BY DARREN GOLDBERG/LGD VENTURES, LLC, FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT FOR LEWIS HEIGHTS SUBDIVISION, CASE NOS. RZ2021-0030 & SD2021-0018

The Board met today at 10:01 to go on the record to continue a hearing in the matter of a request by Darren Goldberg/LGD Ventures, LLC, for a conditional rezone and preliminary plat for Lewis Heights Subdivision, Case Nos. RZ2021-0030 and SD2021-0018. Present were: Commissioners Keri Smith and Pam White, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. The applicant wanted the case continued to November 16, 2022, but that is a few months out and so The Board determined it is in the best interest of the public for the applicant to pay for re-noticing the hearing which would include notice by mail to the property owners and posting the site. Staff can determine what the reasonable costs are and let the applicant know. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY WESTERN CONSULTING REPRESENTING CORY AND CRISTINE CODR FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0055

The Board met today at 10:06 a.m. for a continued public hearing in the matter of a request by Western Consulting, representing Cory and Cristine Codr, for a conditional rezone, Case No. RZ2021-0055, of Parcel R37431017A from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The request includes a development agreement limiting future development to no more than six (6) lots. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Elizabeth Allen, Cory Codr, Steve Petersen, Joanne Lee, Mark Rich, Katy Reberry, Bud Reberry, Brian Fisher, other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from July 28, 2022 where the Board left testimony open to receive additional information from the highway district, the Idaho Department of Water Resources, and emergency services related to access issues.

Elizabeth Allen advised there was a late exhibit from Canyon Highway District stating they have determined the access point for the subject property, and that any easements or other access points that have been identified will not supersede the decision they made for the access. Also, Bruce Lee, a neighbor, submitted a video appearing to show the intersection to the east of the property that was also shown in pictures which are included in the staff report. There was discussion about whether the video should be included in the record and whether it was part of the reasons for today's limited testimony. Upon questions from the Board, Ms. Allen said the letter from Canyon Highway District stated it does not validate private easements that were brought up in the testimony at the first hearing, and if there was an easement identified for the property it does not supersede or reactively change the decision highway district's made for access off Merlin Lane.

Testimony in support of the request was as follows:

Cory Codr testified that when he contacted Canyon Highway District he asked if there was a variance that was needed and they communicated that response in an email to DSD staff. He contacted IDWR and spoke to Kelly Smith, a technical hydrologist in compliance, and he asked about issues with wells in this area needing to be re-drilled and Ms. Smith said there is not a place in Idaho where wells are not needing to be re-drilled, it's happening everywhere. She declined to write a letter, but she did offer comments. Water recharge is not happening and in the past farmers irrigated mostly with flood irrigation but it's now moving to sprinklers and it isn't recharging the well water as quickly. Ms. Smith said he wants a real analysis of information he would need to get an EIR or EIS from an environmental agent or engineer for a full report which can take up to six months and test wells would need to be drilled. He offered testimony on the well data information he had collected. Mr. Codr took the easement information to a title company and they gave him documents showing there is a 25-foot easement along the southern edge of the property directly to the east of his property. He will contact a real estate attorney so he can know for sure what is there. He talked about how the grade is the biggest challenge. The highway district said the access to Eric Lane would need to be 20 feet. Following his testimony, Mr. Codr responded to questions from the Board regarding access issues.

The following people testified in opposition:

Steve Petersen testified about his concern with the road access as it will put Gilbert Lane in his backyard, and well as concerns that it will be a substandard road that will create a hazard to the public. He believes the applicant should use Breezy Lane and collaborate with the Lipperts.

Joanne Lee testified that Bruce Lee has 40+ years of experience in grading roads and residential construction and he doesn't believe there is an excessive grade of Eric Lane, however, he agrees that the neighborhood would be saved extra traffic if access would go up Breezy Lane. Ms. Lee questioned why neighbors were not notified of the hearings on this case? She said Eric Lane is the only access for EMS and there was approved access for other options in a different direction. Neighbors yards will be destroyed by a road coming through. During Ms. Lee's testimony the video submitted by Bruce Lee was played/shown. In short, Mr. Lee said Gilbert Lane is not too steep and they won't need a variance for the grade, and there are not any homes that would be impacted.

Mark Rich testified about concerns regarding negative impacts to wells, water levels, access, and out-of-stave developers should not be given consideration over the neighbors who live in the area.

Lisa Trexler testified about concerns regarding emergency access and the maze of routes involved for access. This was an illegal lot and that right-of-way was closed but they were somehow able to get it opened and get a variance from 56 feet to 40 feet. How are we taking an illegal lot, given it a variance and getting a variance on the variance and negatively impacting the neighbors.

Neutral testimony was offered as follows:

Lenny Riccio from Canyon Highway District, heard 15 minutes of testimony and he received an email from staff and had communication with the applicant via the telephone. His May 2022 memo was drafted to provide a direction to the Canyon Highway District Commissioners, the direction being the impact on the highway district as far as standards are concerned and to recommend to the highway district commissioners the recommended route that is the least adverse to the highway standards, in other words, that route that does meet standards. It's the route from Gloria, via Merlin to Gilbert to the subject property. The nexus for that is it's a quarter section line and policy recognizes it any quarter section line and section line can be used for a future collector road or arterial road. In instances like this were only half of the right-of-way is dedicated, typically a collector road would have an 80-foot ultimate right-of-way width and in this case, Lansing Heights Subdivision dedicated a ½ right-of-way of 40 feet so that one landowner isn't responsible for building the entire width of the road - only half- and then when the balance of the area develops the other half is developed. As far as the right of way classification, the district confirmed that direction moving forward with the route from Gloria, Merlin, to Gilbert because it does meet district standards. He put together a concept reviewing other routes particularly the Eric Lane route, and whichever route is decided, it will affect one property owner one way or another. As far as going through Eric Lane, grading was not ideal as it exceeded the district's minimum standards of 8%. There was further testimony regarding other routes, road standards, right-of-way dedications, easements, etc. Other routes were considered but were not recommended because it would not meet highway district standards. The Board had follow-up questions for Mr. Riccio following his testimony.

Rebuttal testimony was offered by Mr. Codr. The intent of his request is to make life better for his family; he does not want to infringe on others' way of life. He has a quote for a road to come off of Merlin, down Gilbert that will meet highway district standards, but if it's not a viable option he hopes to come in from another direction. He prefers to have six lots. Mr. Codr responded to additional questions from the Board.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek is comfortable upholding the P&Z Commission's recommendation of denial unless we can find a way for Commissioner Smith's proposal to move west on Gilbert Road and explore the easement that's there. There are still questions from the neighbors, and to locate a roadway that is 17 feet from someone's house is not an option. She supports evaluating the process further to meet the needs of everyone that wants to coexist out there. Commissioner Smith said the proposed conditional rezone is consistent with the comprehensive plan, and the rural residential zone is more appropriate than the current zoning designation for this area. As conditioned by the development agreement, the proposed conditional rezone is compatible with the surrounding land uses. She does not believe it will negatively affect the character of the area and no mitigation is proposed at this time. She wants to add a finding that there was testimony that some of the road options would change the character with a road going through, however, that is a quarter section line and there are reasonable expectations for roads to be improved on section and quarter section lines. She finds that the conditional rezone will not cause undue interference with existing or future traffic patterns and she used the highway district's findings in support of that, including information about the 28-foot easement could support that road, but it was a part of a platted road and provides adequate access. The property does have legal access as referenced in Exhibit 4B and in the testimony from Lennie Riccio today. Essential services will be provided to accommodate the use. She recommends approval which would require a second hearing with the following conditions: the applicant shall hire a professional to evaluate the 28-foot easement, and explore access to the property via a private easement as well as working with the highway district on improvements for single access within that area. A golf course will not be allowed on the property. Between now and the next hearing Commissioner Smith would be open to having a discussion on secondary residences. Commissioner Van Beek said we could get to same place if the Board eliminated the option of a closed right-of-way so Gilbert Road west could be abandoned. The applicant has to make road improvements no matter and to adequately mitigate is the question. She likes the proposal to minimize impacts to all parties. The applicant has been agreeable and asked for ways he could get to this property, and if he could do that with the least amount of impact we could get on the same page by going west on Gilbert Road and exploring that easement. Commissioner Smith said we have already approved rural residential zones completely surrounding the property and it's consistent with the southern boundary. Commissioner Van Beek wants to minimize the undue interference and said the applicant should explore the plausible easement. Commissioner White said one of the new conditions is to require the applicant to work with a professional to evaluate the easement. Commissioner Smith made a motion to reverse the decision of the P&Z Commission and approve the Codr request with the changes to the FCO's and with the addition of the condition. The motion was seconded by Commissioner White.

