

JANUARY 2021 TERM  
CALDWELL, IDAHO JANUARY 4, 2021

PRESENT: Commissioner Pam White, Chair  
Commissioner Tom Dale, Vice Chairman  
Commissioner Leslie Van Beek  
Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Idaho Assoc. of Building Officials Inc. in the amount of \$1650.00 for Development Services Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Keri Smith, Commissioner, District 2

#### APPROVED KEY AND SECURITY ACCESS REQUEST FORM

- The Board approved key access form for Keri Smith, Commissioner District 2

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:01 a.m. to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution to grant a refund to Blue Raven Solar for withdrawn permit:*** Blue Raven Solar submitted for a building permit but the customer cancelled the project. Staff is recommending the building permit fee of \$318.00 be refunded.

***Consider signing resolution to grant a refund to Shane Womack for withdrawn permit:*** The customer changed their mind and staff is recommending a refund of \$1640.00.

Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolutions issuing refunds to Blue Raven Solar (see resolution no. 21-001) and Shane Womack (see resolution no. 21-002).

The meeting concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING TO CONSIDER A HARDSHIP APPLICATION ON BEHALF OF MR. TURKISH

The Board met today at 9:30 a.m. to consider a hardship application on behalf of Christian Turkish. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy Assessor Joe Cox and Deputy Clerk Jenen Ross. Mr. Cox explained that Mr. Turkish is a veteran who qualified for the circuit breaker in 2019. For 2020 Mr. Turkish is confident he returned his application, but believes he returned it to the state although Mr. Cox said the state nor the Assessor's office has any record of the paperwork. In working with Mr. Turkish the Assessor's Office, in agreement with the Treasurer's Office, agreed to cancel \$1562.68 in taxes (total amount due was \$2062.68, Mr. Turkish paid \$500). Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to grant the cancellation of taxes for Christian Turkish. A copy of the paperwork is on file with this day's minutes.

The meeting concluded at 9:36 a.m. An audio recording is on file in the Commissioners' Office.

## JANUARY 2021 TERM

CALDWELL, IDAHO     JANUARY 5, 2021

PRESENT:     Commissioner Pam White, Chair  
                 Commissioner Tom Dale, Vice Chairman  
                 Commissioner Leslie Van Beek  
                 Deputy Clerks Monica Reeves/Jenen Ross

## APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO Engineered Systems in the amount of \$2388.00 for Facilities Department
- 1000 Bulbs in the amount of \$1453.75 for Facilities Department

## APPROVED SEPTEMBER 2020 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of September 2020 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

## MEETING WITH COUNTY 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 Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Dan Blocksom (left at 9:09 a.m.), PIO Joe Decker, EOM Christine Wendelsdorf, Director of Misdemeanor Probation Jeff Breach (left at 9:09 a.m.) and Deputy Clerk Jenen Ross. Deputy P.A. Brad Goodsell (left at 9:06 a.m.), Parks Director Nicki Schwend, Rachel Spacek with the Idaho Press (left at 9:06 a.m.), Treasurer Tracie Lloyd (left at 9:06 a.m.) participated via Webex. The action items were considered as follows:

***Consider signing resolution rescinding resolution 20-177 transferring property to Caldwell Housing***

**Authority:** Mr. Goodsell explained that this resolution was previously signed, and the quitclaim deed was held until the end of January. This property has been redeemed so this resolution will rescind resolution no. 20-177 granting this property to the Caldwell Housing Authority. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution rescinding resolution 20-177 transferring property to the Caldwell Housing Authority (see resolution no. 21-003).

***Consider signing resolution classifying records of Canyon County Misdemeanor Probation and authorizing destruction of closed offender supervision files:*** Director Breach explained this is something that is done every January. These files are from 2018 and haven't had any activity for a minimum of 2 years. These are the paper files, but a vast majority of the files are held electronically in Odyssey. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution classifying records of Canyon County Misdemeanor Probation and authorizing destruction of closed offender supervision files (see resolution no. 20-024).

***Consider signing Idaho State Historic Preservation Office Certified Local Government Subgrant Application FY2021 for the Rural Landscape & Agricultural Resources Survey – Phase 2 and***

***Consider signing Idaho State Historic Preservation Office Certified Local Government Subgrant Application FY2021 for the Map Rock National Register Sight Expansion:***

Director Schwend spoke about each of the projects and answered questions regarding the projects posed by the Board. The Historic Preservation Commission grants funded each year by the County are used for the match amount. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign both the Idaho State Historic Preservation Office Certified Local Government Subgrant Application FY2021 for the Rural Landscape & Agricultural Resources Survey – Phase 2 and the Idaho State Historic Preservation Office Certified Local Government Subgrant Application FY2021 for the Map Rock National Register Sight Expansion. Both of these applications are on file with this day's minutes.

***Consider extending the COVID-19 Emergency Declaration:*** Ms. Wendelsdorf explained we are currently in the vaccination stage of the COVID-19 emergency. By keeping the emergency declaration in place it allows the county access to federal funding. Mr. Laugheed feels that since the Governor has moved the state back to Stage 2 and Southwest District Health has kept the county in the red category the legal conditions for the emergency still exist for keeping the declaration in place. As a county we want to maintain access to resources and the ability to use county money without having to go thru a lengthy bid process which having this declaration in place allows the county to do. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the extension of the COVID-19 Emergency Declaration. A copy of the declaration is on file with this day's minutes. Discussion ensued regarding the vaccine and the rollout.

The meeting concluded at 9:47 a.m. An audio recording is on file in the Commissioners' Office.

#### ELECTED OFFICIALS MEETING TO DISCUSS COVID-RELATED ISSUES

The Board met today at 10:32 a.m. for an elected officials' meeting to discuss COVID-related issues. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Chief Civil Deputy P.A. Sam Laugheed, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Sheriff Kieran Donahue, HR Director Sue Baumgart, and Deputy Clerk Monica Reeves. Present via Webex: Assessor Stender, PIO Joe Decker and Rachel Spacek from the Idaho Press-Tribune. Sam Laugheed said the particular COVID-related issues have potential to bear on county liability that is financial and purely legal, it also has the potential to bear on named employees and so he recommended the discussion happen in executive session so that the parties can speak candidly and if we need to make a public record we can. No decisions will be made in executive session. He said this group has had discussion in the past about willingness and interest in executive sessions but he will leave it to the Board and comments from the elected officials. Commissioner Van Beek said there are emails that talk about the pros and cons and in addition to the financial and legal issues, there is also the component of how it will impact the taxpayer and she wants to "tee some of that up" in an open session before going into executive session. Sheriff Donahue prefers to discuss attorney-client privileged communication in executive session. Mr. Laugheed said there definitely are policy issues and financial issues that will have to be on the record, but he is concerned about having those discussions on the record without the benefit of the more confidential, legal liability issues because it would give the wrong impression and he doesn't want to put those legal issues on the record without the Board and the other elected officials fully understanding what they are because they could function as a road map to lawsuits against the County. Protecting the privacy of the named employees is a consideration but it's more the subsections of Idaho Code 74-206 (1)(d) and (i) that qualify the discussion for executive session (attorney-client communication, the risk management issues). There certainly is a public part and there is attorney-client involved so it's the Board's discretion based on input from the other elected officials about how to best get into it. Commissioner Dale agreed with Mr. Laugheed that the Board should enter into Executive Session.



EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Dale made a motion to go into Executive Session at 10:39 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) to discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Dale, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Chief Civil Deputy P.A. Sam Laugheed, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Sheriff Kieran Donahue, HR Director Sue Baumgart, and Deputy Clerk Monica Reeves. Assessor Brian Stender arrived at 10:40 a.m. The Executive Session concluded at 12:01 p.m. with no decision being called for in open session.

Commissioner White said the summary of the discussion is that Canyon County will continue to move forward with the mandated processes and conduct business as the citizens deserve and expect. The meeting concluded at 12:03 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

QUARTERLY MEETING WITH THE WEED & GOPHER SUPERINTENDENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER AN ACTION ITEM

The Board met today at 1:38 p.m. for a quarterly meeting with the Weed & Gopher Superintendent to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom (left at 1:47 p.m.) and Deputy Clerk Jenen Ross. Weed and Gopher Superintendent AJ Mondor participated via Webex. The action item was considered as follows:

***Consider signing a resolution declaring pocket gophers as agricultural pests:*** The Weed & Gopher department has been managing the pocket gophers this resolution just makes it official that the department will continue to control them. Additionally, it specifically spells out that gophers are the county's only pest. This change will have no impact or affect to the budget. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution declaring pocket gophers as agricultural pests (see resolution no. 21-004). Last year 51 owl boxes were put up with 10 still remaining to be put up. In total there are 351 owl boxes in Canyon County.

Discussion ensued regarding a new roof that was installed on the weed and pest building and questions were addressed regarding the cost. There was an error in budgeting for the roof but it

has been corrected by the Controller and there has been email communication with the Board approving the additional cost.

There is still an issue getting CenturyLink internet to their location which continues to be worked thru.

The meeting concluded at 1:58 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER AN ACTION ITEM

The Board met today at 2:00 p.m. to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek and Deputy Clerk Jenen Ross. Chief Public Defender Aaron Bazzoli and HR Generalist Demi Etheridge participated via Webex. The action item was considered as follows:

***Consider signing resolution to adopt changes to the title, salary, FLSA designation, and job description of one (1) position in the Public Defender's Department:*** Mr. Bazzoli explained that he would like to create a social worker type position who can offer community resource guidance and help guide people in the right direction to obtain resources such as housing, counseling, drug and alcohol counseling and opportunities for community service hours. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution to adopt changes to the title, salary, FLSA designation and job description of one (1) position in the Public Defender's department (see resolution no. 21-005).

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

#### JANUARY 2021 TERM

CALDWELL, IDAHO    JANUARY 6, 2021

PRESENT:      Commissioner Pam White, Chair  
                 Commissioner Tom Dale, Vice Chairman  
                 Commissioner Leslie Van Beek  
                 Deputy Clerk Jenen Ross

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Motorola Solutions in the amount of \$12,658.20 for Juvenile Probation Department

#### APPROVED CLAIMS

- The Board has approved claims 570276 to 570289 in the amount of \$120,718.41
- The Board has approved claims 570217 to 570260 in the amount of \$71,206.03 *\*with the exception of Commissioner Van Beek does not approve JB's Roofing invoice (#4272) dated 12/15/20 which needs an accompanying PO.*

There were no meetings held today.

#### JANUARY 2021 TERM

CALDWELL, IDAHO    JANUARY 7, 2021

PRESENT:     Commissioner Pam White, Chair  
                 Commissioner Tom Dale, Vice Chairman  
                 Commissioner Leslie Van Beek  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claims 570372 to 570372 in the amount of \$692.55

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- JB's Roofing in the amount of \$11,998.00 for Weed/Pest Department

#### FILE TREASURER'S REPORTS IN MINUTES

The Board filed the Treasurer's monthly report for October 2020

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

The Board met today at 8:46 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-194, 2021-207, 2021-303, 2021-210, 2021-209, 2021-192, 2021-118 and 2021-193. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously approve case no. 2020-906 with a written decision to be issued within 30 days.

Liens were presented for Board signatures.

Case no. 2021-51 has been withdrawn by the hospital and does not meet the eligibility criteria for county assistance. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue a final denial on the case as read into the record.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to continue case no. 2020-1069 to February 18, 2021.

Director Baker noted for the record that case no. 2020-1031 is currently on bankruptcy hold. Once the bankruptcy proceedings are complete the hospital will have the option to continue with the case. No Board action was necessary.

Commissioner Van Beek made a motion to issue a final denial on case no. 2020-1052. The motion was seconded by Commissioner Dale and carried unanimously.

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

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

The Board met today at 9:05 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicant appeared on case nos. 2020-1159, 2020-1072 and 2020-1104. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue denials with written decisions within 30 days on the cases as read into the record.

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

CONSIDER DEVELOPMENT AGREEMENT AND ORDINANCE FOR THE ALVIN SCHNELL REZONE,  
CASE NO. CR2020-0008

The Board met today at 11:04 a.m. to consider the development agreement and ordinance for the Alvin Schnell rezone request, Case No. CR2020-0008. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. A public hearing was held on December 1, 2020 and the Board approved the request for a rezone and signed the Findings of Fact, Conclusions of Law, and Order, but because the property owners were out of the state the signing of the development agreement and the ordinance had to be postponed to a later date. Now that the applicants' signatures have been obtained, both documents are being presented to the Board for approval. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the DA and ordinance for the Schell Rezone, Case No. CR2020-0008. (Agreement No. 21-001 and Ordinance No. 21-001.) The meeting concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE AMENDMENT AND SUMMARY TO THE CANYON COUNTY BUILDING  
CODE ORDINANCE

The Board met today at 1:31 p.m. to consider signing the amendment and summary to the Canyon County Building Code Ordinance. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Tricia Nilsson, Building Official Dave Curl, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. On December 17, 2020 the Commissioners White and Van Beek reviewed and approved the ordinance and summary. Zach Wesley said he had come in late and there were some changes to the ordinance that he wasn't aware of that weren't marked appropriately and so when they had the discussion they did not discuss those things that were not marked because he wasn't aware of them. When he realized that after the meeting he talked to Building Official Dave Curl and they came up with a simpler revision to the ordinance and that is what he presented today with the idea that the Board will adopt this version of the ordinance and it will be the official one going forward and will replace the prior version approved on December 17th. Mr. Wesley reviewed the latest revisions as follows: The Legislature is given power to the Idaho Building Code Board and semiannually they make revisions to the building code. Idaho Code Section 39-4116 makes it mandatory that the county adopt their revisions into our building code. For this cycle they have updated the versions of the International Building Code that are used in several instances and so they have required that the IBC move from the 2015 version to the 2018 version; that the International Residential Code move from the 2012 version to the 2018 version; as well as the adoption of Appendix R for tiny homes. They have mandated that the International Conservation Code move to the 2018 version and that the International Existing Building Code move from the 2015 version to the 2018 version. In addition to that there are revisions to the mechanical code and fuel gas code that came through that board as well but are mandatory and are adopted in this version of the ordinance based on the recommendation of the building

official. In this version of the ordinance the International Mechanical Code will move from the 2012 version to the 2018 version and the International Fuel Code will move from the 2012 version to the 2018 version. There is language in the ordinance that adopts the code changes that are mandatory in the International Building Codes by the Idaho Building Code Board so we just adopt them as one bulk instead of doing them individually. Beyond those revisions there are some simple changes that have been made such as changes to the way sections are named and references to code sections that are outdated. The only other change in Section 6 113 – amendments to the nationally recognized codes. According to Mr. Wesley, Building Official Dave Curl is recommending the Board adopt the change to the existing International Building Code and to delete Section 101.2 Scope. In the 2012 and 2015 versions the exception wasn't there. In 2018 they added the exception for the residences and what it states here; they would like to have more tools to go back to the way it was. They are deleting the exception. Dave Curl and Director Nilsson offered comments regarding the ordinance. Eric Arthur offered comments related to code enforcement issues. Staff responded to questions from the Board. Mr. Wesley requested a motion to adopt the revision to the ordinance and the summary noting that we will get rid of the December 17 action and replace it with this version of the ordinance. Commissioner Dale made a motion to adopt the ordinance amending Chapter 6, Article 1, Building Codes of the Canyon County Code of Ordinances and approve the summary of the ordinance as well. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Ordinance No. 21-002.)

The meeting concluded at 1:54 p.m. An audio recording is on file in the Commissioners' Office.

#### JANUARY 2021 TERM

CALDWELL, IDAHO    JANUARY 8, 2021

PRESENT:      Commissioner Pam White, Chair – (present in the afternoon for 2 hours)  
                 Commissioner Tom Dale, Vice Chairman  
                 Commissioner Leslie Van Beek  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claims 570290 to 570339 in the amount of \$47,598.40
- The Board has approved claims 570340 to 570371 in the amount of \$37,115.41

There were no meetings held today.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 11, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 570426 to 570477 in the amount of \$14,840.46
- The Board has approved claims 570373 to 570425 in the amount of \$72,705.60
- The Board has approved claims 570478 to 570508 in the amount of \$228,430.53

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Curtis Blue Line in the amount of \$8,316.00 for Canyon County Sheriff

#### SWEARING-IN CEREMONY FOR NEWLY ELECTED AND RE-ELECTED OFFICIALS

A swearing-in ceremony took place this morning in the meeting room of the Canyon County Administration Building where the following County officials were sworn into office: Commissioner Keri Smith, Commissioner Leslie Van Beek, Prosecutor Bryan Taylor and Sheriff Kieran Donahue. Oaths of office were administered by Clerk Chris Yamamoto. Oaths of office are on file with this day's minute entry.

#### CONSIDER APPOINTING CHAIR AND VICE-CHAIR OF THE BOARD OF CANYON COUNTY COMMISSIONERS

The Board met today at 10:09 a.m. to consider appointing a Chair and Vice-Chair of the Board of Canyon County Commissioners. Present were: Commissioners Pam White, Leslie Van Beek, and Keri Smith, Clerk Chris Yamamoto and Deputy Clerk Monica Reeves. Present via Webex: IT Director Greg Rast, PIO Joe Decker, Michael Stowell, Tricia Nilsson, Sue Baumgart, Treasurer Tracie Lloyd, Diana Sinner, and Rachel Spacek from the Idaho Press-Tribune. Commissioners Van Beek and Smith were sworn into office this morning at 9:00 a.m., along with Prosecutor Bryan

Taylor and Sheriff Kieran Donahue. Commissioner Van Beek made a motion to elect Keri Smith as Chair of the Board of Commissioners and Leslie Van Beek as Vice-Chair of the Board of Commissioners. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion. The motion carried by a two-to-one split vote with Commissioner White voting against the motion. Commissioner Van Beek wants to have a Board discussion on the following topics: pay codes for COVID-19; meeting schedule for department administrators; updates to the personnel manual. Further discussion will take place at 11:00 a.m.

The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS UPCOMING BOARD AGENDA ITEMS

The Board met today at 11:03 a.m. to discuss upcoming agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Commissioner Pam White arrived at 11:08 a.m. Present via Webex: Fair Director Diana Sinner, HR Director Sue Baumgart, DSD Director Tricia Nilsson, Michael Stowell and Steve Blados from the Ambulance District, Treasurer Tracie Lloyd, and other call-in users. Today's meeting included the following topics:

##### COVID pay code:

Commissioner Van Beek said at last week's elected officials' meeting it was proposed that the County continue funding COVID pay for employees who get sick after December 31 (the termination of the federal deadline). She has questions about the proposal and whether there is the potential for federal funding coming the end of March. Clerk Yamamoto said if they were going to extend the program it would have been done prior to the December 31 deadline. It requires a substantial amount of work for audit staff and others to track it so it was their decision to suspend the COVID code. Commissioner Van Beek referenced data she received from the Controller for accumulated sick leave and vacation balances, and noted that as of December 31, there are 134,912 hours in sick leave and 105,873 hours in vacation hours. She has concerns with extending the pay code. Clerk Yamamoto said we have heard from two offices that if we do away with any COVID-type pay (in other words, tell people to use sick or vacation) it would potentially cause extreme situations in their offices and he can see that to a limited degree. They have a huge constraint in that they cannot overspend their budget on the A side. Commissioner White said if it's not broken we do not need to fix it; we should make adjustments and we keep it flexible. Commissioner Smith said maybe we should move forward with payroll today with the protections for the people who have experienced COVID but explore options and come up with another plan. Controller Wagoner said in response to federal action providing leave for COVID-related reasons, the County created two new pay codes: COVID-19 AND FFCRA. They were tracked and there was some reimbursement received based on payments made under those pay codes. There is a tremendous amount of behind-the-scenes programming to set up those pay codes as well as back-and-forth communication between the payroll team, elected officials and department administrators. The legislation that led to the creation of the pay codes expired December 31, 2020 and it's his belief those codes, as of January 1<sup>st</sup>, are no



longer applicable. There are other options. We have a pay code for paid administrative leave and additionally you would have the option to put a note associated with that pay code. Commissioner Van Beek prefers to do it on the backend to see who gets it, who needs it, and continue to try and operate so we mirror what is happening in the private sector. The other way feels like a class distinction where we are protecting people that work here. We want services to go forward, but we've made it through a difficult time and gone forward even with people contracting the virus and coming back. Commissioner White said the elected officials expressed their concerns and we have to be careful about not having two standards where some employees were able to use the pay code but others weren't able to because they missed the deadline. Commissioner Smith said COVID is not going away and so at a certain point she can see where the federal funding stopped and if we do continue it for a period that expectation of being County funded is being set, whereas if we were able to draw the line in the sand and understand that COVID isn't going away and we set an expectation for personal hygiene and cleanliness and to keep your peers safe by staying home when you're sick. Commissioner Van Beek said if people are working effectively at home why are we making a proposal to extend the deadline when they're already working at home and would be sick at home? Commissioner Smith wants to move forward with the paid administrative leave for this pay period for people with COVID-related out of office. Controller Wagoner said they will prepare the time sheets and payroll with that direction and then the payroll will come to the Board for approval. It will identify in the notes that it's paid administrative leave with COVID. Commissioner Smith wants to continue the discussion with the elected officials on Wednesday afternoon. Commissioner White said the Board oversees the budget, but it does not overreach into other offices. Clerk Yamamoto said departments are under the Board and it is their responsibility to see how that is managed. The main discussion is what kind of uniformity do we have? He said it's impossible to give dollar figures on this because there is no way to determine how this is going to go. We have budgets to live within and offices and departments need to pay close attention and figure out what they are doing. If we make the rules too hard and fast and we try to do too many things he can see where we could be tweaking the program right up and until it doesn't matter anymore. Commissioner Van Beek asked about the larger offices having access to funds from the A budget via unfunded positions. Clerk Yamamoto said that's an area we don't want to see where you rob Peter to pay Paul; we don't know how bad this will get. If we have a spike what do we do, put our heads together and figure it out. We have to live with this one way or the other and if we are going to live in fear and it guides our judgement about how we spend tax dollars then we should "fold up the tent right now." We need to get back to some normalcy with some provisions that help keep the doors open. Commissioner Van Beek said there was a letter generated as a proposal that would go to department administrators and she would like HR Director Baumgart to send that again for Board review so we can get a message out on what has been decided. Commissioner Smith said the message today is that for this payroll alone we are going to do paid administrative leave with coding that is related back to COVID pay and we'll meet together again on a solution for moving forward. It's her understanding there are no over-budget concerns from the elected officials.