Commissioner Van Beek said she hopes the applicant hears the request for diligence and finds the least offensive way to get what he wants and keep harmony with the neighbors and if he can get that done she would support the request. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote. There is not a need for final FCO's as they will be prepared for the second hearing. The hearing concluded at 12:05 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 17, 2022

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

DETAILED MINUTES TO FOLLOW:

PUBLIC HEARING TO CONSIDER A REQUEST BY FREEDOM ACRES, LLC, FOR A CONDITIONAL REZONE, CASE NO. RZ2022-0005

The request for a conditional rezone was approved.

FY2023 BUDGET HEARING

The Board met today at 5:23 p.m. to conduct the Fiscal Year 2023 Budget Hearing, which was held in the public meeting room of the Administration Building located at 111 11th Avenue North in Caldwell. Tonight's hearing was streamed on YouTube. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, PIO Decker Chief Probation Officer Elda Catalano, Facilities Director Rick Britton, Public Defender Aaron Bazzoli, Sr. Systems Analyst Steve Onofrei, Landfill Director David Loper, Juvenile Detention Center Dir. Sean Brown, Weed Control Superintendent AJ Mondor, Parks Director Nickie Schwend, Indigent Services Director Yvonne Baker, IT Director Greg Rast, Assistant IT Director Eric Jensen, DMV Supervisor Kimbra Asqueta, PA Office Manager Melinda Longoria, Captain Harold Patchett, Ambulance District Director Michael Stowell, TCA Jamie Robb, Assistant TCA Benita Miller, several County employees, Alan Mills, Hubert Osborne, Larry Stevenson, JoDee Arnold, Pep Waite, Amy Weidner, ElJay Waite, Kelsey Basaldua, Kim Yanecko, Paul Smith, Bob Pilkinton, Carol Malmberg-Chadwick, Darin Freiburghaus, Beaudy Harrington, Steve Burton, Randy Haverfield, Lynette Hill,

David Ferdinand, Dave Taylor, Darrell and Sheila Ford, Craig Sjoberg, Beverly Cavazos, Mark Eaton, Mary Banford, and Deputy Clerk Monica Reeves.

Commissioner Smith opened the hearing and spoke about this year's budget process and how the Board held two public meetings to get feedback. Last year the County took care of its employees but the percentage of increase that was given barely accounted for inflation and we had employees who were at the poverty level. She thanked the Clerk and Controller for preparing a budget and then modifying it for the Board.

Clerk Yamamoto said for the last three years Canyon County has worked on property tax legislation by developing a bill that had 48 co-sponsors but it never got out of the tax and revenue chairman's desk. HB 389 was passed but it did not help the residential property tax payer. Three years in a row Canyon County had the same tax request; we didn't take the allowable 3% increase, or the foregone amount, or the new construction increase allowed by law. The County saw expenses going down mostly because of unfilled positions and federal dollars and we saw revenues increase. We have the largest fund balance in the history of Canyon County and that is why the Clerk's suggested budgeted had zero County property tax and the plan was to burn down some of that fund balance. The suggested budgeted included a \$3,000 compensation per position knowing the Board was going to bring a compensation specialist; and we need to work on the step program and the ranges.

Controller Wagoner reviewed the FY2023 tentative operating budget noting that employees save the public money because of their talent and what they can produce and do in-house. The County finds itself in the best financial position it has ever been in and it provides flexibility to make some investments. A PowerPoint presentation was given and a copy is attached to this day's minute entry. The budget that was published in the newspaper was for \$137.5M, and there has been a \$4.5M decrease from what was published. Today's budget is just over \$133M: \$86M is for salaries and benefits; \$46.6M is for other operating expenditures; and the largest area is capital investments with \$18.6M budgeted. There is funding for 895 fulltime positions. The 2023 salaries and benefits budget is a 14% (\$10.7M) increase in our human capital investment from the prior fiscal year. Hiring and retaining dedicated personnel who provide exceptional public services is a top priority. Pages 6 through 11 of the PowerPoint contained a detailed breakdown of the \$133M budget by office and department. Controller Wagoner highlighted expenses as follows:

- The County has received nearly \$44M in American Rescue Plan Act monies.
- The revenue stream was significantly disrupted by COVID and as a result we received federal assistance to replace revenues that were lost due to COVID.
- We budgeted \$5.1M in FY2023 of federal ARPA monies and those monies have been allocated for capital investments including a warehouse, a re-roof project at the animal shelter, and architectural and engineering fees for a possible new County administration building.
- Buildings and Grounds budget includes \$2M for four (4) new fulltime positions; \$570,000 for possible real estate acquisition; and \$800,000 for capital improvement projects.
- Capital investments line includes \$3M for the completion and finalization of the County Fair Expo building.

- Clerk/Auditor/Recorder budget has increased by roughly \$600,000. The County no longer has the authority to levy property tax for an indigent fund, but we are still billing and collecting for the state and have responsibilities related to indigent burials. The accounting for those functions has been transferred from the medical indigent department to the Clerk/Auditor/Recorder portion of the budget.
- Commissioners' budget includes an additional fulltime position with the addition of a Chief Operating Officer position.
- County Fair budget has decreased over \$2M; in 2022 the Fair budgeted \$2M towards the construction of the Fair Expo building that the \$2M has been expended and does not need to be included in next year's budget.
- Development Services Department's budget increase is under salaries/benefits due to an increased workload and increased staff.
- Human Resources includes an additional compensation and benefits manager position for FY2023.
- Juvenile Detention has added five (5) additional positions; cost of providing medical services has been transferred from the ARPA back to juvenile detention for FY2023.
- Landfill budget has increased by \$2M; they are installing a gas collection system and \$3M has been budgeted for that project, entirely paid for with enterprise funds.
- Sheriff's Office budget increase is related to an accounting exercise. In 2022 they paid for inmate medical services, the Pod 5 lease payment, police vehicles, and inmate food services with ARPA monies. The expenditures have been transferred back to the Sheriff's budget for FY2023.
- Tort expenses were paid with ARPA funds in 2022, but have been moved back to the Tort Fund for FY2023.
- Trial Court Administrator budget increases is due to the addition of added three (3) fulltime position and two (2) part-time marshal positions.

Canyon County's property tax revenue is budget, not rate, driven. There is no fixed permanent established County property tax rate. Just because values go up does not mean the County automatically gets more property tax revenue. The Controller spoke about how the property tax rate formula is calculated. Our FY2023 property tax request of \$40M is over \$14M less than what was levied in FY2020, which should result in significant tax savings relating to the County portion of the property tax. He talked about how the state drastically changed property tax structure and policy in 2016 and removed the index from the homeowner's exemption equation. He gave examples of how County property value changes and property tax decreases. He spoke about property tax relief. The County is working diligently with legislators to try to re-establish an index to the homeowner's exemption to restore some balance and equity to the property tax system and structure.

The Board had follow-up questions and comments regarding: the 8% growth amount; urban renewal; new construction values; and revenues.

Public comment was as follows:

Larry Olmsted questioned how indexed property values will impact his tax bill. Controller Wagoner explained how there are swings and shifts when you have different classes of property appreciating or depreciating at different percentages.

Larry Stevenson asked what the employee fixed pay raises will be.

IT Director Greg Rast and HR Director Kate Rice summarized their work on the addressing the employee salary issue:

- Came to a minimum rate of \$19.95 as the entry level amount. (The current minimum rate of \$14.83 qualifies for food stamps.)
- Starting salaries for patrol and jail deputy positions.
- They looked at the social security justified rate of inflation for FY2022 ranged from 8.5 and 9.1% so they came up with a 9% COLA from top to bottom to hit the minimums for retention.
- They used the 9.% formula for all employees. They had a little in the range dollar amounts to avoid compression issues. There are 11 calculators the salaries went through for equal equity.
- The flat \$12,000 amount on the low end would make some positions in one department make more than other skilled positions so it wasn't equitable and fair from top to bottom.
- If you look at the scale from those who are making the least, they had the biggest increases because they moved to \$19.95 per hour. The more you make the less you got.
- The full \$13.5M amount was not used and they capped it at 9%.
- Years in position adjustments were made as phase 2 of the project. The average came to \$7,973.51.

Commissioner Van Beek said the highest increase was 37.25% which represents \$11,290 to one employee in one year. The high salaries are still outpaced by the lower salaries. HR Director Kate Rice said our current system is not a perfect system so to add a simple percentage or dollar we were not going to find a perfect number to be able to apply to all 886 employees. They put it into banding and came up with some averages and looked at individuals as well as groups to ensure that compression is not a problem and that they showed the appreciation the employees are due.

Larry Stevenson said the public was aware of a \$12,000 raise for every employee which makes no sense; raises should be based on performance or merit.

Amy Weidner said she and her husband served in the Army as public servants and they understood that as public servants they are stuck in certain types of pay, and if you didn't move up or educate yourself you were not going to get more than a certain amount. She disagrees with giving raises just because it feels good in your heart. She doesn't believe employees should be on welfare, but, it needs to be based on merit and performance. She believes the proposed pay raises are ludicrous and she agrees with the points Commissioner Van Beek has made with regard to employee pay raises. She worries the fund balance is disappearing and the citizens are going to be taxed.

JoDee Arnold said if the County is going to spend money it should be giving the citizens a benefit such as a jail.

ElJay Waite is concerned the County is trying to do everything in one year when it doesn't have the revenues to do it and is dipping into fund balance. If the County can guarantee the \$40M will stay in property tax that's a great benefit to the citizens, but that's only on the County bill. He liked Clerk Yamamoto's proposal to give a \$3,000 raise and said that would be the appropriate

thing to do right now and let the new Commissioners coming in have time to do a salary review, work with the people coming forth to do that and make it happen. This budget has the potential to put the County into an insolvent position which means that revenues do not meet expenditures by \$25M. You will have to get revenues from somewhere to make up the gap, and it's a difference of \$25M, about \$5M of that will probably come from fund balance every year to do one-time projects that are good. He will prepare an amendment for the budget in January, and he needs to know what the Board is concerned about in the costs and he will have it available for the new Commissioners on what they could do to keep the County from going insolvent and set priorities on how to pay the employees properly. The County will have to reduce costs. In the last five years salaries went up \$19M and this year they will go up \$11M – he then said *“Do you hear that County employees?”* You have to have priorities and show employees you care and you have to pay them, but you are public servants and you are here to serve this community and to help them live a happy life too.

Pep Waite spoke about the proposal to give a \$12,000 raise to employees. Through a public records request, she learned that 465 people left, and 244 were in three departments: The PA's Office had 55 leave; the Sheriff's Office had 115 leave; and the Clerk's Office had 74 leave. What's going on in those three offices? Were there exit interviews? Do we know why people are leaving?

Kelsey Basaldua said she believes people are leaving because of the pay. She is a County employee and those who have left her office and done so due to pay because they cannot afford to feed their families on what they are making here. Some employees cannot qualify for apartment rentals or homes based on what they are making, and they have moved in with family members. She has taken a second job to make more money, and it's a constant stress to try to make ends meet. A lot of employees are at poverty level and others are just above it where they cannot get the extra help the state to make a difference. Ms. Basaldua said her supervisor has been trying for years to get raises for the employees. It takes years to be comfortable in a position within her office; they have multiple laws they need to understand and they have a lot of stress to deal with on a daily basis.

Kim Yanecko spoke about the federal poverty level statistics and minimum wage. She asked what the stats are for why employees are leaving, and said it seems no amount of money will retain employees if the climate is toxic, and things aren't changing. Law enforcement should be paid because they are risking their lives every day and should have a sustainable wage. Just because you work for the County doesn't mean you get to make more money if you are sitting behind a desk. Entry level positions are supposed to be entry level so that people want to move on to the next level in employment and increase their wages. County employees work hard and are not rewarded for the work they do. In 2018 the Sheriff and PA received a 17% pay increase, each Commissioner received 10% increase, and the Treasurer and Assessor received 13%; the following year several received a 2% increase. In 2021 employees received a 7.5% pay increase and now a 9% COLA. She said many of the people moving to Idaho are retired law enforcement or firemen and we should be grateful they are here to protect our communities but to overtax them on things like this blows her mind. Ms. Yanecko asked Commissioner White how much she will collect in retirement when she leaves office. She said Commissioner Smith had previously said

Commissioners could increase, freeze or lower wages and she has the ability to reduce her own salary because if we cannot sustain you will be losing employees and possibly filing bankruptcy because this is not sustainable. Ms. Yanecko believes the County overtaxed the citizens which is why there is such a large surplus and so in 2024 and 2025 they will be taxing the citizens yet again.

Paul Smith spoke of his concern with his house payment increasing year-after-year due to taxes and insurance. He agrees with the comments offered Kim Yanecko and ElJay Waite, and he asked the Commissioners to respond to the questions asked by Ms. Yanecko. In response, Commissioner White said she has not met with PERSI and does not know the amount she will receive in retirement. Commissioner Smith said the elected officials have significant pay increases and she is willing to cut all of them, and she will be proposing to reduce the Board of Commissioners' salaries because they are hiring a Chief Operating Officer who will help fulfill some duties. She is willing to have further discussion during Board deliberation. Clerk Yamamoto responded to Ms. Yanecko's question about citizens being overtaxed, and he said we are sitting on more fund balance than ever before, and he asked if the citizens prefer to be taxed at the maximum rate now or have a discount.

Paul Pilkinton said he has a very poor opinion of public employees overall, and he believes the raises should be merit-based by their supervisors and from public comment since they are public servants. Are employees serving people the way they need to be served? Are there complaints that need to be addressed? He believes some departments are very toxic based on the amount of people leaving.

Darrin Freiburghaus is a 30-year County employee and supervises the driver's license office. All but three are customer service, which is the lowest paid wage in the County. They issue driver's licenses, ID cards, sex offender registrations, concealed weapon permits, and fingerprinting service. The customer service positions are much more technical than their job title would suggest; they must process an endless number of out-of-state transfers and those new to the country from all over the world. Staff must provide service while complying with ever-changing federal and state laws, and ITD policies. They have a huge responsibility to do this accurately and quickly with a starting wage of \$14.83. The office currently has four vacancies, one goes back a year, another 6 months, and another a few months. The County is not attracting applicants that want to do these jobs which are much more than customer service – they are technical jobs, and the applicants have to pass a background check, polygraph check, drug test, and drug use history. You can work at McDonald's for more money and not have to meet those same requirements. He has 3 existing employees who are actively looking for another job that pays better.

Randy Haverfield is a Nampa resident and serves on the Nampa City Council and said he felt a resistance to the County and the cities being able to work together for the common good. The city council has not voted to give council members a raise in nine years, but has given the mayor an increase because she is a fulltime employee. Being a public servant is to serve the public and look after the best interest of those that put us into office. A lot of people are on fixed incomes and they don't have an increased wage coming in, so this bump is going to be huge to them. Fortune.com is speaking about Boise and how the honeymoon is over; we have seen an increase

in property values of up to 50% but there has been a decline in home sales in Boise by 28% in the last 10 months and by the end of the year they are expecting a tremendous decrease in property values. He hopes Commissioner Van Beek reaches out to Nampa officials and works with them. The council told departments they would not be getting more than 2% this year; with one-half percent to be put aside for the police department in the event they get a grant that allows them to have more officers. The city is not seeing people leave – they appreciate the culture and the values the city offers.

Lynette Hill said \$14K to \$19k is over a 33% raise and it needs to be looked at closely. We spend 65% of the tax revenue on salaries and she questions if it will remain at 65% with this new increase in salaries. She said the Commissioners' salaries are very high and are double what she made at NNU with 41 years of experience in education. She questioned what the Commissioners do to earn that salary and wanted to know who evaluates them.

Hubert Osborne said it's a rare occasion when employees can get a significant increase and the County can reduce the property taxes. He thanked the Clerk and Assessor for their work on legislative matters. He noted there hasn't been any funds put aside for new trailers or a jail. He further noted that the Commissioners added \$18,000 to their own salaries.

Steve Burton is pleased the Board has increased the budgeting for law enforcement. He asked if there is there a standard for public entities to maintain a reserve or a fund balance? Clerk Yamamoto said as far as fund balance reserve, no, there really isn't a standard. You can find some entities that like to sit at 100%, but most do not want to be lower than 25%. Mr. Burton questioned if there are new positions for the Public Defender, Public Information Officer, the Prosecuting Attorney and the Sheriff's Office. Controller Wagoner said in the Sheriff's Office there is one additional customer service position; the PA has unfunded positions, and there are not any additional positions in the Public Defender or Public Information departments.

Sheila Ford agreed with the comments offered by Amy Weidner and Larry Stevenson.

Craig Sjoberg believes we shouldn't have any property tax at all; it's taxing on your life and your abode and the way you live, it's consumption tax. He was a self-employed dentist who worked hard, and he was a Sheriff's reserve officer. He spoke about the need for shared routes and the for a stable pay rate for police.