**Purchase orders:**

Commissioner Van Beek requested that purchase orders (PO) include a checkbox that would say funded or unfunded or budgeted/unbudgeted. Commissioner Smith said it would be a quick way for the Board to examine each PO and quickly see if something is funded and it could be the indicator to ensure the purchase has been considered. Controller Wagoner said PO's are required for items with an initial cost greater than \$1,000 and that have an expected life greater than one year. He said there does not appear to be a consistent denial or approval approach from the Board when it comes to the PO's that are above specific individual line items. For example, a PO was submitted recently for the weed/pest control department roof project that was over what was budgeted and the PO was approved. There were PO's for the landfill that were over what was budgeted and they were denied. In both instances there was a meeting to discuss the circumstances. The landfill budgeted \$20,000 for some technology equipment in their new machine to help ensure the safety and security of the operator and to make sure trash is being compacted and moved appropriately. They thought they could get a bargain price on a certain machine but after trying out the equipment they wanted to go a different direction and the actual price was \$28,000. The PO was approved by the Board with a two-to-one split vote. Clerk Yamamoto said that would be one of the double standards they see with this Board, and it appears to him that it depends on who you are on what is approved and what is not approved. He said they have little to no problem with the offices; the problems they encounter come from departments, and with respect to the PO that was alluded to, the Auditor's Office never saw it and that is an issue. The department in question went around the Auditor's Office and came to the Board directly and gained approval via email. It was in two different fiscal years budgetarily and it was more and a different commodity than what was in the budget. Commissioner Smith said we should implement some type of standard operating procedures for that and she asked if the Clerk and Controller are willing to work with the Board to put together some standards beyond the criteria of \$1,000 and the greater than one-year expected life criteria, such as, this is what is required, and this is what we want included and if you are outside of the budget here is the process. Controller Wagoner said there are individual line items identified in the budget and it is permissible to go over budget on a line item as long as you are under the total. It's not necessarily simple or straightforward, there are nuances to it. He is open to an evaluation of the process, but we need input from a lot of parties to refining a purchasing policy, but it needs to be a team effort of what makes sense for each entity. Commissioner Smith said we will get the right people around the table and come up with a plan for bringing it back. (Clerk Yamamoto and Controller Wagoner left at 11:46 a.m.)

#### **Miscellaneous items:**

Commissioner Van Beek proposed that tomorrow's meeting with department administrators (DA's) be a meet and greet for Commissioner Smith and try to keep it as a time for networking, an exchange of ideas where DA's can mentor each other talk about topics such as how to fill out a PO; onboarding for new DA's; and interact with other DA's. She sees it as doing a deeper dive relationally than what they get at the monthly DA meetings. She requests a monthly meeting for a time of refreshment and to pick one topic of discussion. Commissioner Smith said there is value if they are constructive and if information is being shared that is constructive and if it brings value.

Commissioner White said she wants to continue serving on the Treasure Valley Partnership board. It was decided there will be a weekly meeting for Commissioners to provide general updates on committee/agency meetings they attend. Commissioner Van Beek said she wants to meet every day for a general discussion about projects. Commissioner Smith said the City of Caldwell has a general counsel comments section and perhaps the Board could do a general commissioner section where give general comments are given at 9:00 a.m. The Commissioners will meet soon to discuss appointments/reappointments to the various board and committees they serve on.

The meeting concluded at 11:59 a.m. An audio recording is on file in the Commissioners' Office.

#### JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 12, 2021

PRESENT: Commissioner Keri 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:

- D&B in the amount of \$12,374.25 for Solid Waste Department
- Pacific Steel & Recycling in the amount of \$15,049.00 for Solid Waste Department

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter arrived at 9:11 a.m., Parks Director Nicki Schwend left at 9:13 a.m., Director of Indigent Services Yvonne Baker left at 9:05 a.m. and Deputy Clerk Jenen Ross. Via Webex: Deputy P.A. Brad Goodsell, PIO Joe Decker joined at 9:10 a.m. and left at 9:19 a.m. , Chris Smith joined at 9:11 a.m. and left at 9:15 a.m. the Action items were considered as follows:

***Consider signing a resolution classifying records of the Canyon County Clerk and authorizing the destruction of indigent files and records:*** This is something that happens regularly and Mr. Laugheed said the resolution has been reviewed by legal. Director Baker explained these files are from 2015 but also include all indigent files that were originally maintained in the Commissioners' Office, all of which are stored electronically and are duplicate records. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Clerk and authorizing the destruction of indigent files and records (see resolution no. 21-006).

***Consider signing services agreement with Macy Vlcek for Canyon County Celebration Park East End Archeological Resources Survey:*** This consultant agreement is to do survey work for the East End RV project at Celebration Park. The work will be funded thru a grant with Idaho Parks RV fund. Director Schwend provided a background packet to the Board which is on record with this day's minutes. The decision was made to hire an outside archaeologist to make sure there is no perception of internal bias. At the request of Commissioner Van Beek, a review of the budget was done which is also outlined within the provided packet. Mr. Wesley said this the standard consultant agreement although the insurance requirements have been removed but given the nature of the project that is reasonable. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the services agreement with Macy Vlcek for Canyon County Celebration Park East End Archeological Resources Survey (see agreement no. 21- 002).

As part of the legal staff update Mr. Laugheed introduced the legal staff to the Board and provided information in which Offices, departments and areas they each generally cover.

Commissioner Van Beek asked if the legal team could answer questions regarding an email that was received from Beth Ineck. Due to attorney-client communication it was suggested that the Board adjourn into executive session.

EXECUTIVE SESSION – 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 9:19 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. Deputy P.A. Brad Goodsell participated via Webex. The Executive Session concluded at 10:06 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner White made a motion to continue the legal staff update to 11:00 today. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 10:06 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH ALL DEPARTMENT HEADS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:10 a.m. for a monthly meeting with all department heads to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Juvenile Probation Officer Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Director of DSD Tricia Nilsson, Parks Director Nicki Schwend, Facilities Director Paul Navarro, PIO Joe Decker, IT Director Greg Rast, Director of Juvenile Detention Sean Brown, HR Director Sue Baumgart, EOM Christine Wendelsdorf arrived at 10:55 a.m. and Deputy Clerk Jenen Ross. Chief Public Defender Aaron Bazzoli, Weed and Gopher Superintendent AJ Mondor, Landfill Director David Loper, Fair Director Diana Sinner, CCAD Director Michael Stowell, Fleet Director Mark Tolman participated via Webex.

Commissioner Smith opened the meeting by introducing herself and giving her background to all the department administrators. Commissioner Van Beek spoke about some of her goals in moving forward with the new Board. Commissioner White said she would like to hear about some of the projects in each department and what the number one need is. At the request of the Board each department administrator spoke about the top couple of needs within their department this year. Commissioner Smith asked that each Director send an email to the Board letting them know whether their current update meeting schedule works or if they feel they need to meet more frequently. Additionally, she let the Directors know that when sending an email she prefers the subject line to include 'action, advice or information' so that it's clear what they're looking for. Discussion ensued regarding departments operating within COVID safe guidelines and getting each office back to being open all the time. Mr. Decker said he would forward each of the Directors' COVID plans that were developed in the spring to the Board. Commissioner Van Beek said she would forward the draft of the Directors' handbook to everyone for review so it can be discussed at an upcoming meeting. Emergency Operations Manager Christine Wendelsdorf provided a brief update on vaccinations and PPE. The meeting concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 11:04 a.m. for a continued legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 11:05 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Keri Smith and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, EOM Christine Wendelsdorf, Controller Zach Wagoner, PIO Joe Decker and Deputy Clerk Jenen Ross. The Executive Session concluded at 12:02 p.m. with no decision being called for in open session.

At the conclusion of the executive session there was discussion regarding an email received from a community member wanting to hunt geese on county-owned property on Pond Lane. Mr. Laugheed said the recommendation is to not allow hunting on county property, it is public property but it is not held out to the public for any use they may come up with. Although there is protection in Idaho Code for recreational activity that property is not maintained and having citizens on it while carrying firearms could potentially expose the county to issues. Signage for the property is being worked on along with communication back to the citizen requesting permission to hunt.

The meeting concluded at 12:04 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### CONSIDER A REFUND RESOLUTION FOR RIDGELINE VISTAS AND A FINAL PLAT FOR PELICAN SUBDIVISION

The Board met today at 2:31 p.m. to consider a refund resolution for Ridgeline Vistas, LLC, and a final plat for Pelican Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, the applicant's representative, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Refund resolution for Ridgeline Vistas, LLC*** – The DSD Director is recommending a refund in the amount of \$2,500 to Todd Lakey on behalf of Ridgeline Vistas, LLC, who originally submitted a comprehensive plan amendment to change a property from agriculture to residential, and a conditional rezone. In reviewing the comprehensive plan amendment with the site plan it will have to be platted at some future time and so it was determined they do not need to apply for the amendment. The hearing has not been noticed nor has staff spent time on it the Director is recommending a full refund of \$2,500 be issued. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to issue a refund to Todd Lakey on behalf of Ridgeline Vistas, LLC for a comprehensive plan amendment in the amount of \$2,500 as per the presentation by DSD Director Nilsson. (See Resolution No. 21-007.)

***Final plat for Pelican Subdivision*** - Dan Lister stated that all conditions of the preliminary plat have been met and the necessary signature have been obtained on the final plat. Following

comments/questions from the Board, Commissioner White made a motion to sign the final plat for Pelican Subdivision, Case No. SD2019-0014, the motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 2:38 p.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – SHORT PLAT FOR GOFF SUBDIVISION, CASE NO. SD2020-0028

The Board met today at 3:00 p.m. to conduct a public hearing in the matter of a request by Roger and Donna Goff for short plat approval of Goff Subdivision, Case No. SD2020-0028. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Brad Goff, and Deputy Clerk Monica Reeves. Dan Lister requested the matter be tabled due to a letter received from the City of Caldwell stating they will not sign the plat unless the Board waives the road frontage improvements including stubbing to each site. County code for the area of city impact in Caldwell has a procedure for waiving the requirements, however, there is a 30-day noticing requirement and it has to go to the P&Z Commission for approval. Commissioner Smith asked if this can be a learning opportunity to always include the subdivision waivers in those notice requirements if we know the city won't approve them. Director Nilsson said they always do with the City of Nampa, but this was the first time with the City of Caldwell and we cannot get out of the box with them because their staff does not believe they have the ability to entertain the waivers. Dan Lister said the new notice will be for the amendment to show the waiver as part of this decision. It will be brought back as one and the matter will have to go back to the P&Z Commission and the Board for another hearing. Commissioner Smith disclosed that she has a personal family relationship with the Goff family and she testified on their behalf at a hearing, but she has received no economic benefit from that, and she is able to render an unbiased decision in this case. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to table this matter to a date to be specified pending re-noticing.

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

#### JANUARY 2021 TERM

CALDWELL, IDAHO    JANUARY 13, 2021

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

#### APPROVED CLAIMS ORDER NO. 2108

- The Board of Commissioners approved payment of County claims in the amount of \$1,810,811.29 for a County payroll.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO Engineered Systems in the amount of \$1,360.00 for Facilities Department
- W2 Commercial Flooring in the amount of \$2,022.12 for Solid Waste Department
- Intermountain Wood Products in the amount of \$1,306.49 for Solid Waste Department

#### PUBLIC HEARING – REQUEST BY MARK AND TAMMY SATTERWHITE FOR A CONDITIONAL REZONE, CASE NO. CR2020-0010

The Board met today at 10:32 a.m. to conduct a public hearing in the matter of a request by Mark and Tammy Satterwhite for a conditional rezone, Case No. CR2020-0010. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Dan Lister, Jace Evans, Mike Perkins, Tammy Satterwhite, and Tenaya Loening. Dan Lister gave the oral staff report. The applicant is seeking a conditional rezone from Agricultural to Conditional Rezone – Rural Residential. The applicant has included a development agreement that limits residential development to no more than three new properties. This portion already has a house and accessory structure and is served by Hill Road. The rest of the property is bare agricultural ground and they want to split it for family members. The sizing proposed would allow for agricultural uses as well as qualifying for an agricultural exemption. They are proposing that the lots do not have a secondary dwelling and they will be limited to a one-acre building envelope. Ultimately it preserves 40 acres of farmland while allowing the additional dwellings. There is a 6-foot easement that is shared by the Murrell Subdivision, which this lot is located within, so three of the lots will use the existing shared access and the portion that already has a house would be continue using Hill Road where it cul-de-sacs. A portion of Murrell Subdivision was approved for a comprehensive plan map amendment and rezone to a rural residential zone but this property was not part of that decision, probably because they wanted to maintain the agricultural uses that would be allowed in an agricultural zone. The applicant will meet a 5.01 acre lot size on each of the properties. Mr. Lister gave a review of the agency comments and requirements, as well as comments from the neighbors. Staff is recommending approval subject to the development agreement. The applicant will have to go through the platting process, and the division of the parcels cannot exceed what they are asking for; any further divisions would require a subsequent comprehensive plan amendment, rezone and platting application. Secondary dwellings will be prohibited on Lots 1, 2, & 3. This is not included on Lot 4 because it's still a large agricultural piece. They have agreed to a one-acre building envelope on Lots 1, 2, & 3



where a residence and accessory structures would be located. There will be a 4.2 acre building envelope along Hill Road where structures will be located for residential uses. Following his report Mr. Lister and Director Nilsson responded to questions from the Board regarding design, frontage, shared access, and the road users' maintenance agreement.

Tenaya Loening, who is the daughter of Tammy Satterwhite, testified in support of the request and spoke about access used for farming equipment and the plan for irrigation which depends on where they put their houses. They are only seeking 5-acre lots and they will keep the larger portion, the more productive land open and it will be irrigated along with the pastures. The Board had questions about frontage, access, the easement, an amended road users' maintenance agreement, irrigation, and minimum lot sizes. There was discussion regarding the comprehensive plan policies. Commissioner Smith has concerns about the letter from attorney Mark Hilty stating they do not have the right to use the road for residential use. She questions if legal access for the subject property exists, or will it exist at the time of development. She wants to know that the easement is modified for those three parcels. Dan Lister said the 60-foot access is a legal shared access approved by the Murrell Subdivision and it did provide access to that larger lot. Director Nilsson said the Board recognized the easement when Murrell Subdivision was approved so in terms of the finding the property does have access. Commissioner Smith asked the applicants if they would be opposed to a condition that would increase the parcel so it incorporated all of the land to the southwestern property line so there's not a dead irrigation area on the bottom. Ms. Loening said the lots were drawn as a basic idea so if there is tweaking or better suggestions on how to do it she is totally open to that. Tammy Satterwhite testified the pivot line is going to be removed. She has no objection to saying the 16 acres will be devoted to the three residential parcels and all of the land to the north will have an agricultural restriction. Her intent for the rezone is for it to be a place for her children to raise their families. She also stated engineers will design the irrigation system. Jace Evans and Mike Perkins indicated they are in support of the request but did not offer testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner White said she is in favor of the rezone. Commissioner Smith said agricultural policies and residential policies do not support approval of the request, and she doesn't know that there are conditions that give us the standards to have this community design that protects agriculture. She is not opposed to delaying this and letting the applicants consider a new plan that shows how they are going to protect it through an agricultural irrigation plan. She would also like large lot sizes that are commensurate with the other lot sizes in the area. Commissioner Van Beek said she appreciates the comprehensive look at using the goals and policies of the comprehensive plan. Director Nilsson said if you believe this is not consistent with the comprehensive plan then it's a denial. We have to look at all of the policies with the plan, is there general conformance and consistency. The question is will these three additional home sites be detrimental to agricultural, or are there additional conditions to mitigate. The other option is to deny it and say it's not consistent with the comprehensive plan; you can modify or add conditions contained in the draft development agreement. How much cost does the Board want the applicant to incur in an entitlement decision versus a platting decision? If we are going to redesign what was noticed to the public, then we will have to re-notice the next hearing. Commissioner White said what the applicants

want to do is preserve 40 acres of the 49.82 acres for agriculture. They are working to fit into the area and they are trying to be good neighbors. Commissioner Van Beek made a motion to reopen public testimony to discover additional information. The motion was seconded by Commissioner White and carried unanimously. Tammy Satterwhite testified they have owned the property for two years and they lease the farm. She has spoken the farmer who will take over the operations of the 30+ acres and he supports her plan. Commissioner Smith said the Kramers, who farm, are concerned about not people not understanding ditches and the impacts to farming. Commissioner Van Beek had questions about the access on Hill Road extending south to north to the building envelope. If it is moved down and consolidated they could potentially preserve additional farm ground. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. The Board's deliberation resumed. Commissioner Van Beek sees merits in the arguments for private property rights and the concerns for the surrounding area. It doesn't sound like the applicant would be opposed to working out some of those agreement issues on the easement portion of that would give access and then coming back with a conceptual site plan that would give the Board greater comfort regarding that flagged area. She is not opposed but there are some unanswered questions about the easement. Commissioner Smith does not support this request as it is currently presented. She would like to see a modified site plan showing they collaborated with the farmer and have a plan for irrigation that shows they are protecting agriculture and that the lot sizes are larger and more similar to the land surrounding it. Director Nilsson said it sounds like there could be conditions, perhaps performance standards to have the preliminary plat show either a percentage or a minimum acreage devoted to agriculture that is also represented in the irrigation plan. You want to have a good plan for agriculture of some minimum acres then let them figure out where the houses should go with the cluster or size of the properties. It keeps it simple and it gives the applicant enough guidance to prepare the preliminary plat and incur those expenses and work with their engineer who's going to design the access, irrigation, etc. She said if the Board wants to give staff guidance they can prepare a draft development agreement and can continue this hearing. Mr. Lister said based on the Chair's suggestion to come up with a plan for irrigation and the preservation of agriculture as well as larger lot sizes going all the way down to the southwest as originally shown which would be more commensurate with the surrounding lot sizes, maybe we should work with the applicant and come back with a modified plan and add the conditions for agriculture irrigation and the preservation plan that has to be submitted as part of the preliminary plat. Commissioner Smith would appreciate having the condition that would allow the Board, at the preliminary plat phase, to make sure the agricultural component for preservation is included as a condition and that it's planned out. Mr. Lister said they also mentioned they may be interested in having livestock on the property so that plan would show how they are going to grow crops or what the livestock farming would look like. Commissioner Smith's concern is that all 40 acres have water because she doesn't know how they are going to irrigate that flag. Director Nilsson said she is reluctant to prescribe lot sizes and things that should be at the result of their engineering and that more detailed work because that can inhibit the creativity. Let the lot lines be where the lot lines need to be where if the houses are placed so they don't interfere with agriculture that would give the Board what it wants to see when reviewing the preliminary plat and it would give the applicant the direction without them incurring a lot of cost prior to a

rezone decision. Commissioner Van Beek said if there is a way to mitigate she is okay with that and if the proposal would take care of the concerns that have been expressed for agriculture and future development she is okay with that. Commissioner Smith noted the conclusions state that no mitigation is proposed at this time, but with this action the Board is essentially saying mitigation needs to happen. Director Nilsson said mitigation is typically some site characteristic in how the applicant is specifically mitigating it. We are talking general land use design, if you were going to say the homes would have to be so many feet away from the neighbors' agricultural land that is more of a mitigating thing. Commissioner Smith said there needs to be correction because the findings say there were no comments received from neighbors, but that's not true. At least one person sent a letter stating it would change the character of the area and she was trying to help by saying we recognize that but we are placing some requirements to help mitigate that concern. Director Nilsson said one thing that hampers us is we get to lot size versus density because that's what our code is: lot size. You change the character by density, how many homes within a square mile. It's a mixed bag out here because of the splits. Commissioner Smith wants staff to hear the comments today and come back. She also wants them to look at Section C and Section D of the FCO's and bring back a revised document with revised conditions that meet the Board's concerns. If the applicant would like to revise the site plan and confer with their farmer that would be evidence she would like to accept into the record showing that. Commissioner White asked if she wants 7-acre lots instead of 5-acre lots. Commissioner Smith said she would be open to the applicants coming back with a proposal that meets that. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to allow staff to revise the FCO's and modify conditions of approval in the development agreement based on today's deliberation and to continue this hearing to Wednesday, January 27, 2021 at 9:00 a.m.

The hearing concluded at 12:21 p.m. An audio recording is on file in the Commissioners' Office.

#### ELECTED OFFICIALS' MEETING TO DISCUSS COVID RELATED ISSUES

The Board met today at 1:32 p.m. with Elected Officials to discuss COVID related issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Assessor Brian Stender, Controller Zach Wagoner, HR Director Sue Baumgart and Deputy Clerk Jenen Ross. One call-in user participated via Webex and left at 2:02 p.m. Commissioner Smith explained there was a Board discussion earlier in the week about payroll and pay codes in relation to COVID with the federal funding expiring on December 31<sup>st</sup>. She feels COVID is not going away and wondered how the county normalizes and moves forward. Commissioner Smith said she met with Sheriff Donahue recently and her understanding of his stance is that he doesn't feel it's fair to take away how employees have been treated over the last year compared to this year. In her opinion the line was drawn in the sand on December 31<sup>st</sup> when the federal government decided not to continue the funding. Commissioner Van Beek feels the normalization factor is the right thing to do, she agrees this isn't going away. The last report she looked at from SWDH indicated that although the numbers are increasing hospitalization rates are going down. Commissioner Smith asked about the

mounting sick and vacation hours. She thought perhaps the use of administrative leave pay code could be helpful for the interim when an employee is sent home with COVID symptoms and awaiting test results. Clerk Yamamoto believes a solution is trying to be crafted for a non-existent problem. He feels that everyone has managed their office and situation thus far and need to continue on that course. He said that if employees are loyal and do their job they'll be taken care of and that situations can be handled on a case by case basis. Canyon County was not harmed during COVID and there are enough CARES funds available if there was need for a contingency plan. Controller Wagoner gave a breakdown of the most recent payroll numbers as follows: 66,000 hours were paid out, of those, 24 were FFCRA (employees taking care of someone with COVID), 154 were COVID pay (employee with COVID) and 100 were paid administrative leave – the total of 278 hours is less than .05% of the total payroll.

In response to Commissioner Van Beek's question about COVID funds still being available, Mr. Wagoner spoke about how the original allocation of \$5.6M was used and discussion ensued regarding those funds. He explained that the county is in a healthy position and has the funds, budget and cash available to roll forward with county business, there is no one size fits all solution, but the county has resources available to handle situations on a case-by-case basis. The COVID specific pay codes were created for federal legislation and that has expired so it is no longer applicable.

Discussion ensued regarding the best way to move forward. The Clerk said the county has managed well thru COVID and can continue to do so. The general consensus of the elected officials is that each situation will be evaluated on a case-by-case basis but that if an employee is asked to go home because they are showing symptoms they will be placed on administrative leave until test results are received. If negative, the employee will return to work, if positive the employee will need to start using sick and/or vacation hours. If sick/vacation is not available each Elected Official will handle the situation as they see best for their Office. The Board will make sure their department administrators understand how to handle these situations.

Commissioner Van Beek requested a quarterly report showing the breakdown of how hours were paid out.

The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS APPOINTING COMMISSIONERS TO BOARD AND COMMITTEES

The Board met today at 3:00 p.m. to discuss appointments to various boards and committees the Commissioners serve on. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sr. Administrative Specialist Terri Salisbury, Deputy Clerk Jenen Ross, and Deputy Clerk Monica Reeves. Present via Webex: Joe Decker, Treasurer Tracie Lloyd, and Rachel Spacek from the Idaho Press-Tribune. Following discussion it was decided the Commissioners will serve on the following boards/committees:

**Commissioner Smith's appointments:**

Magistrates Commission  
Southwest District Health Board  
Joint Behavioral Health  
Western Alliance for Economic Development  
COMPASS Board (all 3 Commissioners serve on this board)

**Commissioner White's appointments:**

Area 3 AAA Senior Services  
COMPASS Finance Committee  
Treasure Valley Partnership  
COMPASS Board (all 3 Commissioners serve on this board)

**Commissioner Van Beek's appointments:**

Children's Mental Health  
Metro Community Services  
Valley Regional Transit Executive/Regular Board (requires another primary representative; DSD Director serves as an alternate but one more alternate is needed)  
COMPASS Board (all 3 Commissioners serve on this board)

The Board requires more information before decided which Commissioner will serve on the COMPASS Executive Board and the WICAP Board.

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

**JANUARY 2021 TERM**

**CALDWELL, IDAHO    JANUARY 14, 2021**

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

**APPROVED CLAIMS**

- The Board has approved claims 570576 to 570618 in the amount of \$42,819.32
- The Board has approved claims 570509 to 570575 in the amount of \$11,870.66

#### MEETING TO CONSIDER INDIGENT MATTERS

The Board met today at 8:45 a.m. to consider matter related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2021-216, 2021-218, 2021-212, 2021-305 and 2021-217. Commissioner White made a motion to issue initial denials with written decision within 30 days. A vote was taken on the motion with the Board voting unanimously to issue initial denials on the cases as read into the record. The meeting concluded at 8:46 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Assessor Brian Stender, Deputy P.A. Dan Blocksom, GIS Land Records Supervisor Sarah Sluss and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing legal notice for public hearing regarding a proposed resolution setting fees for Canyon County Assessor services:*** Mr. Blocksom said that the Assessor's Office would like to set some fees by resolution. When fees have not been set before or there is an increase of 5% or more a public notice needs to be provided. This notice will run twice in the Idaho Press, one week apart and then a public hearing will be held on February 4, 2021 to take comment on the proposed resolution. The resolution and fee schedule have been provided to the Board previously, they are equal to or less than the costs incurred by the Assessor's Office. Ms. Sluss spoke about how the fee schedule was established. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the legal notice for public hearing regarding a proposed resolution setting fees for Canyon County Assessor services.

Commissioner White made a motion to continue legal staff to 10:15 a.m. today. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

#### PUBLIC HEARING – REQUEST BY ROBERT AND LYNNETTE JENSEN FOR A REZONE FROM AN “A” (AGRICULTURAL) ZONE TO AN “R-R” (RURAL RESIDENTIAL) ZONE

The Board met today at 10:04 a.m. to conduct a public hearing in the matter of a request by Robert and Lynette Jensen for a rezone from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone, Case No. RZ2020-0016. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Present via

Webex: DSD Planner Dan Lister and Lynnette Jensen. Dan Lister gave the oral staff report. The property consists of 5.46 acres and is currently zoned agricultural and is adjacent to the Middleton city limits. There are 29 subdivisions within the area with an average lot size of 1.81 acres. The applicant is seeking one division and it will have an average lot size of 2.73 acres which will be commensurate with the lot size in the vicinity. This property was approved through a land division in 1999 where a 60-foot easement was established for access to the property. After approval they will have to go through the land division process and at that point they will have to apply for private road requirements and ultimately amend the road users' maintenance agreement. Mr. Lister reviewed agency comments. Staff is recommending approval. Lynette Jensen testified she has talked to the City of Middleton and the highway district about the road and they are aware of the changes they need to do to split the land. The city has not asked them to annex their property. Mr. Lister said that's likely because there are no services available to the lot at this time. Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to close public testimony. Commissioner Van Beek said the area is clearly zoned for residential on the comprehensive map and she supports the request. Commissioner White supports it as well. Commissioner Smith is also in support with the following changes being noted in the findings of fact, conclusions of law and order (FCO's): a misspelling needs to be corrected in Section B, and in Section H she would like it reworded to state "*no comments were received regarding impacts on essential services.*" Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the request by Robert and Lynette Jensen for a rezone for Case No. RZ2020-0016 and to approve the FCO's with the recommended changes as well as the ordinance. (See Ordinance No. 21-003.)

The hearing concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*Note for the record: As properly noticed the Board met today at 10:28 a.m. for a continued legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 10:29 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Keri Smith and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Carl Ericson with ICRMP participated in the executive session from 11:02 a.m. to 11:41 a.m.

The Executive Session concluded at 12:27 p.m. with no decision being called for in open session.

#### ELECTED OFFICIALS' MEETING REGARDING COVID-19 UPDATES

The Board met today at 1:35 p.m. for an elected officials' meeting to regarding COVID-19 updates. Present were: Commissioners Keri Smith and Leslie Van Beek, Sheriff Kieran Donahue, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, EOM Christine Wendelsdorf, SWDH Director Nikki Zogg, Judge VanderVelde, Judge Bever and Assessor Brian Stender. Via Skype: Commissioner Pam White, Steve Blados with Canyon County Paramedics, Mayor Debbie Kling, Director of Canyon County Ambulance District Michael Stowell, Kirk Carpenter with the City of Nampa and Deputy Clerk Jenen Ross.

The meeting took place in the administration building and was chaired by Sheriff Donahue.

Topics of discussion included the following:

- Polling locations for the March election
- Update on the vaccination rollout distribution
- Canyon County is still in the red category but the positivity rate is going down
- Updates from each Elected Official on their Offices and departments
- Judicial is operating remotely for what can be handled but jury trials are still on hold

At 2:52 p.m. Clerk Yamamoto made a motion to adjourn the meeting and was seconded by Commissioner Van Beek. An audio recording is on file in the Commissioners' Office.

#### JANUARY 2021 TERM

CALDWELL, IDAHO JANURAY 15, 2021

PRESENT: Commissioner Keri 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:

- Rocky Mountain Steel in the amount of \$1800.00 for Facilities Department



#### CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR DECEMBER 2020

The Board met today 8:45 a.m. to consider signing the Treasurer's tax charge adjustments by PIN for December 2020. Present were: Commissioners Pam White and Leslie Van Beek, Treasurer Tracie Lloyd and Deputy Clerk Jenen Ross. Treasurer Lloyd explained most of the adjustments are to add homeowner exemptions that have been found as administrative errors and adjustments to penalties and interest. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for December 2020.

The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH DIRECTOR OF DEVELOPMENT SERVICES FOR TRAINING ON LOCAL LAND USE PLANNING ACT TOPICS AND CONSIDER AN ACTION ITEM

The Board met today at 9:31 a.m. with the Director of Development Services for training on local land use planning act topics and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. DSD Planner participated via Webex from 9:31 a.m. to 9:44 a.m.

Prior to any discussion items happening Commissioner Van Beek made a motion to amend the agenda to include the discussion of recent land use complaints. The motion was seconded by Commissioner White and carried unanimously.

***Consider signing FY2021 Master Agreement for professional engineering and surveying services between Canyon County and B & A Engineers, Inc.:*** Director Nilsson spoke about how on one particular plat review case there was a conflict of interest with the other engineering firms already used so B&A Engineers, Inc. will be used for that case. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the FY2021 Master Agreement for professional engineering and surveying services between Canyon County and B & A Engineers, Inc. (see agreement no. 21-003).

#### EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*Note for the record: As properly noticed the Board met today at 9:31 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:44 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:40 a.m. with no decision being called for in open session.

At the conclusion of the executive session the Board resumed the meeting to discuss local land use planning act topics as follows:

- Reasons for land use planning
- Relationship between city and county planning
- Planning and Zoning Board, bylaws, records, noticing, stipends
- Conflicts of interest pertaining to both the P&Z Board and the Board of Commissioners
- Judicial review requested by the P&Z Board
- Training for planning
- Requirements for planning
- Tourism
- Housing issues
- Rezone vs. conditional rezone

The meeting was for informational purposes only. No Board action was necessary or taken. The meeting concluded at 11:47 a.m. An audio recording is on file in the Commissioners' Office.

#### JANUARY 2021 TERM

CALDWELL, IDAHO    JANUARY 19, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 570619 to 570658 in the amount of \$58,658.81

- The Board has approved claims 570531 to 570574 in the amount of \$86,572.90
- The Board has approved claims 570659 to 570704 in the amount of \$55,063.24
- The Board has approved claims 570805 to 570843 in the amount of \$1,567,315.66

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

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell (left at 10:07 a.m.), Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley (arrived at 9:06 a.m.), Assessor Brian Stender (left at 10:07 a.m.), Chief Deputy Assessor Joe Cox, Controller Zach Wagoner (left at 9:16 a.m.), Facilities Director Paul Navarro (left at 9:25 a.m.), Julie Ambeau and Amanda Fraley with CCSO (left at 9:09 a.m.) and Deputy Clerk Jenen Ross. Director Nicki Schwend and Laura Barbour with Parks, Larry Stevenson, Michael Nicholson and Peter Crossett participated via Webex. The action items were considered as follows:

***Consider signing a Resolution Classifying Records of the Canyon County Sheriff's Office and Authorizing the Destruction of Certain Records:*** The request is to destroy digital copies of public records requests from 2018 and prior, most of which are partially retained in the Spillman system. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Sheriff's Office and authorizing the destruction of certain records (see resolution no. 21-008).

***Consider signing Edward Byrne Memorial Justice Assistance Grant Program Waiver of Pass-Through Percentage letter:*** Mr. Laugheed explained that Mr. Blocksom (who is no longer with the county) confirmed with Chief Dashiell and Controller Wagoner that the county is not eligible for any of these grants. Mr. Laugheed read some of the details of the letter into the record. Mr. Wagoner explained these are federal monies passed thru the State to be divided up. Monies were originally allocated to local entities but they were not used and the time has expired to use/apply for them and are now available to community partners. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign a letter to Julie Brotzman at the Idaho State Police notifying her of the county's position regarding the pass-through percentage of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. A copy of the letter is on file with this day's minutes.

***Consider signing Declaration and Notice of Sole Source Procurement for public works construction from Precision Grading & Excavation for Celebration Park East End RV Improvement:*** Mr. Wesley explained the county received grant funding from the RV grant fund thru the state parks department. After a failed extensive search one agency was identified as able to complete the work without the extensive design work but procurement would need to change to sole source. Sole source could be deemed reasonable as the county conducted a search but it was

unsuccessful and deadlines are approaching to use the grant money. In order to move forward with the sole source a notice would be signed today and then published in the Idaho Press. On February 9<sup>th</sup> they will come back before the Board to have a formal hearing to take any potential objections and address any questions. If there are no objections the county will be able to move forward in signing a contract and begin work. Directors Navarro and Schwend provided a history of the project and some of the issues they've faced. 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 public works construction from Precision Grading & Excavation for Celebration Park East End RV Improvement.

*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 9:26 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner 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, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley and Deputy P.A. Mike Porter.

The Executive Session concluded at 10:04 a.m. with no decision being called for in open session.

At the conclusion of the executive session the following action item was considered:

***Consider signing Settlement Agreement between Twin Islands, LLC, the Canyon County Assessor, and the Canyon County Board of County Commissioners:*** Commissioner Smith said that during the executive session the Board heard from the legal team and understands the terms of the settlement. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the settlement agreement between Twin Islands, LLC, the Canyon County Assessor and the Canyon County Board of Commissioners (see agreement no. 21-004).

Commissioner White made a motion to continue the legal staff update to 2:00 today. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

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

The Board met today at 10:15 a.m. for a monthly meeting with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Juvenile Detention Field Training Officer Alan Oates, Chief Juvenile Probation Officer Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Controller Zach Wagoner (left at 10:26 a.m.) and Deputy Clerk Jenen Ross.

*Juvenile Probation:*

- Ms. Catalano spoke about the revised Idaho Juvenile Justice Commission Sub-Grant Project Award Agreement. The original grant was due to expire in September of 2020 but due to COVID and lack of usage has been extended to September 2021. The grant that was signed last year has been updated with some additional information.
- Commissioner Van Beek requested Ms. Catalano put numbers together for the DocuSign system. A quote from DocuSign was presented to the Board. Ms. Catalano has indicated that IT is in favor of the program and believes it would be a better fit to purchase vs. having IT design a program. Commissioner Smith would like to see an agenda meeting to further discuss the DocuSign program.

*Misdemeanor Probation:*

- Update to Odyssey is happening today which is making logging in difficult.
- 2020 Offender numbers and community service reports were provided to the Board. A copy of the document is on file with this day's minutes.
- Discussion ensued regarding vests for probation officers and cameras for an exterior door and a hallway.

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

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

The Board met today at 10:42 a.m. for a monthly meeting with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Juvenile Detention Field Training Officer Alan Oates and Deputy Clerk Jenen Ross. The following items were discussed:

- Over the last month they have had up to 28 juveniles in custody and currently there are 18 as follows: 8 from Canyon County, 3 from Payette County, 1 from Gem County, 1 from Washington County and 5 from the Department of Juvenile Corrections.

- A new group will be coming in to provide a program to the boys called “Wise Guys”. It is provided by Advocates Against Family Violence and gives a review of male responsibilities and addresses such things as violence, unplanned pregnancy and STIs.
- One juvenile is working to complete the GED program.
- Director Brown has been working with EOM Christine Wendelsdorf to get some L and XL gloves along with some masks.
- One open full time position has been filled.
- Mr. Oates will be retiring the end of next month but there is a succession plan in place. He spoke about some of the things he’s accomplished in his time with Juvenile Detention.

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

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

The Board met today at 10:51 a.m. for a monthly meeting with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman, Assistant Fleet Director Dawn Pence and Deputy Clerk Jenen Ross. Discussion items were as follows:

- Org chart of the Fleet department was provided to the Board
- First round of FY2021 vehicles are starting to roll thru; there will be some purchase orders for vehicles coming before the Board soon. Director Tolman spoke about the purchase/bid process for vehicles. A rank system was provided to the Board and asked for each members’ thought on the ranking/importance
- Discussion ensued regarding budget, purchasing power and funds broken out to different offices/departments for vehicle purchasing. Further discussion ensued regarding trade-in vs. auction of vehicles
- Take home vehicle forms and vehicle use forms
- Substance testing if there is an incident in a county vehicle; there is no standardized policy among Board departments

The meeting concluded at 11:37 a.m. An audio recording is on file in the Commissioners’ Office.

#### MEETING WITH THE COUNTY AGENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:31 p.m. with the County Agent to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Jerry Neufeld, Carrie Johnson, Jackie Amende and Debbie Lowber for the County Agent’s office participated via Webex.

Mr. Neufeld said they are continuing with winter programming within the parameters of COVID safety protocols. Gatherings are limited to 10 based on instruction from U of I management. He commended county facilities staff of the great service they continue to receive.

Ms. Johnson spoke about the new 4-H year which started October 1<sup>st</sup>. She spoke about youth who've been placed into clubs, volunteers, the livestock auction and her involvement with programming in area schools.

Ms. Amende explained that she primarily works with health and wellness programs and gave an update on the programs she works with.

Mr. Neufeld invited the Board to tour their office whenever they'd like and spoke about some of the other programs in their office such as the Master Gardener program and the 'Living on the Land' class.

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

CONTINUE PUBLIC HEARING - REQUEST BY LEE FAMILY TRUST FOR PRELIMINARY PLAT  
APPROVAL FOR SOLITUDE CREEK SUBDIVISION, CASE NO. SD2020-0016

The Board met today at 2:01 p.m. to go on the record to continue the public hearing in the matter of a request by Lee Family Trust for approval of the preliminary plat for Solitude Creek Subdivision, Case No. SD2020-0016. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. DSD Planner Jennifer Almeida participated via Webex. Ms. Almeida stated the applicant is trying to obtain a letter of approval from the highway district prior to the Board's hearing and they need a little more time. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to February 2, 2021 at 9:00 a.m. The meeting concluded at 2:03 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUED LEGAL STAFF UPDATE - EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS  
EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND  
COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*The legal staff update held earlier today was continued to 2:00 p.m. this afternoon. An Executive Session was held as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 2:04 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) to discuss named personnel, records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. 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, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Mike Porter, and Deputy Clerk Monica Reeves.

The Executive Session concluded at 2:45 p.m. with no decision being called for in open session.

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 3:00 p.m. to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida, TJ Wellard (left at 3:05 p.m.), Representatives for Purple Sage Estates Subdivision, Tyler Hess (via Webex) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Wild Rose Property Owner Association is requesting approval of a Final Plat for Wild Rose Ranchettes; Case No. SD2020-0031:*** Jennifer Almeida gave a brief summary of the final plat stating that the property is zoned R-1, single family residential. The plat contains one residential lot and one common lot. The common lot is considered the open space and contains the community well for the subdivision. The residential lot has frontage on Wild Rose Lane which is a public road. Individual septic system and well will be utilized for the residence that will be built on the site. Ms. Almeida provided a history of the case noting that the applicant received approval of a rezone on lot 8, block 1 of Wild Rose Ranchettes on January 23, 2020. The lot was originally platted as a natural area for honors use in 1974 which was prior to any zoning ordinance in Canyon County. Due to the cost of maintaining the natural area the HOA decided to attempt to re-designate the residential lot and applied for a rezone. A minor replat and amendment was approved by the Director on October 13, 2020, since that time the applicant obtained all required signatures on the plat mylar. There are no subdivision improvements for this development. Keller and Associates has reviewed the final plat and recommends it be approved. Staff is also recommending approval of the final plat and that the Board sign the final plat mylar. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the final plat for Wild Rose Ranchettes.

***A request by Tyler Hess, Hess Properties, LLC. for approval of a Final Plat for Purple Sage Estates Subdivision No. 4; Case No. SD2020-0033:*** Jennifer Almeida said the subject property is zoned R-1. This subdivision contains 24 residential lots and 1 common lot. Internal public roads will be used within the project as well as individual septic systems and domestic wells. Pressurized irrigation will be provided to the residential lots. The preliminary plat for this subdivision was approved by the Board on May 26, 2020 where the Board assigned 9 conditions of approval which are attached to the summary as exhibit A. All conditions have been met and Ms. Almeida gave a brief summary of how each condition was met. Keller and Associates has reviewed the final plat and recommends it be approved. Staff is also recommending approval of the final plat



and that the Board sign the plat mylar. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the final plat

The meeting concluded at 3:10 p.m. An audio recording is on file in the Commissioners' Office.

#### JANUARY 2021 TERM

CALDWELL, IDAHO    JANUARY 20, 2021

PRESENT:     Commissioner Keri Smith, Chair  
                 Commissioner Pam White

Deputy Clerks Monica Reeves/Jenen Ross

ABSENT:     Commissioner Leslie Van Beek, Vice Chairman – *Attending BSU leadership class*

No meetings were held this day.

#### JANUARY 2021 TERM

CALDWELL, IDAHO    JANUARY 21, 2021

PRESENT:     Commissioner Keri Smith, Chair  
                 Commissioner Pam White

Deputy Clerks Monica Reeves/Jenen Ross

ABSENT:     Commissioner Leslie Van Beek, Vice Chairman – *Attending BSU leadership class*

#### APPROVED CLAIMS

- The Board has approved claims 570869 to 570870 in the amount of \$16,370.00
- The Board has approved claims 570705 to 570754 in the amount of \$60,326.24
- The Board has approved claims 570844 to 570853 in the amount of \$11,830.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Pro Vision in the amount of \$1,050.00 for Canyon County Sheriff
- OWC in the amount of \$1,249.90 for Canyon County Sheriff
- Life Loc in the amount of \$7,967.70 for Canyon County Sheriff
- Banducci Meditation in the amount of \$3,600.00 for Development Services Department

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

The Board met today at 8:57 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2021-0244, 2021-0265, 2021-256, 2021-307 and 2021-266 and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials on the cases as read into the record with written decisions within 30 days. Liens were presented for Board signatures.

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

#### MEDICAL INDIGENCY MATTERS

The Board met today at 9:02 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Case manager Jenniffer Odom and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicant appeared for case no. 2021-6. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue a final denial with a written decision within 30 days.