Kimbra Asqueta is the motor vehicle supervisor and has worked there for 38 years. She is here tonight on behalf of her hardworking team whose base wage is \$14.83 an hour. One of her employees had to move out of state because she could not qualify for an apartment rental. To the person who said employees should seek additional training to move up, Ms. Asqueta said her staff does not have the extra money to seek training and are one disaster way from being homeless. Her staff works hard and they put up with people yelling at them and telling them how horrible they are and unless the wages increase she won't be able to fill vacant positions. One of her employees left for a similar job somewhere else making \$26.33 an hour. She asked what is the cost to the County for all of the turnover? It takes her two years to get someone fully trained

and said we are lowering the quality of customer service because we cannot keep trained personnel.

Beverly Cavazos asked if the County has been able to secure liability insurance and if so, will we be self-insured and where will the money come from? People are building homes where there is not enough water and doing things that are not conducive to what this part of the country allows. Commissioner Smith said there is a budget line to cover insurance costs, and we have insurance through ICRMP that is set to expire at the end of September, and we are working to find replacement insurance which will likely be some type of self-insurance. Ms. Cavazos said a lot of money has been paid on lawsuits and she wants to make sure we have enough to pay without going bankrupt. Controller Wagoner said \$1.35M has been budgeted in the tort fund.

Mary Banford is a civil clerk and she believes employees are leaving because they do not make enough money to survive. She takes home \$2,000 per month and her monthly rent is \$1,400. She makes \$200 too much to receive any benefits from the state. If the County wants to have employees it has to pay them enough to keep them. The turnover is happening because employees are not getting paid enough and the County will continue to have "newbies" filing protection orders and other important matters. Ms. Banford wants to be a public servant, but she doesn't want to be a slave. She does not have sympathy for those earning \$100,000; you have to pay those who are making the lower wages.

Mark Eaton is a retired law enforcement officer from California and said civil service is a privilege and you get the low pay but you also get the good benefits. Those on top end of the pay scale should not be making double of those on the bottom. The bottom needs paid, but the ones at the top do not need anything. Mr. Eaton said merit increases should come from performance evaluations with a 3% maximum.

Kera Giedd works in the Public Defender Department and she spoke about how the merit system is subject to a lot of abuse as people can get pay raises based on anything. Further, the problem with a merit-based raise system is that every person deserves a raise for working hard. Ada County offered to pay her more money but she chose to stay at Canyon County because she loves the people she works with. They are working hard and doing the jobs of the employees they cannot hire or keep. She said if the public is upset about those who earn \$100,000 they shouldn't lump all employees in because they're mad some people are making higher wages

Clerk Yamamoto said Canyon County has always been behind the curve and is the training ground for other agencies. His budgets have always had merit pay, but he removed it because it was being abused. We have to be competitive and that's where the problem lies at the moment.

Commissioner Smith said she is an example of an employee that started at the bottom at Canyon County and the County invested a lot of money in her for 10 years in training costs. They put a thumb on her and said she could not make more than a certain percentage because they were worried about perception. She left the job because someone else would pay her more and Canyon County failed to retain a highly qualified person because they did not pay her for what she had

learned or what she was worth. She said we are forcing incredible people to learn here and leave here. A private organization would never allow 25% of its workforce to walk out in one year and it's unfathomable we cannot take care of the employees who work so hard for us and deserve pay for the work they do. She understands the frustration that it seems like a significant increase, but she's not willing to leave without taking care of the people who deserve it and it's appalling to her when people say they have a poor opinion of public employees. Employees deserve a pay increase, but she questions if the top increases for those with higher salaries should be pulled back.

Commissioner Van Beek said there has to be accountability in government. The Board manages 15 department heads and there are a myriad of things Commissioners are required to do and it requires a collaborative effort between three individuals and we have to work toward the best solutions for the taxpayer. There has been interest in attendance for Commissioners and it is not totally transparent, and it's not tracked and that is not right. In the private sector you could not retain a job if you did not show up for the job. She lobbied for voting records but that has not gained traction. She has requested to hold salaries at 1%-3% for Commissioners. She works for every dollar and it's disappointing that are employees who say they are disappointed with the work she does – that's offensive because she works every day for the best interest of the taxpayers. She is impressed with Kimbra Asqueta as the motor vehicle supervisor and her ability to meet the customer service demands. She appreciates the comments from Mary Banford and the work she does. Commissioner Van Beek said the Board should have started the budget evaluation process months before the budget hearing because it's a huge job to evaluate salaries for nearly 900 employees, and some who were granted midyear raises before this increase will have salaries increased by 72%. That is not taking care of the people. The County is top heavy. Yes, people deserve to be paid, but will we be able to pay them what they are worth? Probably not. There is a rumor that she does not support an increase for law enforcement officers, however, she does support what they do. Law enforcement has a nonconforming policy where they are not given one-to-one credit for their years of service and she objects to that. She thanked the law enforcement officers for the job they do. The City of Nampa is under fire for their position on holding wages. She meets with Nampa leadership on a regular basis and has lobbied to have all nine mayors in Canyon County and their economic development teams, and the Board come together to understand how we are growing together as a County but she did not gain traction for that "thinktank", but said it will happen in January of 2023. Commissioner Van Beek commended Randy Haverfield for his leadership in Nampa. She met with Police Chief Joe Huff and he told her that culture is an issue at Canyon County and it needs to be addressed. She is going to lobby for officers to work in an environment where they are treated respectfully and with dignity as that is what happens in the City of Nampa, there is a steady and sustained approach to wage increases and a productive and positive culture. She thanked Nampa for what they do – they recently earned the ICRMP award for the best run city in America and that is worth celebrating and a model we want at the County. Public service differs from the private sector in that government does not generate a profit. Those in the private sector generate a profit and from those profits salaries are paid to government employees. Compensation is important and there is an expectation of transparency and a high level of customer service in exchange for the taxes paid. A tentative budget was approved by a Board majority granting an annual increase of \$12,000 to all 886

employees regardless of tenure, performance, or midyear raises. The budget iteration before us tonight has been scaled back and represents an \$8.9M increase with limited consideration for tenure and no consideration for performance. Built in is a 9% COLA which is one of the highest COLA's for the second consecutive year in the state. We have areas of compensation that need addressed, but it should have been an item of discussion months before the budget process giving the Board adequate time to understand and evaluate the proposals before it. She was not successful in gaining Board support, instead Commissioners were presented several different versions including changes this evening which have not yet been properly vetted. There are aspects of this budget she can support, and others she cannot support out of respect for the taxpayer and in the interest of protecting the solvency of Canyon County. Most understand that compensation is the largest component of the budget and at last year's budget hearing the County funded one of the largest wage increases in the state of Idaho with an overall average increase of 9.5%. This year there is a proposal to raise the wages more than \$7,500 for every employee regardless of tenure, performance or attendance which equates to \$8.9M with no vote from the taxpayer and no provision for a new jail. The \$8.9M equates to \$180M over 20 years, very close to the \$198M jail bond that failed miserably two years ago. This year's budget, if approved, has the potential to significantly handicap a new Board in terms of meeting payroll and expenses going forward. Our fund balance is at a record high and still using fund balance as well as market indicators that the economy is slowing and the vulnerability of the County in terms of insurance will ensure that difficult decisions regarding staffing and cutbacks will be made. In 2019 the Board approved an operating budget of \$89,305,778 and tonight they are considering approving an operating budget in excess of \$133M. The majority of that \$44M increase has gone to salaries. It is inaccurate to say the County has not dedicated hard-earned taxpayer dollars toward increasing salaries. She has been on the radio and on public record lobbying for a more careful budgeting process and a deeper dive by Commissioners. This plan will significantly raise taxes for residents; certain offices have chosen to wage a political campaign meant to strongarm Commissioners into overspending. The Clerk's budget did not include a revenue source to fund the proposed wage increases. Fund balance is not a revenue source, it is a rainy-day fund and serves as protection for the County in the event of a downturn or a recession and it safeguards the County's long-term financial interests. The County will need to address its work culture and the issue of insurance coverage and payouts which have cost taxpayers \$1.4M this fiscal year. She embraces the motto of Nampa Police Chief Huff of "what do we stand for?" We stand for integrity, teamwork, and excellence.