Commissioner White made a motion to issue final denials with written decisions within 30 days on case nos. 2020-1148 and 2021-74. The motion was seconded by Commissioner Smith and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to continue the following cases: Case no. 2020-1158 continued to March 11, 2021, Case no. 2020-1081 continued to March 11, 2021 and Case no. 2021-9 continue to April 8, 2021

The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed, Assessor Brian Stender and Deputy Clerk Jenen Ross. Rachel Spacek with the Idaho Press attended via Webex. The action item was considered as follows:

***Consider signing a legal notice for public hearing regarding a proposed resolution increasing DMV administrative fees for the Canyon County Assessor's Office:*** Assessor Stender reviewed the Explanation of Proposed DMV Administrative fee document that was provided to the Board which outlines fees and revenue under the current and proposed fees, anticipated additional costs, and difference between anticipated revenue and cost. Mr. Laugheed said that the fees have to be reasonably related to the service provided but not exceed them. Bottom line is that the county is growing fast and additional staff is necessary. Mr. Laugheed said there is no legal reason not to sign the notice. A public hearing will take place on February 9<sup>th</sup>. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the legal notice for public hearing regarding a proposed resolution increasing DMV Administrative fees for the Canyon County Assessor's Office. A copy of the notice and the document provided by Assessor Stender are on file with this day's minutes. The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

#### JANUARY 2021 TERM

CALDWELL, IDAHO     JANUARY 22, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Andrew R. McClelland, Permit Tech 1

#### MEETING WITH JUDGE CLARK FOR AN UPDATE ON EVICTION COURT

The Board met today at 9:33 a.m. for a meeting with Judge Clark for an update on eviction court. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, ADJ George Southworth, Judge Susan Clark, TCA Doug Tyler, Assistant TCA Benita Miller, and Deputy Clerk Monica Reeves. On July 14, 2020 Judge Clark met with the Board and proposed establishing an

unlawful detainer court, and today she addressed the growing number of eviction cases that are being caused by the pandemic and the progress being made in establishing the program. Judge Clark explained that most unlawful detainer cases involve the tenant who fails to pay rent and refuses to leave the property and the landlord then has to take legal action to obtain the judgment for eviction and restitution. After getting the judgment the landlord oftentimes has to ask the Sheriff to enforce and then remove the people from the property, which includes additional costs to the landlord. The unlawful detainer precedents do not award the landlord the back rent that is owed, the landlord then has to bring a second small claims action to collect that. For the renter's part, they have a judgment on their record which can make renting in the future very difficult. Judge Clark proposes to the parties in unlawful detainer cases with the opportunity to mediate their case first, which would allow the landlord to obtain an agreement with the tenant to obtain some of the back paid rent and get the tenant off the property without damage and the use of the Sheriff. For the tenant it would allow them to leave the property without the judgment against them. In July 2020, Judge Clark agreed to take all of the unlawful cases that were filed in Canyon County and the goal was to get the program up and running by October 2020. It took time to get the agreement between the TCA, the Controller and the mediation coordinator to be crafted. Carol Bark has agreed to assist on a contract basis, and she brought with her a team of mediators. There is the potential that a second mediator will at some point replace Ms. Bark at a lower rate. On November 11, 2020, Judge Clark held the first court session and every Tuesday thereafter for eight weeks. Each week the mediators came to the sessions and helped resolve cases. Of the 40+ unlawful cases that were filed 38 were scheduled for hearings, in each of the cases all of the parties agreed to try mediation first. The total cost for all the mediations was approximately \$4,800 between November 10 and December 29, 2020. With the help of mediators 76% of the 38 cases were resolved without having to go to trial. The agreements usually included the tenant paying some amount of money within a specified amount of time. If they upheld their end of the agreement at the end of the specified time they did not have a judgment on their record. In the event the tenant did not uphold their part of the agreement then the judgment of eviction was automatically upheld and the landlord would still get their restitution. Of the 76% that reached a resolution, 18% did not uphold their part of the agreement, in those cases an eviction was issued. 21% of the cases did not mediate at all because the responders did not show up and they simply allowed it to go to default. 5% did not reach a resolution from mediation; one case went to trial and a judgment of eviction was issued. The other is set for jury trial and is quite complicated and appropriate for a jury trial. Commissioner Smith asked with no jury trials at this time, is the landlord stuck. Judge Clark said yes, unless the landlord is able to take other avenues. Commissioner Van Beek asked if COVID funding is still available to help with the program. Per Judge Clark's understanding the funding expired on December 31<sup>st</sup>. Commissioner Van Beek wanted to know if there is any collaboration between the county and the court system that is now being administer by the IHFA or are there other organizations that are available to help with funding. In answering Commissioner Van Beek's concerns about funding, Judge Clark provided information about Jessie Tree which provides funding to tenants who are behind on their rent if they meet certain criteria. Commissioner Van Beek addressed TCA Tyler on what the cost to the county will be going forward. TCA Tyler spoke about the CARES Act funding that expired and he spoke about avenues he is looking at for funding. He will look for a budget line item and come with a proposal that

makes sense from the taxpayers' standpoint. Commissioner Smith wanted to know how the growing numbers of evictions compare to prior years. Assistant TCA Benita Miller said when she ran numbers for last July they were looking at 32 eviction cases a year and based on yesterday's numbers they're at 63. She attributes it to COVID with people losing jobs. Commissioner Smith said there was a lot of job loss early last year and our current unemployment rate is 5% so people should be back to work in our area, which she would hope bring the evictions back down. TCA Tyler provided additional information about the funding offered by Jessie Tree, it is similar to rental relief. Commissioner Smith is in favor of keeping the program going. Judge Southworth said the courts will work on getting more information. According to TCA Tyler, there will be no additional increase in court staff as a result of this program. No Board action was required or taken.

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

#### MEETING TO RECEIVE AND REVIEW QUARTERLY JAIL INSPECTION REPORT

The Board met today at 10:04 a.m. to receive and review the quarterly jail inspection report. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Captain Harold Patchett, Lt. Dale Stafford, Lt. Martin Flores, and Deputy Clerk Monica Reeves. The Board reviewed the responses to the questions on the inspection form. Due to COVID-19 the Board has not been touring the jail in person so it meets with jail staff to review the inspection report form each quarter. Captain Patchett and staff spoke about jail transports and population as well as the plans for ADS to be on site to complete repair work in Pod 6. Commissioner White recently toured the facility and she noticed a strong stench in Pod 6. Captain Patchett said ADS will likely address that issue when they are on site. Staff also responded to questions from the Board. Captain Patchett reported on the strict COVID screening procedure jail staff follows. Commissioners Smith and Van Beek are both interested in touring the jail and participating in simulator training.

The meeting concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING FY2020 INDIGENT DEFENSE FINANCIAL ASSISTANCE EXPENDITURE REPORT

The Board met today at 10:30 a.m. to consider signing the FY2020 Indigent Defense Financial Assistance Expenditure Report. Present were: Commissioner Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Chief Public Defender Aaron Bazzoli (who participated via Webex), and Deputy Clerk Monica Reeves. Aaron Bazzoli said presented the Board with new forms from the Public Defense Commission (PDC) in which they ask how the County is spending the grant funds and the workload compliance funds. He and the Controller reviewed back to 2017 when the grant money was initially received where five new employees were hired at that time and the \$376,000 grant was used to offset a great deal of the cost of the five new attorneys. The funding has grown and continues to go for the funding of those five positions.

He received approximately \$113,000 for workload compliance assistance and that has gone to hiring a new position last fiscal year and he will have to do another form at the end of the other fiscal year as well as in March again. There was discussion regarding the PDC rules. The chief public defenders' overall stance on the proposed rules is they are not opposed to standards and rules but some of the rules are taking away a lot of the independent consideration of the defense bar, the Idaho state bar, the chief public defenders' and the Board's authority and investing some of that authority in the PDC executive director. Commissioner Van Beek had questions about grant funding as well as the E-Defender program. Mr. Bazzoli said he has been looking at options for a database management resources computer program before the deciding if he wants to commit \$100,000 to another company for E-Defender. He wants to make sure they have a system with the best options (least expensive and most efficient) that works best with our IT program. Zach Wagoner said the County has established a separate and unique accounting entity specifically for public defense services so when we receive monies from the PDC they are deposited into this entity and every penny of those monies is fully utilized every year. In prior years there was public defense spending in other budgets but with Mr. Bazzoli's cooperation it worked and now we have a full accurate picture of the cost of public defense in Canyon County. Mr. Bazzoli said taxpayers are still covering costs, but he spends the grant funds first to make sure the cost of public defense is offset completely by the state. Commissioner Van Beek made a motion to sign the Fiscal Year 2020 Indigent Defense Financial Assistance Expenditure Report as presented by the Auditor and the Public Defender in the amount of just over \$650,000. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 10:46 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING CONFIRMATION APPOINTMENTS TO THE SOUTHWEST DISTRICT HEALTH BOARD

The Board met today at 11:00 a.m. to consider confirming appointments for newly appointed Canyon County and Washington County representatives on the Southwest District Board of Health. Present were: Commissioners Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. Each were appointed by their respective Boards of Commissioners to serve the remainder of their current representative's five-year term on the Board of Health, which will expire on June 30, 2025. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to confirm the appointments as follows:

Canyon County Commissioner Keri Smith  
Washington County Commissioner Lyndon Haines  
Copies of the signed ballots are on file with this day's minute entry.

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

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 25, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 570854 to 570868 in the amount of \$9,011.00
- The Board has approved claims 570755 to 570804 in the amount of \$24,212.83

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$7,443.00 for Information Technology Department
- Dell, INC in the amount of \$10,770.90 for Information Technology Department
- Campbell Tractor Co. in the amount of \$2,020.00 for Fleet Department
- Mtn. Home Auto Ranch in the amount of \$35,951.00 for Fleet Department
- Mtn. Home Auto Ranch in the amount of \$32,065.00 for Fleet Department
- Mtn. Home Auto Ranch in the amount of \$38,501.00 for Fleet Department
- Mtn. Home Auto Ranch in the amount of \$29,382.00 for Fleet Department

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:33 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Admin. Specialist Terri Salisbury, and Deputy Clerks Jenen Ross and Monica Reeves. There was discussion regarding office operating procedures for meeting requests and a review of appointments to the various boards and committees the Commissioners serve on. A review of the calendar noted some scheduling conflicts so adjustments were made as follows:

- Commissioner White will serve on the Western Alliance for Economic Development and the Metro Community Services Board.
- Commissioners Van Beek and White will serve as primary members on the Valley Regional Transit Board/Executive Board. (They will alternate attendance between the two). DSD Director Tricia Nilsson and DSD Planner Kate Dahl will serve as alternates on the VRT Board.

- Commissioner Van Beek will serve on the SWDH subcommittees for behavioral health and children's mental health.

There was also discussion regarding a citizen's request to meet with the Board. Staff will follow up with the person and request additional information as to the meeting topic.

Commissioner Smith suggested the Board set aside time once a month to conduct a community input meeting where citizens can speak with the Board. The meeting time will be limited to 30 minutes. Commissioner Van Beek likes the idea. Commissioner Smith will visit with the PA's Office on how to manage that.

Commissioner Van Beek requested a meeting be scheduled with department heads regarding the COVID pay codes. Discussion ensued. The Board will discuss the COVID pay code issue as well as a property acquisition item with legal counsel at tomorrow's legal staff update. In addition to the COVID pay code issue, the Board wants to discuss other items with legal counsel.

The Board continued reviewing this week's schedule with staff.

The meeting concluded at 9:27 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING THE HARMONY ACRES FINAL PLAT, CASE NO. SD2020-0017

The Board met today at 9:45 a.m. to consider the final plat for Harmony Acres, Case No. SD2020-0017. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, TJ Wellard, other interested citizens, and Deputy Clerk Monica Reeves. Dan Lister reported that the necessary signatures have been obtained and the final plat is ready for the Board's approval. Following review Commissioner White made a motion to sign the final plat for Harmony Acre. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING TO CONSIDER A REQUEST BY DIAMOND W. DEVELOPMENT, LLC FOR A PRELIMINARY PLAT, DRAINAGE & GRADING PLAN FOR WYATT'S HOLLOW SUBDIVISION, CASE NO. SD2019-0039

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Diamond W. Development, LLC, for preliminary plat and a drainage and grading plan for Wyatt's Hollow Subdivision, Case No. SD2019-0039. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Jennifer Almeida, Stephanie Hopkins, Matt Weston, and Rory



Hendricks. Jennifer Almeida gave the oral staff report. Phase 1 of Wyatt's Hollow Subdivision was approved and recorded in 2014. Because the final plat for Phase 2 was not submitted within the two-year requirement the applicant had to obtain approval of the preliminary plat again from the P&Z Commission and the Board. The subject property is zoned rural residential. Phases 2 and 3 will contain a total of 23 residential lots on approximately 59 acres. Keller and Associates recommended the plat be approved and their conditions have been added as recommended conditions of approval with the exception of condition No. 1 which has already been corrected on the plat. Staff recommends approval subject to the conditions of approval. The Board reviewed the proposed conditions and suggested modifications. There was discussion regarding Condition No. 8 which references compliance with the Middleton Fire District. Commissioner Smith does not want to impose the condition which states: *"The plat shall comply with the requirements of the Middleton Fire District. If the developer cannot meet the minimum fire flow/duration requirement, all homes within the subdivision shall be equipped with fire sprinklers and said fire sprinkler requirement shall also be noted on the preliminary plat and final plat for the development."* Commissioner Van Beek objects to the condition being included in future staff report requiring the flow or that houses be equipped with sprinkler protection systems individually given there is no ordinance for it. There was also discussion regarding the extension of Kingsbury Road and highway district requirements as well as the letter from Clayton Cramer regarding downward facing lights. The Board has follow-up questions for staff. Stephanie Hopkins testified on behalf of the project developer and said what is being presented is what was approved in 2013. They want to renew their preliminary plat to construct the second phase which didn't come in within the two-year time period. The first phase is two acres with 13 lots and the second phase is comprised of 59 acres with 22 residential lots and 1 common lot. Quail Hollow Drive is going to be extended to the subdivision as a public street. They are proposing a private street, Holiday Lane, to serve four lots. The highway district has asked them to submit a variance request for that which they have done. The project will be served by individual septic systems and wells and pressurized irrigation will be provided via a well according to DEQ and SWDH requirements. The fire sprinklers were a condition of approval of the previous preliminary plat and a lot of their design is a carryover of that original design and they kept it as a requirement. She does not know if the developer has a preference either way but she can look into it further if the Board desires. For the extension of Kingsbury Road they are required to dedicate the 50-foot right-of-way with the last phase of development to the highway district. Commissioner Smith said if the developers want to leave the fire sprinklers as an agreement with their purchasers that's one thing but she does not want the Board to mandate it on the plat. Commissioner Van Beek agreed. The Board had follow-up questions for Ms. Hopkins regarding topography, hillside development, and fire mitigation measures. Jennifer Almeida spoke of how hillside requirements have been met at the platting stage and when we use building envelopes it's not so much to comply with the hillside ordinance; many times applicants try to demonstrate they are not interfering with the hillside so they show the pads in that regard. It's not a requirement to show the building pads. It's easier for the applicants to submit a grading plan with their building permit. Rory Hendricks offered neutral testimony in the form of the following questions: What will the impact be on water table with the addition of these wells, and will his existing well be deep enough or is the water table going to get lower? Are there any plans for an additional route out of this development? Will the developer

construct the swale or barrow ditches at the east side of his property that adjoins Quail Hollow? Stephanie Hopkins testified the developers will construct barrow ditches on their property, but not on Mr. Hendricks' property. They are constructing Quail Hollow within the limits of the subject property, and all improvements will be made within the limits of the subject property. She does not know the well information offhand but she will ask the engineer. She referred to a hydrology report from 2013 and spoke of how they will coordinate with Southwest District Health on the wells they will construct. Regarding the question about an additional route out of the subdivision, Ms. Hopkins said she does not have the specifics as far as timing but Canyon Highway District is working through the specifics. It might take a while to accomplish which could be why the fire sprinklers were required. There was Board discussion about wanting more information on the extension of Kingsbury Road. Director Nilsson said there has been a lot of activity by other jurisdictions with regard to the extension of Kingsbury Road but she does not know the latest status of it. She suggested the Board give staff amended conditions once the hearing is closed and they will bring back revised findings with those conditions. Commissioner White had questions for staff regarding fire sprinklers being required in order to aid suppression efforts. Director Nilsson said it's a jurisdictional issue and the fire district has their own authorities for enforcing what they have adopted. The County has not adopted the fire code and since we don't have an MOU or joint powers agreement we are not required to include their requirements in our decisions. We don't have anything that binds our decisions together. Director Nilsson will prepare draft language for the Board's review which includes perhaps a requirement that the applicant file a fire protection plan as part of their CC&R's with the fire district. She will also check on the status of Kingsbury Road and who will be expected to pay for those improvements. Commissioner Van Beek made a motion to continue the hearing for Wyatt's Hollow Subdivision to Friday, January 29<sup>th</sup> at 9:30 a.m. in support of a request for additional information. The motion was seconded by Commissioner White and carried unanimously. Staff will bring back revised findings of fact, conclusions of law, and order for the Board to consider which will be reflective of today's discussion. Public testimony will be left open.

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

PUBLIC HEARING – REQUEST BY KNIFE RIVER TO MODIFY THE DEVELOPMENT AGREEMENT #19-076, CASE NO. DA2020-0002

The Board met today at 1:30 p.m. to conduct a public hearing in the matter of a request by Knife River to modify Development Agreement #19-076 associated with Case No. RZ2018-0028. The case number for today's hearing is Case No. DA2020-0002. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Deputy PA Zach Wesley, Jim Trull from Knife River, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Dan Lister and Arline Devlin. Dan Lister gave the oral staff report. Knife River is requesting to modify their approved development agreement which was approved in association with the previous rezone. The location is Parcel R30866; however, the rezone incorporated two parcels. The request is to modify Condition #3 and the conceptual plan associated with it. This was originally approved from an agricultural zone to an M-1 light industrial zone. Due to concerns by the City

of Caldwell, the City of Nampa, and nearby developers the applicant agreed to a development agreement that incorporated Nampa's landscaping and performance measures, restricted mineral extraction and batch plant uses, and proposed a landscaped berm on the subject parcel. In 2019 the rezone was approved with the development agreement that came with landscaping measures that met City of Nampa's performance measures and the landscape berm subject to a conceptual plan. They had to get a landscape architect to develop the landscaping plan. The landscaping plan was approved by DSD on August 14, 2019 and it was brought before the Board for the addition of fencing on the berm and it was found to be in substantial compliance with the conceptual plan. In the landscaping plan they have proposed turf-like grass and along the berms outside the green area was supposed to be rock mulching. In February/March, staff alerted the applicant that based on the review it was not consistent with the landscaping plan. In September of 2020 staff did a site visit which demonstrated it was not in compliance with the landscaping plan approved by DSD and a subsequent notice of violation was sent. In response to that the applicant submitted a request to modify the conceptual plan to match their revised landscaping plan. The biggest change is the green area at the front entrance which will include a thin area at the front for ornamental grasses. The other change deals with the type of rock which is like cobble rocks where it covers more area and is easier to maintain. It is not in compliance with the conceptual plan that was approved as part of the rezone application, however, staff does recommend the Board approve the request because it does not change the review of the rezone application in the sense of why this was proposed. The requirements for the landscape berm and restrictions were originally proposed to minimize concerns by the City of Caldwell and nearby subdivision developers who were concerned about the noise and light pollution from an industrial use. The berm was supposed to reduce that and give it a pleasant look. Approval today will allow the applicant to amend the development agreement to add the conceptual plan they have proposed. If the Board denies the request the applicant can either comply with the landscaping plan that was approved in August of 2019, or annex into the City of Nampa where the development agreement will be null and void. Commissioner Van Beek said Spink Butler submitted the plan as a voluntary mechanism to persuade the Board to approve the request and in the absence of that the Board may not have granted approval. She said this is a major change from what was submitted by Spink Butler. Discussion ensued regarding the conceptual plan. Mr. Lister pointed out there is no language being changed, the applicant wants to remove the conceptual plan that was approved and install the new conceptual plan which matches their revised landscaping plan. Commissioner Van Beek does not believe a heavy industrial landscape plan would be consistent with the plan that was submitted. She also had questions about why a certificate of occupancy was issued if the conditions hadn't been met. Mr. Lister said the batch plant does not require a building permit because it's a temporary structure that is reviewed by DEQ. Jim Trull, who represents Knife River, testified that he respects the time and effort Commissioner Van Beek has gone to to make sure standards are kept in the city. The seller did have conceptual drawings and Knife River initially based their landscape drawings on those. There was a note that called for 3/8 aggregate chip but when they had internal discussions about the maintenance of the berms it was suggested the chips would not stay in place so they opted for cobble rock which stays in place much better. Regarding the grass, it has always been called out as a seeded tall turf-type that is often planted alongside freeway off ramps and gets mowed once a year. He was opposed to using that type of grass

because it's hard to maintain and weeds can grow and go to seed. It was never their intention to have a mowed manicured turf although the pictures may look like that. There is approx. 1,900 yards of cobble rock in those areas at a price of \$35 a yard. They thought it would be better to put ornamental grass along the bottom in a strip. Mr. Trull spoke of his conversations with Commissioner Van Beek and the appearance of the landscaping. He said he went through several iterations of drawings and when they came back they said wanted to add a fence and change the berms to have grass on the ends. It is different but it does not make the landscape undesirable. The original conceptual drawings showed deciduous trees but they requested evergreen trees on the inside so that during the winter there would be screening. They spent extra to have something that looked nicer and give a quicker screen. Mr. Trull said their landscaping is the nicest looking concrete plant in the state and it's likely in the top 10 in the U.S. It looks barren at this point but the shrubs have not grown to their full size. They submitted a plan to the City of Nampa that shows the ornamental grass and he thought that's what the Board had reviewed. Commissioner Van Beek disclosed that she had a conversation with Mr. Trull who was very professional and courteous and he did provide information. She acknowledged that Mr. Trull and Knife River have excellent reputations. She said DSD staff made some decisions that were outside the knowledge of the Board. Arline Devlin supports the request but did not offer testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White had additional questions of Mr. Trull so she made a motion to reopen the record. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner White asked if the project utilizes weed mat. Mr. Trull said they did not put weed mat down because they felt the rock would not stay put on top of the mat. Commissioner White agreed; she believes cobble rock is an upgrade to that type of ground cover. She prefers the evergreen trees that have been planted, and she has no problem with the proposed changes. Commissioner Van Beek asked questions of Mr. Trull regarding the different variety of trees and he said the density has not changed, but some of the tree types are different than what was called out, but they did not change it to look industrial per se. Those are the trees they felt provided the most color and the best coverage for the area. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. During the Board's deliberation Commissioner White spoke about tree types and she thanked the application for their long-term investment. Commissioner Van Beek said Mr. Trull indicated this a long-term commitment and that there were some drip irrigation systems in place to make sure the trees were watered. She feels blindsided by the way the new conceptual plan works and said if she had had the opportunity to review it she may have felt differently. A local farmer contacted her about his ground being taken because of the roundabout near the subject property and that subject came up during her conversation with Mr. Trull and in good faith he compensated the farmer for the crop that was in the field. She appreciates Mr. Trull wading through the process of getting a proper approval. Commissioner Smith said the City of Caldwell did not respond to this request; neighbors were notified and nobody came to oppose or ask for additional requirements and that says a lot. She is okay with the amendment and she supports Knife River noting it's important to have a project that can be maintained for the long term. This is a good plan that will work for the community and since we didn't get any opposition testimony. Commissioner Van Beek said to have heavy industrial next to residential is a bad plan

and it needs mitigation. Commissioner White made a motion to grant the request to modify an approved development agreement for Case No. DA2020-0002 and to approve staff's findings of fact, conclusions of law and order (FCO's). The motion was seconded by Commissioner Van Beek and carried unanimously. The amended development agreement will be brought back at a later date.

The hearing concluded at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

#### JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 26, 2021

PRESENT: Commissioner Keri 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:

- Uniforms 2 Gear in the amount of \$3,750.00 for Canyon County Sheriff
- DOST in the amount of \$1,200.00 for Canyon County Sheriff
- SHI in the amount of \$119,358.75 for Information Technology Department

#### APPROVED CLAIMS

- The Board has approved claims 570871 to 570917 in the amount of \$62,395.35
- The Board has approved claims 570918 to 570957 in the amount of \$85,447.33 *\*corrected batch total sent over for approval on 2/8/21 for \$85,517.73*

#### 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, Pam White and Leslie Van Beek, Deputy P.A. Mike Porter (left at 9:10 a.m.), Deputy P.A. Zach Wesley, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Chief Deputy Sheriff Marv Dashiell (left at 9:10 a.m.), Facilities Director

Paul Navarro, Controller Zach Wagoner (left at 9:10 a.m.), Sgt. Kelly Anderson with CCSO (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution approving award of officer's duty badge and duty weapon to Sgt. Cary Salazar:*** Chief Dashiell said Sgt. Cary Salazar will retire on February 17, 2021. Sgt. Salazar has been with CCSO for 28 years and Chief Dashiell gave a brief history of his career. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving the award of badge and duty weapon to Sgt. Salazar (see resolution no. 21-009).

***Consider signing an Agreement between Idaho Department of Parks and Recreation and Canyon County – Recreation Boating Safety Grant:*** Sgt. Anderson explained this is a grant that is applied for every year. The grant amount awarded for FFY2021 is \$44,972 with a 50% match by the county. Upon the motion of Commissioner Van Beek and second by Commissioner White the board voted unanimously to sign the agreement between Idaho Department of Parks and Recreation and Canyon County for the Recreational Boating Safety grant (see agreement no. 21-005).

***Consider signing resolution granting a new alcoholic beverage license to Uppercuts Barber Shop LLC:*** All questions regarding this application have been addressed. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Uppercuts Barber Shop LLC (see resolution no. 21-010).

#### EXECUTIVE SESSION – PERSONNEL MATTER AND ACQUISITION OF AN INTEREST IN REAL PROPERTY

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

Commissioner Van Beek made a motion to go into Executive Session at 9:13 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (c) regarding personnel matters and an acquisition of an interest in real property. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Leslie Van Beek and Keri Smith, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Facilities Director Paul Navarro, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:48 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Van Beek made a motion to continue legal staff to 3:00 p.m. today. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING - REQUEST BY TRACE LEIGHTON OF LEIGHTON, LLC FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE AND PRELIMINARY PLAT APPROVAL OF LEIGHTON LAKE ESTATES #2 SUBDIVISION, CASE NO. OR2020-0008/SD2020-0013

The Board met today 10:04 a.m. to reschedule the hearing in the matter of the request by Trace Leighton of Leighton, LLC for a comprehensive plan map amendment and rezone, and preliminary plat approval of Leighton Lake Estates #2 Subdivision, Case No. OR2020-0008/SD2020-0013. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Chairman Keri Smith is attending another meeting and would like to participate in this hearing so the matter will be continued to tomorrow morning. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to reschedule the hearing to January 27, 2021 at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:33 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Smith joined at 2:03 p.m., Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. Mr. Bazzoli updated the Board on the following:

- Budget to date
- Monthly case type counts broken down by calendar years 2019 and 2020
- Age of active pending case load
- Clearance rates broken down by calendar years 2019 and 2020
- New hires and positions: in the process of hiring a new attorney, lead investigator retired the end of the year so they are looking to fill that position.
- New kiosk initiative at the jail and juvenile detention
- Justware update and issues
- Public Defense Commission updates and information

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

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

The Board met today at 2:07 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van

Beek, Solid Waste Director David Loper and Deputy Clerk Jenen Ross. Director Loper updated the Board on the following:

- Waste amounts were up 10.55% in December, FY21 is up 6.8%.
- Graph showing monthly tonnage from February 1995 thru 2020 was provided to the Board for review.
- Site certification and expansion plan are moving forward; he hopes to have the DEQ certification by mid- February.
- Tetra Tech work authorization no. 15 in the amount of \$119,409 was presented for Board review. As per the agreement, Director Loper is authorized to sign work authorizations but wanted to make sure the Board is aware of the change. The Board is supportive of Director Loper moving forward with signing the work authorization.
- Well drilling on the Stuart property.
- Phase 3 of the perimeter fence expansion.

Documents presented for review are on file with this day's minutes. The meeting concluded at 2:31 p.m. An audio recording is on file in the Commissioners' Office.

#### CONTINUED LEGAL STAFF UPDATE AND CONSIDER SIGNING INVITATION FOR BIDS FOR THE CANYON COUNTY FAIR EXPO BUILDING CONSTRUCTION PROJECT

The Board met today at 3:00 p.m. for a continued legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley Facilities Director Paul Navarro (left at 3:09 p.m.), Fair Director Diana Sinner (left at 3:09 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

#### ***Consider signing invitation for bids for the Canyon County Fair Expo Building Construction Project:***

Four Idaho based contractors have been identified as good candidates for this project. The drawings and specs are complete and the county is partnering with the Urban Renewal Agency for funding. Director Navarro anticipates completion in 9-10 months although a timeframe will need to be outlined with the contractor. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the invitation for bids for the Canyon County Fair Expo Building. A copy of the IFB is on file with this day's minutes.

#### EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

*Note for the record: As properly noticed the Board met today at 3:00 p.m. for a continued legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 3:09 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion



carried unanimously. Present were: Commissioners Pam White, Leslie Van Beek and Keri Smith, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 4:20 p.m. with no decision being called for in open session.

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

#### JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 27, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 570986 to 570986 in the amount of \$11,055.00
- The Board has approved claims 570959 to 570985 in the amount of \$89,930.46

#### APPROVED CLAIMS ORDER NO. 2109

- The Board of Commissioners approved payment of County claims in the amount of \$1,632,439.94 for a County payroll.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- LN Curtis & Sons in the amount of \$31,700.00 for Canyon County Sheriff
- ACCO Engineered Systems in the amount of \$10,376.00 for Facilities Department

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

The Board met today at 8:31 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

Discussion items were as follows:

- Update on what was learned regarding COVID safety protocols at the national cattleman's show Director Sinner recently attended
- Fair Expo Building
  - Bids due February 16<sup>th</sup>
  - Security needs
  - Site improvements
- Fair Building Rental
  - Barrel racing events continue to happen weekly with COVID protocols in place
    - Board is supportive of opening up events to more people as long as safety protocols are followed such as social distancing, hand washing and encouragement of mask wearing as the Governor's order includes continuation of athletic events and performances.
    - Commissioner Smith will contact Director Zogg at SWDH as to the instruction they have given to Director Sinner.
  - Currently at 20% of budgeted revenue for FY2021
- 2021 Canyon County Fair update
  - Staff and Advisory Board is focusing guest experience
  - Main Stage Concerts
    - Planning to announce and begin ticket sales mid-March
      - Board is supportive of moving forward with ticket sales
    - Reserved seating options
      - Board likes the idea of pod seating
    - General admission seating
      - Blocking off every other row of bleacher seating
- Potential changes/options related to COVID-19 and/or improvement to guest experience
  - Revisions to beer service, food court, grounds entertainment stages, relocation of ag activity area, Fair Explorer tent and Kids Alley activity areas, livestock set-up, additional benches and shade
- Fair Industry News
  - Case study from IAFE of fairs that happened in 2020
  - Reviewing health and safety plans from other fairs
  - Winter fairs that are moving forward and replacement of national acts with local acts

Commissioner Van Beek asked additional questions about long-term capital improvement plans, during the budget season she would like to include discussion regarding Director Sinner retaining a portion of her revenue to build a fund balance for the Fair. She also asked if there is a Commissioner sitting on the Fair Advisory Board. Director Sinner said there isn't a Commissioner sitting on the advisory board but Commissioner Dale did participate in meetings between the city, rodeo, college, fair and county. Commissioner Smith said she would be happy to participate in those meetings now if necessary.

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

PUBLIC HEARING – REQUEST BY MARK AND TAMMY SATTERWHITE FOR A CONDITIONAL REZONE, CASE NO. 2020-0010

The Board met today at 9:07 a.m. to consider a request by Mark and Tammy Satterwhite for a conditional rezone, Case No. CR2020-0010. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. Present via Webex: Jace Evans, Jon Stosich, and Mike Perkins. On January 13, 2021 the Board heard the Satterwhite case and subsequently continued the hearing to today's date in order to allow time for staff to revise the findings of fact, conclusions of law, and order (FCO's) and modify conditions of approval in the development agreement based on the January 13 deliberation. Dan Lister reviewed the draft FCO's as follows: The Board had asked for a better understanding of the average lot size within that area so staff gave a ballpark average lot size with agricultural land around it then brought it into the ones nearby which is a 9.5-acre average lot size. The smaller lots were identified as the smallest being 4.8 acres and 7.79 acres. With a 7-acre minimum lot size this is more compliant with that surrounding area and the applicants have agreed to a 7-acre lot size. Staff identified that we did receive comment letters noting concerns that will be addressed through a road users' maintenance agreement and requirements during the platting phase. With regard to the Kramer's concerns, staff followed that up in the development agreement that an agricultural preservation irrigation plan will be provided which will mitigate a lot of the Kramer's concerns. On Page 12 of the development agreement, there are two changed conditions: 1) Lots 1, 2, & 3 shall have a 7-acre minimum lot size; and 2) at the time of subdivision plat submittal an agricultural preservation irrigation plan shall be submitted. The plan shall include adequate irrigation use and methods shall be demonstrated to ensure ongoing agricultural uses can be supported without disturbing neighboring irrigation uses. And, the building envelope locations on Lots 1, 2, & 3 as shown in Exhibit C will support preservation of farm land. There is a subsection that states it shall be subject to the conditions of the development agreement, conceptual configurations of Lots, 1, 2, & 3 as shown on Exhibit C may be modified if the configuration better supports agriculture preservation and irrigation of over 40 acres of land. The applicants have not signed the development agreement so today the Board can sign the FCO's but we will have to schedule the ordinance and development to a later date. Commissioner Van Beek said eliminating the flag and making those squared off seems to have increased the amount of agricultural land we are preserving. The private road has been shifted to where there is already an existing road and so this makes better sense for the applicant since it's already disturbed in that area and it limits the amount of construction they will have to do with the private road. They will have to do road improvements but only up to what their development is disturbing. Commissioner Smith commended Mr. Lister for the excellent job in providing modified language and also in updating the zoning criteria. She said it's a much better proposal and one she can support. Commissioner Van Beek likes this proposal. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the FCO's for Case No. CR2020-0010 for the conditional rezone. Commissioner Van Beek amended her motion to remove the word *average* and to maintain seven acres in Condition No. 2 c. in Exhibit B. The amended motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE FOR LEIGHTON, LLC, AND A PRELIMINARY PLAT FOR LEIGHTON LAKE ESTATES #2 SUBDIVISION, CASE NOS. OR2020-0003, RZ2020-0008, AND SD2020-0013

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Leighton, LLC, for a comprehensive plan map amendment, a rezone, and a preliminary plat, including a drainage and irrigation plan, for Leighton Lake Estates #2 Subdivision, Case Nos. OR2020-0003, RZ2020-0008, and SD2020-0013. Present were: Commissioners Keri Smith and Pam White, Trace Leighton, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Dan Lister, DSD Director Tricia Nilsson, and Leslie Prendiville. Dan Lister gave the oral staff report. The applicant, Trace Leighton of Leighton, LLC, is requesting a comprehensive plan amendment to amend the future land use designation of Parcels R34052010, R34050010, R34046010 and R34052 (approximately 105 acres) from "agricultural" to "residential". The request includes a zoning map amendment (rezone) from an "A" zone (Agricultural) to an "R-R" zone (Rural Residential). The applicant is also requesting a preliminary plat (including a drainage and irrigation plan) for Leighton Lake Estates #2 Subdivision. The parcels are located at 21270 Trigger Ranch Lane in Star. The zoning is primarily agricultural but there are adjacent residential zone that was approved in 2018 and it's called Leighton Lake Estates No. 1. This part of a comprehensive plan and rezone done in 2018 so there is an adjacent use similar to what is requested. There are nine subdivisions within the area. This property was previously a gravel pit and so was the subdivision to the north. There is an existing gravel pit operation adjacent to it that is starting to near their finish and in talking with the owners those areas will likely become residential as well. The subject property is 105.96 acres with an average lot size of 15.13 acres for a total of 6 residential lots and 1 road lot. The property is located within a flood plain, half is in an AE floodway and the other half is in an AE zone. The area within the floodway will not be disturbed at all. The majority consists of the existing lakes that were created as part of the reclamation of the gravel pit. All of the development will be within the AE zone. Staff does not see the six residential lots to be a huge impact on the flood plain. The code requires at the time of development that they meet the floodplain permit requirements. According to the applicant, this will provide housing for family and he intends for each house to be approved by FEMA with a letter of map revision or amendment at that time. Leighton Lake Estates No. 1 included building pads that already received a letter of map revision, however, since that time we have had problems with that because most of the owners don't want to build within that pad or they want to build larger than the pad allowed so they had to go through the revision process. AS part of this decision the applicant is not requesting to provide pads as part of the platting process. They want a note on the plat requiring them to meet all county requirements at the time of construction or get a letter of map amendment or revision at that time. Mr. Lister gave a review of agency comments. Staff is recommending approval of the request subject to the conditions of approval, most of which are standard for platting. Commissioner Smith does not want to include as conditions items that are already required by county code. Trace Leighton testified that he

wants the project to be called Leighton Ranch instead of Leighton Lake Estates #2. Originally, he worked with a planner in DSD who would not allow him to use his common name in the subdivision so it started out as Trigger Ranch Lake Estates and he changed it to Leighton Lake Estates. He wanted to name the second phase Leighton Ranch. He does not want to name it Leighton Lake Estates No. 2. Commissioner Smith said if it was a different owner they would not have to carry on the continuation of the subdivision name so it seems like the applicant could be allowed to have a separate subdivision, unless it was included in the original subdivision which would have already had land use approval and this would have been identified as the second phase. Dan Lister said they can choose a different name however, state law says they cannot have a name that is repetitive, using another name. He said Mr. Leighton did get information from a planner who no longer works for DSD and upon checking with addressing and GIS staff, as well as our county surveyor and engineer, they came to the consensus that Leighton is a duplicate name adjacent to another Leighton subdivision so they need to either match it and make it a continuation or choose a different name that doesn't continue using a repetitive name. Commissioner Smith asked for a legal interpretation on the name change issue. She also noted it is a continuation of the existing rural residential zoning in that area. The size of the lots and topography and contours are very helpful in this case because most of the lots are already above the base flood elevation. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. During deliberation the Board decided to remove staff's condition No. 11 as it repetitive of a zoning ordinance requirement related to the floodplain. Mr. Lister referred to state law pertaining to the name. *Section 50-1307 states plats of town, subdivisions, or additions must not bear the name of any other towns or additions in the same county, nor can the same word or words similar or pronounced the same be used in making a name for said town or additions except the words city, place, court, addition or similar word unless the same is contiguous and laid out and platted by the same party or parties platting the addition bearing the same name.* Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to reopen public testimony. Trace Leighton stated his attorney has reviewed the section Mr. Lister referred to and he said the section (later on) drops the word *subdivision* after that first reference and just makes it where you cannot name it after the city or township. There was additional review of the code section. Director Nilsson said it does say subdivision in addition to towns and additions. Trace Leighton said the word *Leighton* is part of the problem and had he known this in 2017 he would have used Leighton Ranch for the back portion and the front portion would have been the named the Lakes at Leighton Ranch. Commissioner Smith wants to continue the hearing in order to obtain a legal interpretation from the County's attorney. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony on the rezone and comprehensive plan map amendment portion of the hearing. Commissioner White made a motion approve the findings of fact, conclusions of law and order and the resolution for the Leighton, LLC, comprehensive plan map amendment for Case No. OR2020-0003. The motion was seconded by Commissioner Smith and carried unanimously. (Resolution No. 21-011.) Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the rezone and the findings of fact, conclusions of law and order for Leighton, LLC, for Case No. RZ2020-0008. (Ordinance No. 21-004.) Upon the motion of Commissioner Smith and the second by

Commissioner White, the Board voted unanimously to continue the preliminary plat portion of this hearing (Case No SD2020-0013) to January 29, 2021 at 11:00 a.m.

The hearing concluded at 10:44 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS CODE ENFORCEMENT

The Board met today at 3:02 p.m. to discuss code enforcement. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, IT Director Greg Rast (left at 3:29 p.m.), Fleet Director Mark Tolman (left at 3:29 p.m.), Code Enforcement Officer Nick Edwards, Code Enforcement Officer Eric Arthur, Cpt. Armstrong with CCSO (left at 3:29 p.m.) and Deputy Clerk Jenen Ross.

#### ***Discussion items included:***

***Status of equipment/computer issues:*** Per Eric Arthur concerns that were previously identified have been or are currently being worked thru with IT and Fleet. Director Rast gave a review of how some of the issues were addressed and how they were budgeted. Cpt. Armstrong addressed Code Enforcement having access to Spillman and CJIS clearance. Discussion ensued regarding Spillman training and available access for Code Enforcement and Spillman vs. the CAPS system. Cpt. Armstrong suggest soft body armor for protection would be a good idea. CCSO can assist with purchase although budgeting would need to come from DSD. OC spray can also be purchased and CCSO can assist with training.

***Code enforcement options:*** Mr. Arthur explained he was recently tasked with trying to figure out where code enforcement should land and coming up with different options. While researching he came up with 4 options. The options are as follows:

1. Code enforcement would no longer responsible for all county codes; responsibilities would then be split among respective departments.
2. Code enforcement would be created as its own department reporting directly to the Board.
3. Code enforcement remains under DSD without any changes.
4. Shift code enforcement under the Sheriff's Office or shift all the duties over to the Sheriff's Office entirely.

Commissioner Smith said she has met with Sheriff Donahue and was told option 4 will never happen. Her understanding of the reason is that the Sheriff's deputies are not versed in land use and not equipped to handle building violations, zoning ordinance violations, etc. Since violations are department specific they don't want it. Director Nilsson said that is why they identified option 1 because in Canyon County Code they do nuisance which is not under building or zoning. Under option 1 the Sheriff's Office would handle nuisance properties. Mr. Arthur said that as it is right now, when the building department identifies an issue code enforcement has to explore it, learn about, build their case, establish probable cause – there is a tremendous amount of

education on each case and each violation to build that case for the prosecutor. In response to a question from Commissioner Smith, Mr. Arthur spoke about scenarios that involve building violations and process and issues that surround that. Mr. Arthur said as of today, code enforcement has 309 cases, those are not all open but all the cases that have happened from January 1, 2019 to present. Of those 309, 39 of them have been closed – he believes there are probably more that can be closed but cases are coming in faster than they can be addressed. As of right now the Weed and Gopher department handles code enforcement issues involving noxious weeds and gophers, however, code enforcement handles tall weeds that could be a fire hazard.

Commissioner Smith wondered if it would be beneficial to have a dedicated code enforcement officer to handle specific issues or specialty areas. As part of the options that were put together, DSD would be requesting at least 2 additional full-time employees to handle the current volume. Discussion ensued about citations and how they are applied to temporary housing, possible revision of the ordinance to allow the temporary housing and/or follow-up from the Prosecuting Attorney's Office in order to prosecute violators. Mr. Arthur said that in a jurisdiction he previously worked for they had administrative citations and administrative civil penalties which were levied against the property and not the property owner. Commissioner Smith would like something similar to this and asked how to move forward with that change. Mr. Arthur said the legalities of the change would have to be reviewed, he believes possibly cities can do this but counties cannot and that it's something that needs further discussion with input from legal.

At the request of Commissioner Van Beek, Mr. Arthur spoke about some of the issues he's had when passing cases off to the Prosecutor's Office. He spoke of one specific case that was referred to the prosecutor, then received by him as a code enforcement complaint stated in part "...after thorough review this needs to be handled by code enforcement." It was emailed to the guy in code enforcement even though all of that was written on the report asking for prosecution. He doesn't feel the case was thoroughly reviewed. Mr. Arthur said that in 13 years in this profession he has never had a code enforcement case or a police report kicked back to him. Several weeks ago, when Mr. Arthur temporarily left the county for another job he forwarded 6 cases to the Prosecutor's Office, when he returned to the county all 6 of the cases had been denied. He feels that if code enforcement isn't meeting the need of the Prosecutor's Office they need to explain to code enforcement what they need to do more efficiently. Director Nilsson wonders if the MOU between the Board, Sheriff and Prosecutor needs to be amended – if people aren't performing as stated under the MOU there needs to be some accountability for that. She feels that if you're not a law enforcement agency, you're always going to be second fiddle; the [code violation] crime isn't a priority but it is to the citizens. Commissioner Smith said that in her conversation with Sheriff Donahue he suggested DSD needs to ask the Prosecutor's Office for a non-civil attorney, ask for a different attorney to be assigned to these cases so that code violations aren't competing against civil and criminal crime. Director Nilsson said they've done that but then the attorney either leaves or gets reassigned. Commissioner Smith wondered that if the Canyon County Prosecutor's Office can't handle the cases maybe there needs to be a contract with an outside attorney.

Discussion ensued about what is going to get the best results for the citizens; put everything back on the table and determine the best way for the 3 agencies to work together to get the cases resolved.