Commissioner Smith said the City of Nampa pays Police Chief Huff \$166,000 a year and she asked if Commissioner Van Beek believes he is overpaid. Commissioner Van Beek said the City of Nampa has been strategic in its evaluation, and she does not believe they are jeopardizing fund balance. She said Chief Huff told her that he only took four (4) days off last year. As to whether he earns a wage at \$166,000 for managing officers for one of the largest cities in the County, that is a question for the city council, not her. Commissioner Smith said she finds it interesting that Commissioner Van Beek advocates for the City of Nampa so heavily when they steal our employees because they can pay significantly better than Canyon County does. Those who pay for those increased salaries in Nampa are the same people who are complaining about the Commissioners wanting to pay County employees and that's wrong. There is judgement of what the County is doing for its

employees and yet no criticism is found for what Nampa is doing. She said people feel good about a salary of \$166,000 going to a police chief that doesn't operate a jail and a city that is growing at rapid rates, and we have no room in the jail for the people the city officers arrest. She finds it appalling that Commissioner Van Beek is advocating for the City of Nampa but not for County employees and said for her to attack the Clerk and say changes were made to the budget tonight that the Board did not have a chance to review is a lie. The Clerk gave a suggested budget and the Board had asked for specific changes which the Clerk made, so for Commissioner Van Beek to imply that the Clerk did anything other than what the Board asked him to do is appalling.

Commissioner Van Beek said there was an email string about a reduction of \$4M. She supports the County's officers and said there was no disrespect intended. When she met with Chief Huff they talked about pay, culture, the ability to advance and move forward, and training opportunities as factors that go into why a person decides to work they work.

Commissioner White thanked those in attendance for the comments they shared this evening. She spoke of her experiences over the years in preparing city and County budgets and talked about how she is melancholy about this being her last budget because the employees at Canyon County as they are some of greatest people she has ever worked with, and they work hard for the citizens. She finds it amazing that a lot of people do not seem to realize that County employees are not indentured servants; they are our neighbors and they are taxpayers.

Commissioner Smith wants time to consider the testimony received tonight before making a decision on the budget. Commissioner Van Beek made a motion to continue the budget hearing to Friday, August 19, 2022 at 2:00 p.m. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion to continue. The motion carried by a two-to-one split vote. The hearing concluded at 7:30 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM
CALDWELL, IDAHO AUGUST 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 order:

- Timberlake Construction in the amount of \$2,400.00 for the Facilities Department
- SHI in the amount of \$10,580.72 for the IT Department
- Blue One Energy Equipment in the amount of \$197,416.00 for the Fleet Department

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for Tricycle, LLC dba Eastside Tavern to be used 9/3/22 and 9/17/22; Treasure Valley Road Runners to be used on 8/25/22; Blue Heron, LLC dba Bobbie Jeans to be used 8/31/22, 9/3/22, 9/7/22, 9/10/22, 9/14/22, 9/17/22, 9/21/22, and 9/24/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Jodi Edwards, Clerk II; Randee Schlapia, Clerk II; Edmy Vega, Deputy Public Defender I; Dion Trimble, Deputy Sheriff; Malachi Meyer, Customer Service Specialist; Lorisa Pierson, Customer Service Specialist; Laura Bebeau, Customer Service Specialist; Grace Gentry, Deputy Sheriff; Claire Lipsey, Deputy Sheriff; Seth Dempsay, Deputy Sheriff; Henry "Bosco" Baldwin, Compensation and Benefits Manager; and Amanda Martinez, Part-time Interpretive Specialist.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:56 a.m. to consider matter related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Case Manager Kellie George and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue an approval with written decision within 30 days on case no. 2022-515. The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White (arrived at 9:05 a.m.), Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Landfill Director David Loper and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Signing Declaration and Notice of Sole Source Procurement of Caterpillar 323 Track Excavator from Western States Equipment: Director Loper explained that this is for a FY23 purchase but due to timing and lead-time he'd like to get the process started in hopes of receiving the machine early in the fiscal year. He has worked with the Prosecutor's Office in order to make sure due diligence has been completed and spoke about the warranty and buy-back guarantee. Ms. Klempel said there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of sole source procurement of Caterpillar 323 Track Excavator from Western States Equipment.

Consider signing Declaration and Notice of Sole Source Procurement for Crushing Recycle Services from Timber Creek Recycling for Pickles Butte Sanitary Landfill: This will be for a new service allowing Timber Creek Recycling to crush concrete at the landfill. Concrete waste is considered a hard to

handle material and this will allow for the material to be set aside, ground down and then can be hauled away by Timber Creek. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the declaration and notice of sole source procurement for crushing recycle services from Timber Creek Recycling for Pickles Butte Sanitary Landfill.

The meeting concluded at 9:14 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH SOUTHWEST DISTRICT HEALTH REGARDING ADULT AND YOUTH CRISIS INTERVENTIONS

The Board met today at 10:21 a.m. for a meeting with Southwest District Health regarding adult and youth crisis interventions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Controller Zach Wagoner, SWDH Director Nikki Zogg, Rep. Rick Youngblood, Rep. Julie Yamamoto, Caldwell Mayor Jarom Wagoner (10:25 a.m. to 11:00 a.m.), Jean Mutchie from St. Luke's, Dr. Shalene French, Superintendent of Caldwell School District, Brenda Jones, Sharlene Carrio, Nick Chan, Sarah Andrade, other stakeholders/partners and Deputy Clerk Monica Reeves. Director Zogg gave a PowerPoint presentation on the Western Idaho Community Crisis Center, and an update on the implementation plan for the Canyon County Youth Crisis Center. SWDH, with the support of more than 20 organizations, government agencies, and local leaders, is requesting Canyon County provide \$600,000 in financial support to stand up a youth crisis center should the region receive grant funding from the Idaho Department of Juvenile Corrections. This is a one-time request, and the funding will be utilized to assist with the renovation costs of a location in Nampa. (Commissioner Van Beek left at 11:06 a.m. to attend another meeting.) At today's meeting, personal examples were given about how parents have tried to navigate the mental health system to seek help for their children who are in crisis. The system is broken and the community needs to stand up and fix system to help our youth. Commissioners Smith and White support the request to allocate ARPA funding in the amount of \$600,000 to SWDH for a youth crisis center. The meeting concluded at 11:30 a.m. An audio recording is on file in the Commissioners' Office.

DEER FLAT NATIONAL WILDLIFE REFUGE AND LAKE LOWELL PARTNERS DISCUSSION

The Board met today at 2:06 p.m. for a discussion regarding the Deer flat National Wildlife Refuge and Lake Lowell Partners. Present were: Commissioners Keri Smith and Leslie Van Beek, Parks Director Nicki Schwend, Assistant Park Director Laura Barbour, Outdoor Recreation Planner Alex Eells, Eddie Owens with Deer Flat Wildlife Refuge, David Ferdinand and Deputy Clerk Jenen Ross.

Director Schwend provided some background information on the partnership between Lake Lowell and Deer Flat Wildlife Refuge.

A handout was provided and discussion ensued regarding the purpose of the meeting, outcome goals, new/updated information, background/information about Mr. Owens, priority urban wildlife refuges, opportunities for the county and non-traditional (recreational) activities.

Director Schwend would like to see some kind of MOU to formalize the partnership between the county and the wildlife refuge. The Board is committed to working on, and finalizing, an MOU within the next month.

No action was necessary or taken by the Board as this meeting was for informational purposes only. The meeting concluded at 3:13 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 19, 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 MONTHLY REPORTS AND QUARTERLY REPORT

The Board filed in the minutes the Treasurer's monthly reports for May 2022 and June 2022, as well as the quarterly report for April 1, 2022 to June 30, 2022.

ACTION ITEM: CONSIDER SIGNING THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER REGARDING THE APPEAL BY BOBBI BICANDI, CASE NO. CU2022-0010-APL

The Board met today at 1:34 p.m. to consider signing the findings of fact, conclusions of law, and order (FCO's) for Case No. CU2022-0010-APL, regarding the appeal by Bobbi Bicandi of the P&Z Commission's decision which granted a conditional use permit (CUP) to Blaine Nabors to operate a dog kennel. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, DSD Planner Jenna Petroll, and Deputy Clerk Monica Reeves. The hearing was held on August 5, 2022 and a Board majority overturned the P&Z Commission's decision to approve the CUP, thereby denying Mr. Nabors' request. Today the Board reviewed the FCO's to ensure they reflect the changes made at the hearing. Commissioner Van Beek made a motion to sign the FCO's approving the appeal by Bobbie Bicandi, Case No. CU2022-0010-APL. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion to

approve the appeal. The motion carried by a two-to-one split vote. The meeting concluded at 1:36 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF FY2023 BUDGET HEARING

The Board met today at 2:03 p.m. for a continuation of the FY2023 budget hearing which took place in the public meeting room of the Canyon County Administration Building. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Chief Civil Deputy PA Sam Laugheed, Deputy PA Alex Klempel, PA Office Manager Melinda Longoria, PIO Joe Decker, HR Director Kate Rice, Chief Deputy Assessor Joe Cox, Assessor's Office Manager Jennifer Loutzenhiser, Facilities Director Rick Britton, Fleet Director Mark Tolman, Landfill Director David Loper, Juvenile Detention Center Dir. Sean Brown, Parks Director Nicki Schwend, IT Director Greg Rast, Assistant IT Director Eric Jensen, TCA Jamie Robb, Assistant TCA Benita Miller, DMV Supervisor Kimbra Asqueta, Public Defender Aaron Bazzoli, Sr. Systems Analyst Steve Onofrei, County employees, David Ferdinand, other interested citizens, and Deputy Clerk Monica Reeves.

The Board held the first public hearing on August 17, 2022 and continued the hearing to evaluate the public comments received. Commissioner Smith said she evaluated the comments and reviewed the emails, but since there is no additional testimony she called for a motion to close public comment. Commissioner White made a motion to close public comment. The motion was seconded by Commissioner Smith. Commissioner Van Beek said she doesn't know if there are people who wanted to comment so she voted no on the motion. The motion carried by a two-to-one split vote.

Commissioner Van Beek presented information for the Board's consideration that looks at the proposed salary increases and uses the Clerk's \$3,000 set amount and a \$2,000 additional amount that's prorated out giving the highest consideration for those that are making the lowest amount in the County. It cuts the amount of the proposed increase in half. We heard that higher salaries can absorb more of the cost of living than those who make lower salaries, and so this is a consideration we can use that would give every employee something and would allow the BOCC going forward to evaluate the other factors that are critical in retention and wage increases. Controller Wagoner said the Clerk's suggested budget was not a fixed flat \$3,000 per employee, but rather a \$3,000 slide in the position pay ranges plus a step increase. Commissioner White asked how the alternate proposal differs from what the Board is considering. Commissioner Van Beek said the Clerk's proposal is a sliding range, and her proposal assumes a flat cost of living for every employee. The lower your wage the higher percent increase. It gives the incoming wage analyst the ability to navigate and look at the proposals. There were some mid-year raises for the top end salaries and those need to be taken into consideration and re-evaluated before additional raises are given. In order to focus on the lower wage earners, we have to start from the bottom and give the biggest increase and we have to be able to not dedicate all future funding to simply salaries because the expectation of our citizens is that we are going to build a jail and do capital improvements. The other issue is that when the urban renewal returns in 2023 it was projected

at \$2.3 million with the levy rate dropping half to 12 mils and this will now reduce the County's ability to capture all of that. It's a one-year dump of 20 years of incremental value and is cutting off the revenue significantly. We have to look at the COLA and what the revenues are for next year. There were follow-up questions from Board members about the alternate proposal. Commissioner Smith appreciates Commissioner Van Beek's time on the proposal, however, she has spent a lot of time on the previous report that was generated and she is in support of the changes. She reviewed the Clerk and Controller's comments and she supports the BOCC moving forward with the 9% COLA and the maximum of the minimum salary instead of a proposed \$20 reducing it to \$18 at this time until we can hire a wage and compensation analyst. She wants to leave the "A" budget as requested so we have the money to adjust those salaries when the wage and compensation analyst arrives. Commissioner White agrees and said today the BOCC is not approving the salary compensation as there is some discussion to be had and decisions to make. She has heard repeatedly that the BOCC is not setting a good example in their salary and should cut it. If a Chief Operating Officer (COO) is going to be hired she supports reducing the Commissioners' salaries from \$103,000 to \$90,000 without a 9% COLA. She did not vote for the position but in the Board's previous discussions she was assured the employee would pick up a lot of the burden and some of the cumbersome work. Commissioner Smith supports that proposal. Commissioner Van Beek said we have outgoing Commissioners who have struggled with attendance and she can see why they want the COO position; however, she is withdrawing her support for it because there are incoming commissioners who want to do this job and she doesn't want to fund the COO position. She said Commissioner White has never been in support of the position and it would swing to a Board majority where it would not be funded. She wants to leave the elected officials' salaries and she talked about the possibility of having a citizens group help evaluate the elected officials' salaries. Commissioner Smith said the wage and compensation analyst can look at BOCC wages and determine if they are fair, which is what Commissioner Van Beek is asking for everyone else. Commissioner Van Beek said the wages should be frozen and there could be adjustments; if we adjust down then we would need to adjust the same percentage down for all elected officials. She said it's unfortunate there is more focus on the nasty politics than there is on accomplishing something for the employees and the citizens. She is for employees and for citizens and we have to be able to fund it and stay solvent and meet the needs of both sides.

Commissioner Smith made a motion to approve the budget as presented with the following changes:

1. Salaries are not specifically approved with this budget and need to be modified with a starting salary for entry level positions of \$18 for fulltime employees and passed by resolution of the BOCC at a future date to resolve any compression issues found within the ranges and positions. This includes a 9% COLA for all employees and elected officials except the BOCC. She proposes to reduce the salary of the BOCC to \$90,000 because of the addition of the Chief Operating Officer position that will help streamline the management of the Board's departments and is included the budget.

2. Include the administrative assistant position for Emergency Management under 413080 as was found in the Clerk's suggested budget and requested by the Sheriff.
3. Remove the expense of \$175,000 from 682220 (Clerk's elections budget) for office buildings to be considered by the BOCC at a future date when a building or site becomes available.

Commissioner White seconded the motion for discussion. Commissioner Van Beek asked Commissioner White to clarify her position because she has been opposed to a COO since the idea was presented and asked if she is now changing her position knowing she will not be a sitting Commissioner. It's a decision the new BOCC should make and Commissioner Van Beek withdrew her support for the COO position. Commissioner White said Commissioner Van Beek is the one who is changing her mind on the position; Commissioner White has changed the way she approached the budget. At Wednesday's budget hearing she heard someone say they are putting together another budget and will bring it before the new Board in January. Commissioner White is satisfied with what was presented to the BOCC. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote.

Commissioner White made a motion to approve the FY2023 expenditure budget for the Canyon County Pest Control District in the amount of \$325,199, and a FY2023 expenditure budget for the Melba Gopher District in the amount of \$12,000. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote.

Commissioner Smith said the language for the budget resolution needs adjusted for the amounts based on the changes that were read into the record. Controller Wagoner asked for clarification on the salaries for the other elected officials. Commissioner Smith said it would include a 9% COLA plus the \$1,000 for years in position that was applied, and it removes the \$8,000 increase that was proposed by Director Rice and Director Rast. He asked if the Board wants to remove the \$175,000 for a possible polling location site. Commissioner Smith said the BOCC wants the site but they don't think it needs to be included in the budget, they can use fund balance for it. Effective October 1st, the Commissioners' salaries will be \$90,000 and we will work towards an \$18 an hour minimum pay otherwise we are going to adopt the "A" budget as-is and individual salaries will be fixed at a later date. The minimum 9% COLA plus those increases will come across the board so it increases everybody's wage.

The Board took a recess at 2:32 to 2:52 p.m. so the Controller could adjust the budget numbers. Controller Wagoner said after incorporating the changes the new number for the County is \$132,408,889. He referred to the L-2 form and said the County's property tax request is one of the absolute most important numbers. How much property tax the County levies is our choice – we have the authority to levy \$57M to fund the budget, but we are at \$40M. We are \$17M under what we could be requesting for FY2023, and we are doing our part to provide genuine property tax relief by requesting \$14M less than what we asked for last year. Everyone will benefit because of our frugality when it comes to property tax. We do not have control over other taxing districts

and what they request; however, we are responsible to build and collect their property tax. The County is only 20%-30% of the total property tax bill.

Commissioner White made a motion to approve the L-2 worksheet as presented. Commissioner Smith seconded the motion. Commissioner Van Beek was opposed to the motion. The motion carried by two-to-one split vote.

Commissioner Smith noted that the resolution adopting the budget with the requested changes reducing it to \$132,408,889 for FY2023, was already passed. The hearing concluded at 2:56 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 22, 2022

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

APPROVED CLAIMS

- The Board has approved claims 587220-587271 in the amount of \$697,609.36
- The Board has approved claims 587272-587319 in the amount of \$70,183.78
- The Board has approved claims 587320-587362 in the amount of \$305,476.67
- The Board has approved claims 587363-587414 in the amount of \$78,372.29
- The Board has approved claims 587415-587450 in the amount of \$27,135.31
- The Board has approved claims 587452-587481 in the amount of \$109,087.17
- The Board has approved claims 587482-587520 in the amount of \$32,079.14

CONSIDER APPROVING AUGUST 22, 2022 ACTION ITEMS

The Board met today at 2:03 p.m. to consider the August 22, 2022 action items. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith (participated via conference call), Deputy PA Zach Wesley, Treasurer Tracie Lloyd, Controller Zach Wagoner, Gary Westerfield and Katie Phillips from Code Enforcement, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing resolution granting an alcoholic beverage license to Rite Aid #5409: Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to grant the alcoholic beverage license for Thrifty Payless, Inc., dba Rite Aid #5409 (change in application.)