Commissioner Smith asked if there is a way to stop issuing building permits on property that is out of compliance. Director Nilsson said she would prefer to have input from legal on that to avoid any kind of liability to the county. Mr. Arthur spoke of a case where there was an active code enforcement case, then a building permit was issued, then it was revoked but it happened again on the same property. Director Nilsson said that in the CAPS system there is a way to put a flag on the parcel but she needs to make sure staff is utilizing it and that everyone in the department is able to see the same information. The Board instructed Director Nilsson to work with the controller for FY2022 to accommodate the additional positions into her budget. Commissioner Van Beek is in favor of a hybrid of options 1 and 2. Commissioner Smith would like to have an executive session for case updates.

The meeting concluded at 4:13 p.m. An audio recording is on file in the Commissioners' Office.

#### JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 28, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Christopher Jones, Case Manager –DSO Program

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Fast Lane Consulting in the amount of \$1,860.00 for Information Technology Department

#### MEETING TO CONSIDER MEDICAL INDIGENCY DECISIONS



The Board met today at 8:45 a.m. to consider medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-280, 2021-376, 2021-281 and 2021-309. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

Case no. 2021-326 meets the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial approval with written decision within 30 days on the case as read into the record.

Liens and assignments were presented for Board signatures.

The meeting concluded at 8:47 a.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 9:06 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:09 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Leslie Van Beek and Keri Smith, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:59 a.m. with no decision being called for in open session.

#### CANYON COUNTY ELECTED OFFICIALS'/MAYORS' MEETING RE: COVID-19 UPDATES

The Board met today at 1:35 p.m. for the Canyon County elected officials' and mayors' meeting regarding COVID-19 updates. The meeting was chaired by Sheriff Donahue and took place in the public meeting room of the Administration Building. Present were: Sheriff Kieran Donahue, EOM Christine Wendelsdorf, PIO Joe Decker, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Commissioners Keri Smith and Pam White, Judge George Southworth, Judge Matt Bever, Dr. Nikki Zogg from SWDH, and Deputy Clerk Monica Reeves. Assessor Brian Stender arrived at 2:12 p.m. Present via Skype: Lee Belt from the City of Greenleaf, Kirk Carpenter from the City of Nampa. Topics of discussion were as follows:

### **Vaccination schedule:**

Christine Wendelsdorf said they are scheduling the law enforcement clinic and for those who are unable to telework and this week they start the second phase of EMS providers, and law enforcement vaccinations are now being scheduled. The clinic will be held at the paramedic administration building 8:30 a.m. to 11:30 a.m. Monday through Saturday. Sheriff Donahue wants to make sure Canyon County essential personnel (such judiciary, court clerks, PA staff, ad techs in the jail, and facilities staff) who cannot telework are included in the clinic. Ms. Wendelsdorf is close to becoming a provider; she has the equipment ordered and is working with the state, however they don't know how to categorize the County because we are more like a mobile clinic. Elected officials are asked to provide Ms. Wendelsdorf with a list of employees who are interested in receiving a vaccine. The vaccine is being offered – it is not mandatory.

### **Review from SWDH about doses, supply, and process**

Dr. Zogg said the district is receiving approximately 3,000 vaccine doses a week; it's a slow process. The allotment for next week will be 600 more first doses; the second doses are still being managed at the federal level and at this rate it could take up to two years to get two doses administered. Providers are enrolled to administer vaccines across the district. Dr. Zogg said they have the capacity to administer 20,000 doses a week, but they only have 3,000 doses (with 3,600 coming next week).

Dr. Zogg reviewed the outline of the process to disperse the vaccine. The vaccine appears to be effective in protecting against the different strains. The virus can shift which is concerning making the vaccine somewhat ineffective. Moderna is making adjustments to future vaccine production to help make it more effective for the new strains. Case counts and positivity rates and hospitalizations have decreased. Testing rates have increased this week. Hospitals are no longer delaying elective procedures. Those 65 and older are eligible to receive the vaccine starting on February 1<sup>st</sup>. It will take several weeks to make a dent in providing vaccines to that age group so SWDH is working on a press release to ask providers and citizens to give those over the age of 80 first preference to get vaccinated.

### **Office updates:**

Commissioner Smith asked if we are going to come out of the red category with hospitalization rates going down. Dr. Zogg said we are going into the orange category. Commissioner Smith said the Board has allowed the fair director to take away the limit of 10 people in the big barn so they can have events and activities.

Clerk Yamamoto spoke of his quest to find a COVID expert and he believes he found one in Dr. Lee Meritt. The Clerk also spoke about legislative issues regarding property tax. The Assessor is supposed to be working on a property tax bill that the County plans to provide next week. The Clerk is opposed to Senator Rice's bill and IAC is working on a separate bill. He said we have a problem with the differential between residential values and commercial values – it's a 70/30 split right now and the proposal he and others are working on will even that out.

Sheriff Donahue encouraged the elected officials to contact the legislators on this issue.

Judge Southworth said he met with the House Judiciary and Rules Committee yesterday to make a pitch for a new district judge position in Canyon County, which was approved. Later he will appear before the senate and house committees to try to get two (2) new magistrate judges. With COVID numbers coming down he expects to see new direction from the Supreme Court about court trials.

Assessor Stender reported on the property tax bill and the DMV software program, which is still slow and causing massive wait times. Sheriff Donahue is frustrated with the wait times and said the state continues to say the issues have been resolved and things are back to normal which is not true.

Clerk Yamamoto spoke of issues the Clerks across the state have had with a new election program and how they staged a sit-in and got the state to change its mind. He spoke of the difficulties they have had with the state's Odyssey and Navigator programs.

Sheriff Donahue said County officials cannot get the state to understand the crucial issues associated with the software program and the fact that they have not performed beta testing and yet they roll out programs despite the opposition. He said it's been a complete failure and there needs to be a leadership change.

Kirk Carpenter thanked Ms. Wendelsdorf for her efforts to vaccinate law enforcement personnel and for the communication she is giving out. He is looking forward to the opening of offices and the continued decline of COVID cases.

Sheriff Donahue said Caldwell Mayor Nancolas has authorized the reopening of city offices on February 1<sup>st</sup>.

Lee Belt said the City of Greenleaf is doing a CERT (community emergency response teams) class once a month. The city is very concerned about the interim committee property tax bills that are being introduced. The mayor is very concerned about the economy of scale and what it will do to small communities. The mayor met with district representatives and they have generated specific comments for the public hearing on SB1021. They are aware that the Association of Idaho Cities is trying to rally its contacts as well because it does not fix the property tax issue and is potentially devastating to political subdivisions that rely on property tax for their existence. The concern is that new development would not have the annexation and new construction valuations applied to the cities' budgets and that is a compounding loss of ongoing revenue would make it so new development would not pay for itself yet the service requirements would increase. He is very encouraged to see County is looking at this and looking for a solution. The city's position is nobody knows property tax like the counties do and the counties need to be directly involved in figuring out a solution. Mr. Belt said the situation is more dire than most people are understanding and his opinion is if this goes through then cities may not be able to annex and grow and the unintended consequence of that is that you may see city utilities extended outside city limits for water and sewer but not the extension of city limits to cover that

new development and therefore you would see the burden for police protection remaining on the sheriffs with higher population outside of cities and that's not the way things are supposed to work. Sheriff Donahue asked Mr. Belt to send him what the City of Greenleaf has generated on this issue.

Commissioner Smith made a motion to adjourn the meeting. The motion was seconded by Commissioner Pam White.

The meeting concluded at 2:33 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO REVIEW UPDATES REGARDING TREASURE VALLEY RENEWABLES

The Board met today at 3:01 p.m. for a project update from Treasure Valley Renewables. Present were: Commissioners Pam White and Leslie Van Beek, Tina Wilson, Executive Director of Western Alliance for Economic Development, Neil Goodfellow, President of Boise Bio-Gas, Dave Jones, Vice President of Boise Bio-Gas, Mayor Angie Lee from the City of Parma, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, and Deputy Clerk Monica Reeves. Commissioner Keri Smith arrived at 3:23 p.m. Present via Webex: Jerry Miller from Idaho Dept of Commerce, David Lincoln, Brett Haworth, and David Swenson. Mr. Goodfellow, Mr. Jones and Ms. Wilson reported on the progress being made on the project which works with anaerobic digestors where some will work with manure from cows which allows surrounding dairies to increase their herds. Another component of the property is a waste to energy project that will diver food and agricultural waste from the landfill into this processing center. They have signed agreements with their investment partners one of whom is McQuery Capital on the food waste side of the project. It is a waste to energy project but they are producing renewable natural gas which is going to be cleaned up to the point of regular pipeline quality gas and it will go towards transportation fuel for compressed gas vehicles, mostly in western markets in other states. It's a green sustainable project and they do not anticipate any problems with permits. There will not be any storage of any kind of waste material; it will come in and be processed. Leftover materials can be sold as soil and fertilizer. The natural gas will get put in the pipeline that is directly across from the property. The other part of the project is the dairy waste. Both projects will utilize common assets, the same interconnection, and the same cleanup operation. It is two components of the same project but both are proceeding simultaneously. Mr. Jones and Mr. Goodfellow responded to questions from the Board about their project. There has been one change which they believe will be an improvement to the project; they won't need the retention ponds because they are going to return cleaner water to the dairies for use on their fields. In the past they had designed in their site drawing 10 acres of a rapid infiltration system, but they don't need to do that because they can return water to dairies. The digesters will be located inside a building. Mayor Lee asked about the food container component and Mr. Goodfellow said it's on the back shelf but it's something he, along with a number of farmers, is interested in but they have been driven to focus on the gas aspect which can provide natural gas which can be used for electricity to run their plate-making process. The sorghum is an incredible project but the gas companies' interest is in R&G and they want to focus on that, but when they get that done the

sorghum will be next on their list. Ms. Wilson said they have a potential funding package for the sorghum side but they need to find that equity investor but because of trying to get the bigger interest on the natural gas side that's why we chose it first. Mayor Lee said a lot of people supported the project because it would bring a lot of jobs, but the neighbors directly around it still have a real problem with it. Personally, she supports it because it will bring much needed jobs, but she understands the neighbors' concerns about roads, noise, lighting, and odor and they want to make sure the conditions the Board imposed are met. She encouraged Mr. Goodfellow and Mr. Jones to give a project update to the Parma City Council. In response to Commissioner Van Beek's question about a property tax exemption, Ms. Wilson said there is not currently a tax exemption application on file with the County but the project does qualify under the existing ordinance. Assessor Stender said as of today the 602NN exemption exists, however, there are a lot of discussions occurring at the legislature on this topic. Joe Cox said the County has two ordinances; one fits the investment qualifications for the Caldwell/Nampa area, and other has a smaller threshold in the Parma/Wilder area and it's mainly to encourage job creation. He believes this project will qualify under the Nampa/Caldwell threshold. Ms. Wilson said if they stay on track and break ground in third quarter they will be back in front of the Board and in talks with DSD when they start to move dirt. No Board action was required or taken.

The meeting concluded at 3:29 p.m. An audio recording is on file in the Commissioners' Office.

#### JANUARY 2021 TERM

CALDWELL, IDAHO    JANUARY 29, 2021

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

#### CONTINUED PUBLIC HEARING – PRELIMINARY PLAT FOR WYATT'S HOLLOW SUBDIVISION, CASE NO. SD2019-0039

The Board met today at 9:31 a.m. to conduct a public hearing in the matter of a request by Diamond W. Development, LLC, for a preliminary plat, drainage and grading plan for Wyatt's Hollow Subdivision; Case no. SD2019-0039. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Present via Webex: Matt Weston, Kevin McCarthy, and Stephanie Hopkins. Today's hearing was continued from January 25, 2021 so that staff could bring back revised findings of fact, conclusions of law and order (FCO's) based on the Board's

discussion/deliberation at the previous hearing regarding additional information from the highway district and the fire sprinkler condition. Jennifer Almeida gave an updated staff report and noted that the Canyon Highway District sent communication explaining the Kingsbury extension and they noted the extension is dependent on the future development of Parcel 37624 which is to the east of the subject property. They do have a right-of-way dedication for the extension of Kingsbury but until the parcel to the east develops its unknown how and where that will occur so they are asking for the right-of-way. In the event it's not used it will vacate back to the property owner. Stephanie Hopkins testified that they are complying with the highway district requirements and are "in wait" until they find out how Kingsbury will be aligned with the slope easements. The fire district is going to support the project and recommend approval if the developer includes fire sprinklers in each of the residences knowing that eventually Kingsbury is going to be extended to provide that secondary access sometime in the future. According to Ms. Hopkins that was one of the initial conditions of approval for the project in 2013 and so they are including it as a plat note. Commissioner Van Beek would rather have voluntary compliance instead of mandatory compliance. Director Nilsson suggested removing it from the plat and said it can be enforced through the CC&Rs, or if they want to have their own agreement they can do that. Additionally, there could be a requirement for the applicant to bring their draft CC&Rs at the time of the final plat that would incorporate a fire-wise plan that's had been accepted by the fire district. Upon the motion Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek doesn't want to require fire sprinklers on the plat or as a condition of approval so she wants to remove Condition No. 8 and plat Note No. 8. She then made a motion to approve the FCOs and the preliminary plat and the drainage and grading plan for Wyatt's Hollow Subdivision, Case No. SD2019-0039 with the noted exception of condition no. 8 regarding the fire district requirement for minimum fire flow, and plat note no. 8 on the engineered drawings. The motion was seconded by Commissioner White and carried unanimously.

The hearing concluded at 9:55 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY WALKER INVESTMENTS TRUST FOR A REZONE, CASE NO. RZ2020-0010

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Walker Investments Trust for a rezone, Case No. RZ2020-0010. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Tamara Thompson participated via Webex. Jennifer Almeida gave the oral staff report. The subject property is approximately 15.15 acres; it is not located within an impact area or a flood zone. The applicant is requesting to rezone the property from "A" (Agriculture) to "R-R" (Rural Residential.) The future land use map designates the property as residential. The surrounding area contains a mix of agricultural and residential uses. Ms. Almeida reviewed the agency comments. The project will have to be platted. The P&Z Commission heard this request as an "R-1" (Single Family Residential) rezone and denied the

request finding that a rezone to “R-R” (Rural Residential) may be more compatible with the surrounding area. The applicant amended their request to “R-R” (Rural Residential). Staff has found the request to rezone to “R-R” is consistent with the comprehensive plan and future land use map and it meets the criteria set forth in the zoning ordinance. Staff is recommending approval of the rezone request. Ms. Almeida said the P&Z Commission noted that a rural residential zone would be more commensurate with the area, however, we should get a second opinion from legal counsel so we can determine whether it would trigger a second hearing if the Board chose to approve the R-R rezone request. Tamara Thompson, with The Land Group, gave testimony on behalf of the applicant. The property is not currently being farmed, it is one parcel consisting of 15.15 acres. They previously proposed an “R-1” zone due to the lot sizes of 1.29 acres to the west, but they have revised their request to an “R-R” zone. They originally had 12 parcels on the 15.15 acres; the current concept plan has a minimum lot size of 2 acres and the P&Z Commission recommended that “R-R” zoning is more appropriate which is why they revised the application. Deputy PA Zach Wesley joined Webex at 10:25 a.m. to respond to questions from Board regarding the P&Z Commission recommending denial of the “R-1” zoning district but they have findings that support an “R-R” zoning district. Commissioner Smith asked if the Board approves the rural residential zone change today will a second hearing be required as it will be a substantive change from the P&Z Commission findings. Director Nilsson read the hearing notice into the record noting that the P&Z Commission’s recommendation to “R-R” was listed in the notice for today’s hearing. Mr. Wesley said since the notice contained an instruction that the Board was going to consider approving the request as an “R-R” a second hearing will not be required if the Board approves it as an “R-R” zone today. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the findings of fact, conclusions of law, and order as well as the ordinance for Case No. RZ2020-0010 approving the rezone from an “A” (Agricultural) zone of 15.15 acres to a “R-R” (Rural Residential) designation with a minimum of two acres.

The hearing concluded at 10:44 a.m. An audio recording is on file in the Commissioners’ Office.

CONTINUED PUBLIC HEARING TO CONSIDER A REQUEST BY TRACE LEIGHTON FOR APPROVAL OF A PRELIMINARY PLAT FOR LEIGHTON LAKE ESTATES #2 SUBDIVISION, CASE NO. SD2020-0013

The Board met today at 11:00 a.m. for the continued public hearing to consider a request by Trace Leighton for approval of a preliminary plat for Leighton Lake Estates #2 Subdivision, Case no. SD2020-0013. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Trace Leighton, Leslie Prendiville with Rodney Evans + Partners PLLC and Deputy Clerk Jenen Ross. Dan Lister provided two sets of FCOs – one is based on what was heard at the last hearing that notes the subdivision name as Leighton Lake Estates #2 and removes condition no. 11 which is the floodplain ordinance requirement. The county already has an ordinance for that so it doesn’t need to be included. The second set of FCOs is based on legal review of the state law subdivision naming code to see if Leighton Ranch could work. Those

provided findings also include an additional condition to say the final plat has to have that name. Zach Wesley provided exhibit 12 noting that 'Leighton' is the constant word and 'Lakes Estates' or 'Ranch' are considered additional words that can be used repeatedly. The code indicates that as long as the party using the word 'Leighton' allows it and the blocking of that subdivision shows it as a continuation then they can use 'Leighton Ranch' instead of 'Leighton Lakes no. 2'.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to close public testimony.

Commissioner White made a motion to approve the request for a preliminary plat for Leighton Ranch. The motion was seconded by Commissioner Smith and carried unanimously.

The hearing concluded at 11:10 a.m. An audio recording is on file in the Commissioners' Office.



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

DATED this 7<sup>th</sup> day of April, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS  
Commissioner Leslie Van Beek  
Commissioner Keri K. Smith

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk

FEBRUARY 2021 TERM  
CALDWELL, IDAHO    FEBRUARY 1, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 571034 to 571078 in the amount of \$12,606.33
- The Board has approved claims 571079 to 571100 in the amount of \$154,675.50
- The Board has approved claims 570987 to 571033 in the amount of \$78,691.44
- The Board has approved claims 571101 to 571151 in the amount of \$363,357.66

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- CDW-G in the amount of \$58,521.70 for the Fleet Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Carlie Reynolds, Part Time Juvenile Detention.

#### FILE TREASURER'S REPORTS IN MINUTES

The Board filed the Treasurer's monthly report for November 2020.

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:31 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director Paul Navarro and Assistant Director Rick Britton joined at 8:40 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

#### ***Consider signing resolution appointing representatives to the Board of Valley Regional Transit:***

Commissioner Van Beek suggested having an alternate person attend the meeting and report back to the Board. However, Commissioner Smith's understanding is that VRT does not want to do this because it puts them in a position of always onboarding and they would prefer to have one consistent person. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution appointing Commissioners Van Beek

and White as primary representatives and Tricia Nilsson and Kate Dahl as alternates (see resolution no. 21-012).

***Consider signing resolution to revised alcoholic beverage license for River Bend Golf Course:*** River Bend Golf Course would now like to sell liquor in addition to beer and wine. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving a revised alcoholic beverage license for River Bend Golf Course (see resolution no. 21-013).

Commissioner Van Beek asked about the Republican Central Committee meeting in the Administration Building meeting room. Director Navarro said that his understanding is that the room is available to county offices and departments and both the Canyon County Republican and Democrats. Political groups are exempt from the Governor's order on gathering limits but the groups are asked to govern themselves as there is no enforcement of any guidelines.

The meeting concluded at 8:42 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS LEASE OF WAREHOUSE SPACE FOR EMERGENCY MANAGEMENT

The Board met today at 8:45 a.m. to discuss warehouse space for Emergency Management. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Facilities Director Paul Navarro (left at 9:07 a.m.), Assistant Facilities Director Rick Britton (left at 9:07 a.m.), EOM Christine Wendelsdorf, PIO Joe Decker, Controller Zach Wagoner (left at 9:07 a.m.) and Deputy Clerk Jenen Ross. Director Navarro and Ms. Wendelsdorf spoke about the need for warehouse space for PPE, general storage and the potential of bulk purchasing if space allows. The county is paying approximately \$45K for the warehouse space that is currently used and the additional warehouse space identified in Caldwell to be used for PPE storage would be \$45K. It has been suggested that instead of leasing two storage facilities a better idea may be to build something on land near the DMV that is already owned by the county. There would be more cost upfront but it would eliminate the yearly lease costs. At this time the 100 pallets of PPE the county has purchased are being stored at the O'Connor Fieldhouse but will need to be moved by March 1<sup>st</sup>. Ms. Wendelsdorf said there is some jail annex space where the PPE could be stored temporarily. Ideally, Director Navarro would like to have the opportunity to have some drawings done so that the cost of building could be budgeted for in FY2022. In response to a question from Commissioner Smith regarding a combined building that could accommodate both office and warehouse space Director Navarro spoke about some of the major differences in a warehouse vs. office building. The Board would like additional budget information and suggested speaking with the City of Caldwell. Director Navarro will also reach out to Rick Bugatsch for some preliminary work.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, PIO Joe Decker, EOM Christine Wendelsdorf and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:16 a.m. with no decision being called for in open session.