Meeting to discuss certification to the tax roll of abatement charges associated with property located at 26393 Riverview Dr., Wilder, Idaho; Action Item: Provide direction to County Treasurer to certify charges to the tax roll: Zach Wesley said the Board, through DSD, needs to prepare a letter similar to the one the Weed and Gopher Department prepares annually which is due to the Treasurer by August 31st. The letter needs to include a simple statement of the authority to put the properties on the tax roll and include a description of the all the properties and the amounts owed. Treasurer Lloyd said she will then verify that a notice of lien was filed and that the property is in fact the property the abatement occurred on. Once that is done a resolution will be brought to the Board which includes the charges from all the agencies and they can certify it to the tax roll. Commissioner Smith said everyone has done their due diligence and this is the final step of abating the property and then she made a motion to approve with the direction to add it to the tax roll. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 2:11 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2022 TERM
CALDWELL, IDAHO AUGUST 23, 2022

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

RESCHEDULE PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT (INCLUDING IRRIGATION AND DRAINAGE) FOR BELLA TOSCANA SUBDIVISION NO. 3

The Board was scheduled to conduct a public hearing this afternoon at 2:00 p.m. regarding a request by Laurie Bingham for approval of a preliminary plat (including irrigation & drainage) for Bella Toscana Subdivision No. 3. The development consists of 15 residential lots. The subject property, parcel no. R33242 & R33242013 are located at the intersection of Morellino Way and Hoskins Road in Caldwell. Due to a lack of quorum today the hearing was continued to September 9, 2022 at 9:00 a.m.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 24, 2022

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

APPROVED CLAIMS

- The Board has approved the June Jury claims in the amount of \$6,930.66
- The Board has approved claims 587191 to 587219 in the amount of \$133,982.00
- The Board has approved claims 587521 to 587548 in the amount of \$38,111.01

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for Riceworks LLC dba Riceworks to be used 8/28/22; and for Beer Guys Saloon to be used 8/26/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Merianne Smith – temp. election worker; Trina Harrell – temp. election worker; Justin Hutton – Hazardous Waste Screener/Operator; Jacob Alan Taylor – Deputy Sheriff Inmate Control; Krystal Gonzalez – Deputy Sheriff Inmate Control.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Vista Mechanical in the amount of \$16,943.70 for Building Maintenance
- Carbon Network in the amount of \$9,996.00 for Information Technology
- Dell in the amount of \$24,857.00 for Information Technology

RESCHEDULE PUBLIC HEARING TO CONSIDER THE SHORT PLAT FOR DEL ROSARIO ESTATES NO. 3, CASE NO. SD2022-0012

The Board was scheduled to conduct a public hearing this morning at 9:00 a.m. to consider a request by Erick McLaughlin for approval of a Short Plat for Del Rosario Estates No. 3. The development consists of 2 residential lots. The subject property, Parcel No. R38214506 is located at 24433 Hartley Lane in Middleton. Due to a lack of quorum today the hearing was continued to September 6, 2022 at 10:30 a.m.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 25, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Corwin Ford in the amount of \$45,550.10 for the Fleet Department

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for Raising our Bar to be used on 9/30/22, 9/29/22, 9/26/22, 9/23/22, 9/18/22, 9/17/22, 9/16/22, 9/15/22, 9/9/22, 9/8/22, 9/4/22, 9/3/22, 9/2/22, and 9/1/22; Legends Sports Pub & Grill to be used on 9/17/22; Lost Grove Brewing to be used 9/4/22; O’Michael’s Pub & Grill to be used on 9/24/22, and 9/17/22, 9/10/22; and Bus Bar Idaho to be used on 9/18/22 and 10/1/22; and Slick’s Bar to be used on 9/3/22

SIGN NOTICE OF LIEN – PROPERTY ABATEMENT

The Board signed a notice of lien for property located at 5319 Lake Avenue, in Caldwell, Parcel No. R21400500. The property is in violation of the County’s Public Nuisance Ordinance and notice was given to property owners of DSD’s intent to abate the violations if not remedied by the stated deadline. Abatement costs will become the responsibility of the property owner. The notice of lien was recorded on August 25, 2022 as Instrument No. 2022-040688.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 26, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT for portions of the day**
Commissioner Leslie Van Beek, Vice Chairman - **OUT**
Commissioner Pam White – **OUT - Provided electronic authorization on documents**
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2224

- The Board of Commissioners approved payment of County claims in the amount of \$1,911,702.82 for a County payroll

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 29, 2022

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

No meetings were held this day.

AUGUST 2022 TERM

CALDWELL, IDAHO AUGUST 30 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – Participated remotely
 Deputy Clerk Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Stephani Campbell – Comm. Officer Dispatch 41012; Kathy Mandrell – Drug testing Technician

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 9/3/22.

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Chief Deputy Sheriff

Marv Dashiell, Cpt. Harold Patchett (left at 9:05 a.m.), Sgt. Jason Roberts (left at 9:06 a.m.), Landfill Director David Loper, Controller Zach Wagoner, Director of Misdemeanor Probation Jeff Breach (left at 9:30 a.m.) and Deputy Clerk Jenen Ross.

The action items were considered as follows:

Consider signing ratification for Ada County Sheriff's Office Jail Housing Billing Agreement: This is an annual agreement and similar to last year with a minor increase to the daily rate. The agreement has been reviewed by Chief Deputy Laugheed and 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 ratification for Ada County Sheriff's Office Jail Housing Billing agreement (see agreement no. 22-089).

Consider signing Idaho Department of Parks and Recreation Boating Safety Grant Close-out Report Form: The work has been completed in relation to the grant award and this document closes it out and requests reimbursement for the grant award. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Idaho Department of Parks and Recreation Boating Safety Grant Close-out Report Form.

Consider signing ordinance establishing Solid Waste Advisory Committee (SWAC) and signing the legal notice/summary of ordinance establishing Solid Waste Advisory Committee (SWAC): Director Loper gave an overview on how the establishment of the SWAC began. The SWAC will be an advisory board to the BOCC comprised of 7 members as appointed by the BOCC each with a 2-year term. Once ordinance is codified and formed there will then be specific bylaws brought to the Board as to how the committee will operate. Bylaws will be more specific as to where the committee members come from in regard to industry members, at-large members and areas of the county. Discussion ensued regarding language in the ordinance specific to the how the members of the committee are selected and the concerns raised by Commissioner Smith. In order to get a clearer answer, this item has been tabled for the time being so Ms. Klempel can collect some additional information.

Consider ballot question for Middleton, Star area of impact overlap election: At a previous meeting the Board made a recommendation on the overlap area which the City of Middleton filed objection to. Statutorily at this point it goes to the electors of those who live in the overlapping area to decide which city they would like to have control the area. A letter of instruction along with draft ballot language has been created which will be sent to the Clerk and elections office. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to authorize the Clerk to put the ballot question for Middleton, Star area of impact overlap election on the November ballot. A copy of the letter and draft language is on file with this day's minutes.

Consider signing a resolution approving a new alcoholic beverage license for the Dutch Goose: Commissioner Smith said that this application has passed review and that the applicant has not had any felony convictions within the timeframe as allowed by law. There were prior convictions

from 1991 and 1999 but the sentences and probation were completed in 1992 and 2001; at this point it is legal for him to get an alcoholic beverage license. Mr. Wesley said that the timeframe is 5-years from the point of probation completion so in this situation the convictions would no longer be a disqualifier. Commissioner Smith moved to approve the resolution and alcoholic beverage license for the Dutch Goose. The motion died for lack of second. Commissioner Van Beek did not give reasons for not seconding motion but suggested contacting Commissioner White for approval. Commissioner Smith noted for the record that Commissioner Van Beek stated her reason for not wanting to approve the license while still off the record and feels it is a fair conversation to be having now as it is holding up county business.

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

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

Commissioner Smith made a motion to go into Executive Session at 9:21 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and 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, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, and Director of Misdemeanor Probation Jeff Breach. Director Breach left the meeting at 9:30 a.m. The Executive Session concluded at 9:44 a.m. with no decision being called for in open session. The legal staff update will be resumed at 1:15 p.m. today.