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

CONSIDER A REQUEST BY DEL ROSARIO ESTATE #2 SUBDIVISION FOR AN APPROVAL OF A FINAL PLAT; CASE NO. SD2020-0032

The Board met today at 9:17 a.m. to consider a request by Del Rosario Estate #2 Subdivision for approval of a final plat; case no. SD2020-0032. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Director of DSD Tricia Nilsson, Representative Erik McLaughlin and Deputy Clerk Jenen Ross. Mr. Lister gave the staff report stating that the FCOs were approved by the Board on December 16, 2020 with eight conditions which he reviewed for the record. All conditions have been met and staff is recommending the final plat be signed. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the final plat for Del Rosario Estate #2 Subdivision, case no. SD2020-0032. The meeting concluded at 9:23 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – SHORT PLAT FOR HAWKS NEST SUBDIVISION, CASE NO. SD2020-0024

The Board met today at 9:32 a.m. to consider a request by Catherine Reindel for a short plat for Hawks Nest Subdivision, Case No. SD2020-0024. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, TJ Wellard, and Deputy Clerk Monica Reeves. DSD Planner Dan Lister participated via Webex. Dan Lister gave the oral staff report. In 2001 the property was divided without approval by the County, and in 2019 the properties were rezoned to R-1 which allows the two lots to have buildable permits on the property. The property consists of 2.7 acres and will result in two building lots. Mr. Lister gave a review of the agency comments. Staff is recommending approval subject to the conditions. The applicant's representative is requesting Conditions No. 1A and No. 8 be removed. Condition No. 1A requires the shared driveway be constructed to meet minimum standards. Mr. Wellard believes this should

be taken at the building permit stage, not the plat stage. Condition No. 8 was something the P&Z Commission recommended because they felt the size of the easement would not allow for a fire truck to safely make the radius turn to get to the properties because of the 90-degree angle the easement has, however, TJ Wellard shows it has adequate turning radius for emergency vehicles. When built out a lot of the issues will be taken care of at the building stage. We sent this information to the fire district and they had no further comment. Mr. Lister responded to questions from the Board following his report. TJ Wellard testified on behalf of the developer and stated they are requesting Conditions 1A and 8 be removed. The developer is getting the lots ready for sale and the people who buy those lots will build their own driveway which will have to meet standards but that can be taken care of at their expense. He said Condition No. 8 was put in place because one of the P&Z Commissioners stated a driveway couldn't meet the radius, but exhibit 9 proves that statement is incorrect. The final plat is still being reviewed by the health district. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to strike Condition No. 1A and Condition No. 8 from the conditions of approval as per the supporting documentation and testimony of the applicant and to support the findings of fact, conclusions of law and order as amended for Hawks Nest Subdivision, Case No. SD2020-0024. Mr. Lister will work with the applicant to schedule the final plat for the Board's review. The hearing concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

#### RESCHEDULE PUBLIC HEARING – SHORT PLAT FOR BARNES HOMESTEAD SUBDIVISION, CASE NO. SD2020-0025

The Board met today at 1:31 p.m. to go on the record to reschedule the public hearing in the matter of a request by Corey Barnes for approval of a short plat for Barnes Homestead Subdivision, Case No. SD2020-0025. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. Mr. Lister said the applicant is requesting the matter be tabled to March 2, 2021. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to March 2, 2020 at 10:00 a.m. The meeting concluded at 1:33 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:07 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Tricia Nilsson and Deputy Clerk Jenen Ross. Director Nilsson indicated that Deputy P.A. Zach Wesley would be scheduling an executive session with the Board to discuss some items related to the Planning and Zoning Commission along with some staff

updates. Ms. Nilsson said she needs to require that the commission members participate via computer at the hearings. In response to Commissioner Smith about why that needed to be required, Director Nilsson said that lack of participation is leaving the hearings somewhat vulnerable to legal challenge and requested that further discussion happen in executive session.

#### EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 3:09 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Tricia Nilsson and Deputy Clerk Jenen Ross. The Executive Session concluded at 4:06 p.m. with no decision being called for in open session.

At the conclusion of the executive session the following items were discussed:

- Options for working with the highway and fire districts to get acknowledgment letters in a timely manner due to the impact they are having to administrative land divisions. Possibly an ordinance amendment, an agreement with the highway districts outlining what the county is looking to accomplish or a fillable form with specific questions to be answered. Director Nilsson will work to have a draft form within the next couple of weeks.
- The next few meetings with Director Nilsson will focus on impact fees and the comprehensive plan.
- VRT/COMPASS meetings - the Board will let Director Nilsson and/or Kate Dahl know when they need them to attend as the alternates.
- Director Nilsson is still working on the hearing examiner.
- Webex/P&Z meetings: Director Nilsson will work thru some of those logistics as far as room set-up and bring a plan back to the Board. Commissioner Smith would like to see those resume back to in person for large attendance, which needs to be defined, those meeting will be tabled on the night that there is a large attendance and will be continued via Webex. Director Nilsson will obtain pricing for private security.
- Director Nilsson will do some additional research on the Planning and Zoning Commission bylaws
- A customer service survey was done recently with the help of HR but there wasn't a large response rate. Overall the results were good but it wasn't a large sampling.

The meeting concluded at 4:36 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2021 TERM

CALDWELL, IDAHO     FEBRUARY 2, 2021

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

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

The Board met today at 8:31 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro, Assistant Facilities Director Rick Britton, Security Supervisor Les Johnson, Lead Marshal Jim West and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Fencing at the fairgrounds continues to be installed. They are about halfway done and gates continue to be built and installed. Anticipated completion is 3-4 weeks.
- The Fair Expo Building bidder's conference will take place today.
- Employee access badges have been moved from HR to the security division of the Facilities department. Mr. Johnson has been tasked with completing a key audit.
- Discussion ensued regarding the 'Run, hide, fight program'. Paul Greenhill, who is a Canyon County Deputy Marshal has offered to provide the training to Board employees. Mr. West gave a background on Mr. Greenhill and spoke about how the majority of the public entering the courthouse may not always be in the best frame of mind and how his main focus is keeping the employees safe. Input was requested from the Board as to if they would like Board employees to participate in the training. Each training is approximately 2 hours and Mr. Greenhill would be assisted by two additional marshals. Commissioners Van Beek and Smith are supportive of the training as long as it fit into schedules and is appropriate for the job they do. Commissioner White would like there to be additional discussion on the topic.
- Discussion ensued recording some of the "low hanging fruit" noted in the Triad report that have been addressed and some of the more expensive items that will require being included in future budgets.

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

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto (left at 9:14 a.m.), Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, EOM Christine Wendelsdorf, PIO Joe Decker, Elections Supervisor Haley Hicks (left at 9:14 a.m.), Elections Specialist Brandi Long (left at 9:14 a.m.) and Deputy Clerk Jenen Ross. Deputy P.A. Brad Goodsell participated via Webex. The action items were considered as follows:

***Consider signing a Resolution Designating Polling Locations for the March 9, 2021 Election:*** They will be using seven co-located polling places for this election as they are larger spaces and will allow for social distancing. Ms. Hicks reviewed the locations they will be using and the number of voters for each precinct. All of the locations have been previously used, there are no new locations being used. Ms. Hicks spoke about the logistics of using the larger voting locations with the new voting equipment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating polling locations for the March 9, 2021 election (see resolution no. 20-014).

Clerk Yamamoto spoke about a meeting they recently had with Hart regarding upgrades that are available for the voting machines. The cost is \$39K but the Clerk has chosen not to move forward at this time. The downside to not doing the upgrade is that it may be problematic if there is need for a recount. At the request of Commissioner Van Beek, Clerk Yamamoto spoke about some of the security issues related to voting machines that have made national news in recent months.

***Consider extending the COVID-19 Emergency Declaration:*** Mr. Laugheed explained this is the standard 30-day extension that has continued to happen throughout this emergency based on the state of emergency declared by the Governor. The purpose of these declarations are to ease procurement procedures and allows access to state and federal monies. There have been discussions as to whether the declarations should be in increments longer than 30 days but Mr. Laugheed continues to recommend that they remain at 30 days. The current declaration expires at midnight on February 4<sup>th</sup> so this one will start at midnight on February 4<sup>th</sup> thru 11:59 p.m. on March 4<sup>th</sup>. Mr. Laugheed suggested that if there are other outreach efforts that can be done or language added to the declaration he's open making revisions. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to extend the COVID-19 Emergency Declaration. A copy of the declaration is on file with this day's minutes.

Mr. Goodsell provided a letter for Board signatures which will be sent to seven taxing districts to let them know of a public hearing on February 12<sup>th</sup> to take comment regarding a possible property tax exemption for Creations Unlimited Machining, Inc. A copy of the letter is on file with this day's minutes.



Thursday afternoon there will be a hearing on a proposed fee increase for GIS data from the Assessor's Office. The Board has received a memo discussing this increase along with a draft resolution and proposed fees, if the Board has any questions they can reach out to Mr. Goodsell.

Commissioner Van Beek has questions about a tort claim that was received yesterday and an issue with Southwest District Health. Mr. Laugheed suggested these items would best be discussed in executive session. Commissioner Van Beek made a motion to enter into executive session at 9:32 a.m. Commissioner Smith brought to everyone's attention that there is a land use hearing agenda item for 9:30 that needs to be continued. The legal staff update was momentarily paused to address the land use hearing continuation. The Board went off the record briefly at 9:32 a.m. and back on at 9:36 a.m. for the executive session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

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

Commissioner Van Beek made a motion to go into Executive Session at 9:36 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:24 a.m. with no decision being called for in open session.

CONTINUE PUBLIC HEARING REGARDING THE PRELIMINARY PLAT FOR SOLITUDE CREEK SUBDIVISION, CASE NO. SD2020-0016

The Board met today at 9:34 a.m. to go on the record and continue the public hearing in the matter of the request by Lee Family Trust for approval of a preliminary plat as well as the irrigation and drainage plan for Solitude Creek Subdivision, Case No. SD2020-0016. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, DSD Planner Jennifer Almeida participated via Webex and Deputy Clerk Jenen Ross. The applicant has requested this hearing be continued. Upon the motion of Commissioner White and second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to February 16, 2021 at 1:30 p.m. The meeting concluded at 9:35 a.m.

PUBLIC HEARING – REQUEST BY MARK RUSSELL CONDITIONAL REZONE REQUEST, CASE NO. CR2020-0009

The Board met today at 10:31 a.m. to conduct a public hearing in the matter of a request by Mark Russell for a conditional rezone of 40.17 acres from “A” (Agricultural) to “CR-R1” (Conditional Rezone -Single Family Residential), Case No. CR2020-0009. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, John Stosich, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Jennifer Almeida, Dustin Kukla, Travis Hulet, Latisha Hulet, Rodney Masonheimer, Ramie Post, Vicky Russell, and TJ Wellard. Jennifer Almeida gave the oral staff report. The surrounding area is agricultural in nature and bordered by large agricultural parcels. There are no residential zones within one mile of the site. The property is located within a nitrate priority area. There was a review of agency comments. The P&Z Commission recommended denial on November 19, 2020. Staff has found the request is not consistent with certain rezone criteria and is therefore recommending denial. Jon Stosich, who represents the Russells in the case, testified the original request received a denial from staff so they are proposing changes. He said when the Russells purchased the property it was in disrepair and rundown with tall weeds and so they cleaned it up, installed a pivot, and removed every structure on the property. They believe their main mistake was seeking an R-1 zoning designation rather than an R-R zoning. Mr. Stosich presented the following proposals for the Board’s consideration:

Proposal No. 1 – The lot consolidation plan puts all building lots in the southwest corner of the 40 acres. This the applicant’s least favorite option because it takes away the farm ground and interrupts the efficiency of center pivot.

Proposal No. 2 is their original layout – Instead of having three 1.7-acre parcels they would be 2-acre parcels and the remainder will be left with a complete pivot with a buildable lot.

Proposal No. 3 - In order to reflect the 10-acre parcels they are willing to create four 10-acre parcels with a pivot agreement between the four landowners to where they can manage and farm the ground, keeping the space open.

The goal is to preserve the agricultural feel which is why they will have a development agreement. They will have more restrictions so that instead of allowing two homes per site they will do a single-dwelling limitation on those parcels. The Russells purchased the property so their children could build homes on the property. Commissioner Smith said there are administrative lot splits available and if they have two children who want to live there that would suffice with administrative capabilities.

**Testimony in opposition was offered as follows:**

Travis Hulet, Dustin Kukla, Latisha Hulet, Rodney Masonheimer, and Ramie Post testified in opposition to the request. The concerns are as follows: The Russell should utilize the existing two building permits allotted to the property rather than seek a rezone; development does not belong in an agricultural area; this area produces a tremendous amount of seed crops and the ground are need to remain farmable; water and sewer services are not available; negative impacts to wells and waste water ditches; traffic concerns; and runoff from the pivot; development could make it problematic for aerial spraying.

Rebuttal testimony was offered by Jon Stosich. The Russells are farmers and they have an interest in preserving farm ground by having a center pivot. They also have not taken any ground out of production. One week ago, the Board approved an application for the Satterwhite case and that project was a split of three additional parcels of less than 10 acres. This project has better irrigation and a better plan. He said the Russells are not looking to develop the area, they are seeking four buildable lots that can be sold individually. Following his testimony, the Board had questions of Mr. Stosich. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said the precedent in this case is we have a farmer who sold for development and purchased another piece of ground so there is some suggestion that perhaps this could lead to further development. Staff has cited the request is not more compatible, will have a negative impact, there is no infrastructure or services presently available, it does not represent orderly development, and it is incompatible with agricultural services. The proximity of houses being located in a corner would be problematic. Staff has done a good job including their goals and policies they have used with the comprehensive plan and would support the P&Z Commission decision to uphold a denial given that we have farmers who are actively grazing, calving, and harvesting. Commissioner White said she has a compatibility and consistency issue with this as spot zoning. Commissioner Smith agrees with the Commissioners comments as well as staff's finding that the request will change the character of the area. There is a process for administrative land divisions so she encouraged the applicants to exercise that option for the two available building lots. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to uphold the denial of the conditional rezone for Case No. CR2020-0009 for Mark Russell and to accept the findings of fact, conclusions of law and order as written. Commissioner White suggested they put together one substantial use for this property. The hearing concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY SHOEMAKER ENTERPRISES, LLC, FOR A CONDITIONAL REZONE, CASE NO. CR2020-0007

The Board met today at 1:34 p.m. to conduct a public hearing in the matter of a request by Stuart and Julia Shoemaker for a conditional rezone for Parcels R29926 and R29950 from "A" (Agricultural) to "CR-R" (Rural Residential), Case No. CR2020-0007. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planner Dan Lister, Kent Storer, Robert "Stuart" Shoemaker, Craig Shoemaker, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Julianne Shaw, Julia Shoemaker, and Melvin Baker. Commissioner Smith disclosed that she has team roped with Kent Storer but that will not prevent her from making an unbiased decision in this case. Julianne Shaw gave the oral staff report. The Shoemakers submitted a request for a conditional rezone of two parcels with a development agreement which restricts development on the unproductive dry areas of the property and to preserve 14.81 acres of productive farmland. The two parcels are located east and north of the intersection of South Powerline Road and Lola Lane. The future land use shows

this area is expected to stay agricultural. If approved, the property boundary adjustment, through a Director's administrative decision, would be required to enlarge the smaller less than one-acre parcel to five acres and reduce the larger parcel by that same amount. There is a question as to whether that smaller parcel is truly an independent parcel or not. Staff is continually conducting research to determine if that smaller parcel is part of a larger one or if it's truly independent. If approved, and the development agreement is signed no further divisions of land would be allowed unless subsequent land use approval is granted for the larger parcel. Ms. Shaw reviewed staff's conditions of approval noting that staff proceeded with the thought that the parcel was an independent parcel and therefore it could go through the property boundary adjustment subject to restrictions. The P&Z Commission recommended approval of the request on December 3, 2020. Commissioner Van Beek questions the rezoning of an entire parcel when only a portion will be developed for a home site. Commissioner Smith said you don't issue a building permit, it would just remain in agriculture and you would have the allowed uses of an agricultural zone on that portion. Ms. Shaw said it's more a higher policy decision to not rezone the complete 19 acres. Zach Wesley said we have used both practices in the past; there are some lots where we've used residential rezoning in one area and kept the remainder in agricultural use. There are some internal DSD protocols that have to be implemented in order to track this going forward because the development agreement would bind both parcels, but the mapping will only show one parcel as a conditional rezone and the other will be labeled agriculture, but it's permissible and within the Board's discretion to leave that larger parcel in agriculture. Robert "Stuart" Shoemaker testified he has owned the property for 15 years and he owns an additional 20 acres of adjacent farmland that will remain in agriculture. They initially intended to build their home on site but their plans changed and they found another location. This property became available to sell to their friend, Kent Storer. There is a section on that property that cannot be farmed, it's a dry waste area and their thought was to utilize it for a home and leave the rest in agriculture. Kent Storer wants to put a home and an arena on the land and the larger portion will remain in agriculture. Mr. Shoemaker spoke of how he has not been able to get clarity on the "little piece of property" so he made the attempt to move through the process. He is not asking for anything special, he simply wants to use the corner. Discussion ensued with staff and the Board regarding the parcel history and legal description issues. Commissioner Smith suggested the hearing be continued in order to do more research and look at past policy. Mr. Shoemaker said he wants to be in accordance with policy so he will defer to the Board's expertise. Zach Wesley said we could deal with this today and if the Board directs DSD that its interpretation of the policy and the right-of-way is that it would be a parcel that the building permit could be transferred to the other property then staff could be directed to do that and the applicant could vacate the zoning application and transfer those fees over to the relocation fee. Commissioners Smith and Van Beek would like to do that. Commissioner Van Beek made a motion to direct staff to vacate the rezone hearing on this and transfer the building permit from the property adjacent to the smaller parcel and apply the fees toward a relocation of the boundary for that parcel as presented by legal staff. Commissioner Smith said to clarify, that Parcel 29926, per policy and direction, would be deemed an original parcel because of the right-of-way, Power Line Road that divided the original parcel and would be eligible for a building permit and to allow for a transfer of building permit that met the zoning ordinance to Parcel 29950. The motion was seconded by Commissioner White and

carried unanimously. The hearing concluded at 2:12 p.m. An audio recording is on file in the Commissioners' Office.

## FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 3, 2021

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 571270 to 571295 in the amount of \$42,456.37
- The Board has approved claims 571152 to 571156 in the amount of \$3992.50
- The Board has approved claims 571157 to 571169 in the amount of \$7,987.00
- The Board has approved claims 571246 to 571269 in the amount of \$16,328.81

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial Supply, Inc. in the amount of \$15,783.40 for Canyon County Sheriff
- ACCO Engineered Systems in the amount of \$5,945.00 for Solid Waste Department
- W2W Commercial Flooring in the amount of \$5,349.63 for Facilities Department

### MEETING TO DISCUSS THE DOCUSIGN PROGRAM

The Board met today at 9:05 a.m. to discuss the DocuSign program. Present were: Commissioners Keri Smith and Leslie Van Beek, Controller Zach Wagoner, IT Director Greg Rast, Director of Juvenile Detention Sean Brown, Chief Juvenile Probation Officer Elda Catalano and Deputy Clerk Jenen Ross. Ms. Catalano spoke about the need to collect parental signatures but with COVID it has been difficult to exchange information and collect necessary signatures. She feels the DocuSign program would increase efficiencies. Additionally, Juvenile Detention would be able to make use of the program in order to collect parental sign-offs for medical records. Early on there was discussion with IT about creating something that would work similarly but in the end it was decided that DocuSign was the better choice due to the capabilities already in place. Director Rast also noted that the research and development that would need to be done by the IT department

to design a program far outweighs the cost of purchasing and maintaining the DocuSign program. The annual cost of the program is \$6710 which Ms. Catalano would like to fund with lottery tax dollars. For FY2021 the program was not budgeted for but she has monies allocated to training which could be used this year. Controller Wagoner concurred that purchasing with lottery funds would be a good use of resources vs. using taxpayer dollars from the general fund. Lottery funds are restricted funds which can only be used for juvenile justice so the use of DocuSign at this point will be dedicated to just Juvenile Probation and Juvenile Detention. Director Rast said the IT department can assist with coordinating the licensing and tracking. The Board is supportive of purchasing this program. The meeting conclude at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUE PUBLIC HEARING – JOHN CARPENTER’S APPEAL OF THE DSD DIRECTOR’S DECISION REGARDING THE APRIL 17, 2020 CONDITIONED APPROVAL OF A HOME BUSINESS, CASE NO. AD2020-0029APL

The Board met today at 1:31 p.m. to go on the record to continue the public hearing in the matter of John Carpenter’s appeal of the DSD Director’s decision regarding the April 17, 2020 conditioned approval of a home business, Case No. AD2020-0029APL. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Julianne Shaw, and Deputy Clerk Monica Reeves. According to Ms. Shaw, the parties have requested a continuance so their legal counsel has time to review the agreement that’s been reached. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the hearing for Case No. AD2020-0029APL to February 26, 2021 at 10:00 a.m. The meeting concluded at 1:33 p.m. An audio recording is on file in the Commissioners’ Office.

**FEBRUARY 2021 TERM**

**CALDWELL, IDAHO     FEBRUARY 4, 2021**

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

**APPROVED PURCHASE ORDERS**

The Board approved the following purchase orders:

- Dell, Inc. in the amount of \$1350.06 for Canyon County Sheriff
- Triton Training Group LLC in the amount of \$1200.00 for Canyon County Sheriff

- A-Gem Supply Inc. in the amount of \$25,511.90 for Canyon County Sheriff

#### APPROVED OCTOBER 2020 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of October 2020 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

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

The Board met today at 8:46 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-358, 2021-384, 2021-296, 2021-404 and 2021-297. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials within 30 days on the cases as read into the record.

Liens were presented for signatures

Case nos. 2021-102, 2021-87, 2021-39 and 2021-103 have all been withdrawn and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue final denials with written decision within 30 days.

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

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

The Board met today at 9:00 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross. Director Baker said that neither the hospital nor the applicant appeared for case no. 2021-119. This is a Payette County case and does not meet the criteria for Canyon County assistance. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue a final denial on the case. The meeting concluded at 9:01 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*Note for the record: As properly noticed the Board met today at 10:01 a.m. for a legal staff update.*

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

Commissioner Van Beek made a motion to go into Executive Session at 10:02 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters concerning named personnel, records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion 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, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Carl Ericson with ICRMP, Blake Hall with Hall Angell & Associates LLP via teleconference and Deputy Clerk Jenen Ross. Commissioner Van Beek left the meeting from 10:41 a.m. to 11:25 a.m. The Executive Session concluded at 11:30 a.m. with no decision being called for in open session.

The Board went off the record for a brief break at 11:30 a.m. and went back on the record at 11:40 a.m. at which time another request to go into executive session was made as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 11:41 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion 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, Assistant Plans Examiner Stephanie Hailey and Deputy Clerk Jenen Ross. The Executive Session concluded at 12:23 p.m. with no decision being called for in open session.