The meeting concluded at 9:45 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION APPOINTING COMMISSIONER LESLIE VAN BEEK TO THE CALDWELL URBAN RENEWAL BOARD

The Board met today at 9:59 a.m. to consider signing a resolution appointing Commissioner Leslie Van Beek to the Caldwell Urban Renewal Board. Present were: Commissioners Keri Smith and Leslie Van Beek. Commissioner Van Beek will be appointed to the Board through January 2023 when a new Board is in sworn in and/or a new DSD Director is selected at which time a new representative may be appointed. Upon the motion of Commissioner Smith and second by Commissioner Van Beek the Board voted unanimously to sign the resolution appointing Commissioner Leslie Van Beek to the Caldwell Urban Renewal Board (see resolution no. 22-173). The meeting concluded at 10:01 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY ZACH AND LELA BROOKS FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-R-R" (CONDITIONAL REZONE – RURAL RESIDENTIAL) ZONE, CASE NO. CR2022-0004

The Board met today at 10:08 a.m. for a public hearing to consider a request by Zach and Lela Brooks for a conditional rezone from an "A" (agricultural) zone to a "CR-R-R" (conditional rezone – rural residential) zone, case no. CR2022-0004. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, Zach and Lela Brooks and Deputy Clerk Jenen Ross.

Mr. Lister provided the staff report stating that today's request is for a conditional rezone of two parcels. The 10.71-acre parcel was created by a land division in 1991 and the house was placed on the parcel in 1992. Additionally, Mr. Lister addressed access to the property, irrigation and comments received from area agencies and neighbors. On July 20, 2022 the Hearing Examiner recommended approval subject to conditions of the development agreement as shown and found this to be consistent with the findings that have to be made for a conditional rezone.

The Board asked about the original parcel on the vicinity map, potential code enforcement violations, average lot size, surrounding parcels and property access.

Zach Brooks offered testimony in favor of the application speaking about the neighboring property, concerns about the view, containers/storage on the property in regard to potential code violations. He said they are agreeable to the conditions as outlined and provided the reasons as to why they made the divisions where they did.

Commissioner Smith asked Mr. Brooks if he would be opposed to divide the 10.71-acre parcel into two parcels that are approximately 5-acres each, she feels that would be more consistent with the rural area. Mr. Brooks said the idea with the 1.5-acre parcels is to match the existing parcel and to keep as much of the property in the existing hay field as it currently is.

In response to a comment from Commissioner Van Beek, Mr. Brooks confirmed that the intent is to provide agricultural opportunities for his family and/or maintain the agricultural portion so that a farmer could "hay" the remaining nearly 8-acres.

Further discussion ensued regarding the divisions, ability to receive/maintain ag exemptions and subdivision platting.

Commissioner Smith feels this would change the character of the area and introduces a zone that is not already in that area which could be considered spot zoning. With Mr. Brooks being an incoming commissioner, she is concerned that it looks like the Board is making a decision that is outside of what would normally happen in this area.

Lela Brooks offered testimony in favor of the application stating that she does not want to give up the whole lot. She wants to divide enough parcel for each of her two children. She noted that there are several parcels in the area that are less than the 1.5-acres they are requesting.

Commissioner Van Beek made a motion to close public testimony. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Van Beek said this area is changing and the Hearing Examiner has made a recommendation, and has found that he can support this with a development agreement as presented. She feels there is a gap in the county wanting to divide a piece to accommodate family, this has been conditioned in a way that would allow the applicant to do that and maintain the nature of the area by continuing the ag operation and providing agricultural opportunities for his [Mr. Brooks] children. She supports this as presented.

Commissioner Smith does not support this. She said it is not consistent with the area, the average lot size in that area is 7.31-acres. The subdivisions that are approved and have zoning approvals, the average lot size is 4.01-acres. Although the area could be transitioning, the Board has denied cases before because of timing and as the area transitions that is when higher density could be approved. She said the maximum she could do would be two parcels total, conditionally, with an average of 5-acres. An average of 4-acres could even be done so that those boundaries could be modified how they see fit so that it fits with the character of what is existing instead of asking for it to be higher.

Commissioner Van Beek still maintains that the applicant is wanting to do something that stays consistent with the nature and the character of the area to maintain the agricultural component.

Commissioner Smith said that from the aerial, this is a predominantly an agricultural area with some rural uses that are larger in size. The evidence shows that the average lot size of the platted lots, as there are quite a few platted lots to the north, are very rural and about 4-acres. From the site visit photos this is an agricultural area.

Commissioner Van Beek spoke about the less than prime farm ground and irrigation.

Commissioner Smith said the property and surrounding area have a history of farming and production crops. At this point, this case is a denial based on the data that is available or possibly reopen testimony to see if there is any agreement to modify the plan.

Commissioner Van Beek made a motion to reopen testimony to find out if the applicants are willing to modify the plan. The motion was seconded by Commissioner Smith and carried unanimously. The applicants indicated that there is no plan to modify. Commissioner Van Beek made a motion to reclose public testimony. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Smith made a motion to deny the case based on the items that she read into the record which when considering surrounding land uses this conditional rezone even conditioned as requested is not consistent with the area and is not more appropriate than the current zoning designation. This is a predominately agricultural area, average lot size as stated was 4-acres for the platted parcels and 7.31 for the non-platted. For that reason, she thinks that to make it compatible the splits would need to be reconsidered and aligned more appropriately with what is already existing in that area. Additionally, she feels the applicant should show compliance with the zoning ordinance that it meets standards for storage of materials on the property before the next hearing.

The motion died for lack of a second.

Commissioner Van Beek made a motion to approve this case as presented by the Hearing Examiner with the Planning Official going back on-site to ensure there is not a violation. Commissioner Smith seconded the motion. As part of the discussion, Commissioner Smith highly encouraged the applicant to modify this plan moving forward. A vote was taken on the motion with Commissioner Van Beek voting in favor and Commissioner Smith voting in opposition. The motion died with a split 1-to-1 vote, the case is not approved.

Planning Official Lister said that the findings will show what happened at today's hearing although they will not be signed. Because this is a material change to what was recommended by the Hearing Examiner it will have to be brought back for another noticed hearing.

The meeting concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:18 p.m. for a continued meeting with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White called in to the meeting at 1:23 p.m., Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Solid Waste Director David Loper (left at 1:23 p.m.), HR Director Kate Rice and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing ordinance establishing Solid Waste Advisory Committee (SWAC) and signing the legal notice/summary of ordinance establishing Solid Waste Advisory Committee (SWAC): Ms. Klempel explained that there was discussion this morning regarding section 5, part 3, subsection 1 – earlier today it read “*Membership on the Solid Waste Advisory Committee is set at seven (7) voting members representing, as nearly as possible, the various industries and localities of Canyon County*”, the line “*as further defined in the by-laws*” has been added so that anyone with any questions/concerns can refer back to the by-laws. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the legal notice and

summary of ordinance establishing a Solid Waste Advisory Committee (see ordinance no. 22-019). Director Loper will work with the Prosecutor's Office to establish the by-laws and the committee.

Consider signing a resolution approving a new alcoholic beverage license for the Dutch Goose:
Commissioner White said she has looked this over and any issues noted have been resolved. Commissioner Smith said it meets the requirements to grant the request. Commissioner White made a motion to sign the resolution approving a new alcoholic beverage license for the Dutch Goose. The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek abstaining from voting. The motion carried unanimously. See resolution no. 22-174.

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

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

Commissioner Smith made a motion to go into Executive Session at 1:26 p.m. pursuant to Idaho Code, Section 74-206(1) (a), (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas and HR Director Kate Rice. Commissioner White participated via teleconference. The Executive Session concluded at 2:08 p.m. with no decision being called for in open session.

The meeting concluded at 2:09 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

AUGUST 2022 TERM
CALDWELL, IDAHO AUGUST 31, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- HC Company in the amount of \$204,600.00 for the Facilities Department

- Rock Placing Co., LLC in the amount of \$13,680 for the Solid Waste Department
- Lytle Signs in the amount of \$7,915.87 for the Solid Waste Department
- Table Rock Sandstone in the amount of \$9,750.00 for the Solid Waste Department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Mariscos El Viejon to be used 9/24/22

DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with Directors to discuss general issues, set policy and give direction

Human Resources

Public Information Officer

Fleet

Code Enforcement

Development Services

Weed and Gopher Superintendent - Action Item: Certify unpaid noxious weed abatement expenses to the County Auditor for collection in the same manner as property taxes (*action item will be discussed and reconsidered at a future meeting*)

Facilities

Information Technology

Monthly meeting with Directors to discuss general issues, set policy and give direction

Administrative District Judge and Trial Court Administrator

Agent

Solid Waste

Parks

Public Defender - Action item: Signed FY2023 Indigent Defense Financial Assistance Award Agreement (agreement no. 22-090)

Juvenile Detention

Juvenile Probation

Misdemeanor Probation

THE MINUTES OF THE FISCAL TERM OF AUGUST 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

DRAFT