The meeting concluded at 12:24 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING TO TAKE COMMENT ON THE ASSESSOR'S PROPOSED FEE SCHEDULE FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) MAPPING DATA, PAPER PRODUCTS, AND OTHER PLAT ROOM SERVICES

The Board met today at 2:00 p.m. to conduct a public hearing to take comment on the Assessor's proposed fee schedule for Geographic Information System (GIS) mapping data, paper products, and other plat room services. Present were: Commissioners Keri Smith, Pam White and Leslie Van



Beek, Assessor Brian Stender, GIS Supervisor Sarah Sluss, Deputy PA Brad Goodsell, and Deputy Clerk Monica Reeves. Assessor Stender said Canyon County charges for its GIS data but they found most larger counties are providing it for free and he wants to be more in line with what those counties are doing. Sarah Sluss said they will be modifying the paper products as well because they don't already have something in place for that. They plan to create subscriptions for people to subscribe to Pictometry imagery so they can offer that in exchange for giving away the GIS data away for free. They will package it for people to utilize as a whole map rather than in GIS layers. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. During the Board's discussion Commissioner Smith noted there could be a reduction in revenue but they are anticipating to recoup that revenue through the new fees outlined. Commissioner Van Beek made a motion to sign the resolution setting the fees charged by the Assessor for GIS mapping data, paper products, and other plat room services, as presented by the Assessor and the GIS Coordinator. The motion was seconded by Commissioner White and carried unanimously. (See Resolution No. 21-015.) Brad Goodsell said the explanation of the proposed, that was provided to the Board, is a justification for the fees being charged so it should be included in the minutes. The hearing concluded at 2:07 p.m. An audio recording is on file in the Commissioners' Office.

#### MEET WITH DEPARTMENT ADMINISTRATORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:30 p.m. with department administrators to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Controller Zach Wagoner, Parks Director Nicki Schwend, Fair Director Diana Sinner, Chief Public Defender Aaron Bazzoli, IT Director Greg Rast, Solid Waste Director David Loper, PIO Joe Decker, Facilities Director Paul Navarro, Fleet Director Mark Tolman, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Juvenile Detention Director Sean Brown, Ambulance District Director Michael Stowell, and Deputy Clerk Monica Reeves. Present via Webex: Jerry Neufeld and Debbie Lowber from the County Agent's Office and Weed Control Superintendent AJ Mondor. Commissioner Smith presented a PowerPoint on the following discussion topics:

#### COVID Pay

There was a federal code used for pay codes but it expired on December 31<sup>st</sup> so we have to find some type of normal, so moving forward directors need to make sure all employees who are sick for COVID or non-COVID-related issues are identified in ADP through sick time. If the employee does not have sick time they will have to use vacation time. If there are extreme circumstances where an employee does not have sick/vacation time the director will need to discuss the issue with the Board. Controller Wagoner said if someone has a major COVID-related event the director should let him know because there is still legislation up in the air and it's possible there is federal funding that could be backdated. Commissioner Smith said the last couple of pay periods the

expectation has been to document in the note section of ADP what was happening with those instances, and so the change would occur this pay period.

### **BOCC Requests/Action Items**

Directors previously completed operational plans related to COVID and they are being asked to make update to their plans and look at bringing their employees back to work. They need to highlight what they are changing in their existing plan and include an organizational chart and include the number of employees who are currently teleworking and indicate whether they are fulltime or part-time and include a process/timeline for bringing them back fulltime in the office. This is NOT to say the Board will not allow teleworking; there are some good examples where teleworking makes sense. If someone is teleworking the Board wants to know how the director is gauging their level of performance and managing it. Plans are to be submitted to the Board by February 19<sup>th</sup>. Directors are required to notify BOCC when they out of the office due to illness, vacation, and personal matters. Directors must notify the Board if they are teleworking. The Board is coordinating a meeting schedule with directors on a monthly basis; some directors will meet on a weekly basis for updates.

### **Performance Evaluation Direction**

Some directors are completing evaluations on their teams, but some are not and so the Board wants the directors to submit a plan to HR on how they will perform evaluations using the tool offered by the HR Department. The plans are to be submitted to HR by February 26 and the Board will do a high-level review and make sure it's happening. Each employee needs to have 2021 evaluation no later than September 30, 2021. The Board will schedule annual performance evaluations for each director in the third or fourth quarter of the year.

### **State of the County**

Directors were asked to highlight their respective departments' achievements over the past year and submit that information to Joe Decker by providing bullet points of the departments' top two or three items they have accomplished and include the goals for 2021. Pictures are encouraged. The state of the county will not be in-person, it will be done digitally. The list of accomplishments/future goals must be submitted by February 10.

The meeting concluded at 2:59 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 5, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman – OUT  
Commissioner Pam White – OUT– approving claims remotely

APPROVED CLAIMS

- The Board has approved claims 571170 to 571209 in the amount of \$43,028.97
- The Board has approved claims 571210 to 571245 in the amount of \$13,515.21
- The Board has approved claims 571296 to 571297 in the amount of \$246.49

There were no meetings this day.

FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 8, 2021

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

APPROVED CLAIM

- The Board has approved claim 571358 in the amount of \$150.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ConvergeOne in the amount of \$6,417.14 for the Information Technology Department
- Riverstone Technology in the amount of \$8,290.00 for the Information Technology Department
- Elevate Technology in the amount of \$4,552.59 for the Information Technology Department

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:35 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, PIO Joe Decker, and Deputy Clerk Monica Reeves.

The Board will schedule meetings on the following topics:

- Discussion regarding HB53 which pertains to online publication legislation. The meeting will be set for this week with the BOCC, Controller and the PIO.
- Discussion regarding a standardized cell phone stipend amount. The Board would like input from the Controller on whether the amount is set by department or office.
- Discussion regarding draft legislation. Commissioner Van Beek would like to meet with the Assessor in order better understand the draft legislation he is working on relating to property taxes amending Idaho Code Section 63-602G and the homeowner's exemption. She would also like Senator Rice invited to the discussion since he serves on the revenue and taxation committee and is proposing legislation controlling revenues which won't be in the best interest of county government. She wants to hear what the Senator's presentation is. Chairman Smith asked PIO Decker to provide a summary on the proposed legislation discussed today and how we can form an opinion on what we are supporting and see if there is some collaboration with Nampa and Caldwell mayors, and if we can't schedule a meeting perhaps we can send an email and get input. PIO said Assessor, Clerk and Treasurer have been working on the issue for months.
- Commissioner White spoke of a recent Treasure Valley Partnership meeting she attended where the importance of speaking about the legislation in-person was stressed.
- PIO Decker will work on a platform for the Board's community input meetings which will be held the first Monday of each month from 9:00 - 10:00 where citizens will be able to speak with the Commissioners. The meetings will be held in-person, but Webex will be option too.
- The Board will meet with the ambulance district director on a monthly basis.

The following topics will be discussed at a future date:

- The County's personnel manual
- A purchase policy that is specific to the process for submitting purchase orders. Commissioner Smith will prioritize meeting with the Controller and see if he has a suggestion for the process.

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

DISCUSSION REGARDING CODE ENFORCEMENT CASELOAD AND ESTABLISHING A NEW PROCESS

The Board met today at 9:07 a.m. for a discussion regarding the code enforcement caseload and establishing a new process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Deputy P.A. Zach Wesley, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, and Deputy Clerk Monica Reeves. Commissioner Smith said the Board recently heard from the code enforcement officers that there are over 300 open cases and today's meeting is to hear more information from DSD and engage in a conversation about if there are other ways to pursue compliance through fees and other types of citations rather than moving forward with misdemeanor and possible jail time which never results in compliance. Prosecutor Taylor said there are two components from his office's standpoint: the criminal side and the civil compliance side. The criminal process is set in statute; code enforcement ultimately investigates a case, generates the evidence, submits it to the PA and it's out of everyone's hands except for the PA who makes the charging decisions on whether or not to move forward. He said they do not see the 300 cases. It is a very small fraction where maybe one or two cases ends up with criminal prosecution. He spoke of a unique case that took 10 years to litigate and it went all the way to the Idaho Supreme Court and back, and that property is still not in compliance and the case is done. We could continue going on but how much resources do we exert on code compliance; it's a misdemeanor offense and we already have a jail issue and so do people need to be hanging out in the jail which is the only major mechanism to get compliance. Commissioner Smith said they need more tools before it gets to criminal prosecution and she wants to know what can be added in terms of steps and attaching fees. Commissioner Van Beek said there has to be a coordinated effort between the Courts, PA, DSD, and the Board and about the level of communication and coordination that needs to happen, how we can get compliance and where could we have improved the process. Sam Laugheed said the distinction between enforcement and compliance is really important and the majority of the County's efforts should be aimed at compliance, and he thinks compliance efforts are going to depend a lot on the person who's in the field communicating. He doesn't know if having more "baseball bats in the trunk" is going to help with the compliance; typically, it's how effective the person is in persuading and communicating here's what we can do and why. Commissioner Van Beek said if we had a way to attach abatement costs to their property tax statement eventually those costs will be paid out whether they sell or have to pay it at the semi-annual or annual fee, that takes it out of the Prosecutor's hand and puts it as a tax burden on their statement. Mr. Laugheed wants to take a closer look at the abatement process and look at them on a case-by-case basis. The upfront expenditure and liability the County would have to assume can sometimes be extensive, and on the back-end it would come around to the taxes and possibly forfeiture of the property. Abatement is an option but how often is it the right thing to do and does it substitute for the outreach/compliance efforts? Commissioner Smith said the City of Middleton does three things before moving to abatement: They send a warning letter asking for compliance; if you don't comply within the timeframe a second letter goes out with a fee and they ask for compliance again, and if it doesn't happen again they send a third letter with a \$100 fee and it gives another timeframe for compliance. The last fee is \$200 and they get one more time to try for compliance then they move to enforcement which is abatement. It's a hard battle to not have any type of tools besides sending a letter. If you ignore the letters nothing happens because there is such a high volume of cases so we have to have a new process to whittle the 300 cases down to something manageable. She wants guidance on a

process the Prosecutor's Office can support. Director Nilsson said it would be helpful if we had a working committee that focuses on the difficult cases where there is communicating and tracking on a regular basis. There are societal issues associated with some of the cases that none of us can fix. Perhaps they could have a monthly case review about the status and have people there who can recommend to the Board any follow up action. Commissioner Van Beek would like the Board involved in that process but Commissioner Smith doesn't think that's a good idea in case the issue comes before the Board in a hearing format. (Commissioner Van Beek stepped out of the meeting from 9:26 a.m. to 9:34 a.m.) Commissioner Smith said we are spending County resources on compliance and it's costing money and assessing a fee structure could help. Mr. Laugheed said for the next meeting it might be helpful to outline what exactly does happen and separating the criminal part almost entirely would be appropriate. Once a case is accepted by the PA for prosecution they are not meeting with anybody else, they are talking to the judge. The lengthy case that keeps being referenced was where the judge made discretionary decisions, but it was not a failure of a team communicating. The process worked and the judge made discretionary decisions. They tried mediation, they tried cleaning up the property, they tried jail. The summation was the case is done. Mr. Laugheed said criminal is a separate thing – if we are talking about adding abatement tools and fines to the compliance process that's a separate discussion and it's within the Board's authority and when we get into abatement on the big cases the Board is the plaintiff on those things and if the PA were not able, because of resources or other things, we could hire outside counsel to help shepherd through abatement proceedings. If we are talking about revising the compliance structure we can remove the PA side and talk with DSD and Board. Commissioner Smith said she's heard complaints about our lack of enforceability of the ordinance so why keep passing more ordinances when we cannot enforce what we have. We need to look at some structures for fines and see if there is some middle ground. Commissioner Van Beek asked for Legal's input on having code enforcement be a standalone department. Mr. Laugheed said he needs some time to think about that. Commissioner Smith said Eric Arthur provided a packet of information that included different options about where the code enforcement department could live. Mr. Laugheed requested a copy of that packet and said he will review the Middleton ordinance, and others, to see what kind of fees could be attached. (PA Taylor left at 9:35 a.m.) It was decided that another meeting will be necessary. *(Ms. Reeves thought the meeting had concluded at this point but after turning off the recorder the discussion continued so she immediately turned the recorder back on.)* Discussion ensued about the need to streamline the process and form partnerships that lead to more communication on the code enforcement process. Mr. Laugheed said it's important to separate the criminal part from the abatement/nuisance ordinance because once it hits the PA's office it's a matter of prosecutorial discretion and it will be separate from what the officers would prefer. The group agreed that another meeting will be held later this month. The meeting concluded at 9:44 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:32 p.m. with the Administrative District Judge and the Trial Court Administrator to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, TCA Doug Tyler, Judge Vander Velde (arrived at 1:37 p.m.) and Deputy Clerk Jenen Ross. Judge Southworth is presenting to the judiciary this afternoon so he is not able to make the meeting. The following items were discussed with the Board:

- Mr. Tyler said Judge Southworth would like to speak with the EOs about courthouse security. Commissioner Smith said her understanding is that the Sheriff will be in contact with the judge to discuss security issues.
- Discussion ensued regarding the addition of judges and support staff. Commissioner Van Beek requested a breakdown of resources and costs of support staff.
- Mr. Tyler said he's spoken with Facilities Director Navarro about upgrading magistrate courtrooms as they are the only ones that haven't been renovated since Odyssey came in. The audio will also need to be upgraded but there may be resources available from the Supreme Court for that. Renovations are anticipated to take place in late spring/early summer.
- Jury trials have been authorized to start March 1<sup>st</sup>; Canyon County is aiming for the week of March 15<sup>th</sup>. They intend to start with magistrate hearings since they have smaller juries and then move to district trials.
- Run, Hide, Fight training: Judge Southworth and Mr. Tyler feel the training is a good idea and authorized Chief Marshal Jim West to work with Director Navarro in presenting it to the Board. At the request of Commissioner Van Beek, Doug spoke generally about the backgrounds of the marshals. Mr. Tyler believes he and Judge Southworth will come down to speak to the Board about the training.

The meeting concluded at 1:54 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:00 p.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross.

#### EXECUTIVE SESSION – PERSONNEL MATTER

*Note for the record: As properly noticed the Board met today at 2:00 p.m. for a meeting with the Parks Director. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 2:01 p.m. pursuant to Idaho Code, Section 74-206(1) (a) regarding personnel matters. The motion was

seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. The Executive Session concluded at 2:17 p.m. with no decision being called for in open session.

General business discussion topics were as follows:

- Winter virtual field trip success
- Virtual winter desert ecology flyer
- Actively seeking interpretive specials for the 2021 season
- Org chart
- Celebration Park CUP for camping improvements was successfully approved
  - Discussion ensued regarding notification to area tribes of land use issues and of notification potentially being included in the comprehensive plan and/or possible ordinance
- Gun range improvements will happen February 22<sup>nd</sup> thru February 27<sup>th</sup>
- Landfill fencing changes/Jubilee OHF
- HPC grant workshop takes place February 9<sup>th</sup>
- Update from the Nampa American Legion Post 18 update which were partially funded with HPC funds
- Historic Preservation Plan Adoption
- Garrett Ranch moving forward with being nomination to be placed on National Historical Register
- New signs and equipment at Celebration Park

A copy of Director Schwend's' presentation is on file with this day's minutes. The meeting concluded at 2:46 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:02 p.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Tricia Nilsson, Planner Kate Dahl (left at 3:20 p.m.) and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Ms. Dahl reviewed the comprehensive plan steps which include the following: forming the working groups, trends & goals, discussion points, public meetings to collect feedback, draft plan, discussion regarding the draft plan, recommendation to planning & zoning and



approval by the BOCC. Presentation of the plan to the Board is scheduled for summer of 2021 but the Board would like the information sooner as there is a lot to absorb. The Board requested that Ms. Dahl provide her working document to the Board with the understanding that it is a rough draft. A copy of the document outlining the timeline of the comprehensive plan is on file with this day's minutes.

- Mr. Wesley is still researching P&Z Commission bylaws.
- Discussion ensued regarding House Bill no. 53 concerning public notices. Director Nilsson has indicated that Controller Wagoner has prepared a spreadsheet showing publishing costs incurred by the County. The Board is okay with Director Nilsson forwarding the spreadsheet. Director Nilsson also suggested that if the county does move to posting legal notices online vs. using the newspaper that there be some kind of affidavit system to confirm posting.
- The Board confirmed that Director Nilsson has received a copy of the PowerPoint that was provided at the DA meeting last week and she is working on an org chart with annotations as her department moves forward and structure may change.
- Currently the DSD office is open by appointment only limiting walk-in traffic. Commissioner Smith said she likes the idea of people getting to make appointments and it seems to be well received by the building community but it is a bit arduous and she would like to see it simplified. Director Nilsson discussed some ideas she's had for personnel changes in order to streamline the process such as a Planner I and Planner II / Planning Director positions which could also help with reception duties and doing away with the phone-tree system.
- At this time there hasn't been any success in finding a hearing examiner.
- At the request of the Board, Director Nilsson will forward her priority list to be reviewed individually by each Board member.
- Due to timing, impact fees will need to be discussed at another meeting.
- Director Nilsson believes it would be helpful to meet with the highway districts to discuss their CIP prior to any discussion regarding impact fees and offered to coordinate a meeting.
- Director Nilsson had a follow-up on the floodplain meeting. She feels the next step is to draft a response to FEMA for Board review. Additionally, she would like to turn over floodplain administration to Keller Associates. Commissioner Smith would like to have further discussion regarding this topic, in the meantime Director Nilsson will put together some options.

The meeting concluded at 4:00 p.m. An audio recording is on file in the Commissioners' Office.

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

#### APPROVED CLAIMS

- The Board has approved claims 571315 to 571357 in the amount of \$22,090.44

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Daniel Young, Deputy Public Defender I, and Luis Sanchez, a Juvenile Detention Officer.

#### CONSIDER A RESOLUTION CHANGING THE TITLE AND JOB DESCRIPTION OF A POSITION IN JUVENILE PROBATION – DIRECTOR OF JUVENILE PROBATION

The Board met today at 8:30 a.m. to consider a resolution changing the title and job description of a position in the Juvenile Probation Department. Present were: Commissioners Leslie Van Beek and Pam White, HR Generalist Jennifer Allen (via conference call), Deputy PA Zach Wesley, Chief Probation Officer Elda Catalano, and Deputy Clerk Monica Reeves. Ms. Catalano has been working with HR to update positions for the past year and she would like to change her position from the Chief Probation Officer to a director position. Because it's a shared employee position she met with the Trial Court Administrator to ask for input and he had no concerns with her request. Zach Wesley said from an HR and legal perspective he supports the change as it brings it into line with County directors and it fits better within the County structure. He also noted the importance of going to the courts about this title change. Ms. Catalano said nothing has been added or deleted from the job description, it simply illustrates that she manages the overall department and develops the budget. Jennifer Allen said the only real changes are the title and description itself, the salary range stays at the same level. She also noted that Director Baumgart worked with Ms. Catalano on the description and title and she supports the changes that have been made. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the resolution changing the title and job description for the Director of the Juvenile Probation. (See Resolution No. 21-016.) The meeting concluded at 8:41 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING ADDENDUM NO. 1 TO CANYON COUNTY FAIR EXPO IFB

The Board met today at 9:01 a.m. to consider signing Addendum No. 1 to the Canyon County Fair Expo Invitation for Bids (IFB). Present were: Commissioners Leslie Van Beek and Pam White, Deputy PA Zach Wesley, Facilities Director Paul Navarro, Fair Director Diana Sinner, Deputy PA Brad Goodsell, and Deputy Clerk Monica Reeves. Zach Wesley said over 50 questions have been submitted for this project so he is asking to extend the question deadline because they need more time to respond to questions, and some information needs to go back to the architect. The addendum considered today alters the schedule and changes the deadline to February 12th at 5:00 p.m. Addendum No. 2 will be considered at 9:00 a.m. on February 16th. Bids are due February 23rd and will be opened that same day. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve Addendum No. 1 to the Canyon County Fair Expo Invitation for Bids. The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND TAKE PUBLIC COMMENTS REGARDING SOLE SOURCE PROCUREMENT FOR PUBLIC WORKS CONSTRUCTION FROM PRECISION GRADING AND EXCAVATION FOR CELEBRATION PARK EAST END RV IMPROVEMENTS

The Board met today at 9:07 a.m. to take public comments regarding the sole source procurement for public works construction from Precision Grading and Excavation for Celebration Park East End RV improvements. Present were: Commissioners Leslie Van Beek and Pam White, Commissioner Keri Smith arrived at 9:09 a.m., Deputy PA Zach Wesley, Facilities Director Paul Navarro, Deputy PA Brad Goodsell, and Deputy Clerk Monica Reeves. Via Webex: Parks Director Nicki Schwend and Laura Barbour. On January 26, 2021 the County issued a sole source procurement notice that ran in the Idaho Press Tribune for 14 days. Today was the date advertised to hear public comment on the matter. This project is grant funded and there is a deadline to expend that grant money. The County went through an RFP process to identify a design contractor and ended up with a contract that was far outside the budget. A contractor has been identified to do the work and because it would be disadvantageous to go through another procurement process we filed a sole source notice in order to have the groundwork done. Paul Navarro said the contractor has worked on several projects for the County and is currently finishing a project for the State Department of Parks in Hailey, Idaho. His proposed contract price is within budget. No public comment was received on the sole source procurement. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted to close public testimony. Zach Wesley said the contract is the standard public works construction contract. The price of the work is \$272,600 which is grant-funded. The work will begin on March 1<sup>st</sup> and completed by May 31<sup>st</sup>. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve and sign the contract with Precision Grading & Excavation for public works construction at Celebration Park. (See Agreement No. 21-006). This portion of the meeting concluded at 9:16 a.m., and as part of the legal staff update the Board went into Executive Session as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 9:16 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (i) to discuss a personnel matter, and records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA's Zach Wesley and Brad Goodsell, and Deputy Clerk Monica Reeves. Brad Goodsell left at 9:40 a.m. The Executive Session concluded at 10:42 a.m. with no decision being called for in open session.

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

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

The Board met today at 10:42 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, IT Director Greg Rast, Assistant IT Director Eric Jensen, Business Manager Caitlin Pendell, Development Operations Mark McMinn, Operations Manager Don Dutton, Assessor Brian Stender and Sr. System Analyst Steve Onofrei (arrived at 10:57 a.m.) and Deputy Clerk Jenen Ross. Director Rast reviewed the IT Service book was reviewed with the Board focusing on the following areas:

- Metrics & Comparable between Ada County IT and Canyon County IT in relation to staffing
- Operations
  - Overview and summary of services
  - Operations Manager job function
  - Municipality network connections & map
  - Microwave connections to remote sites
  - Data storage
  - Dedicated server hardware
  - Camera system architecture, design and implementation
- Skype records retention
  - Instant messages are accessible for records requests and retained for 7 years with email retention being 10 years
- Development
  - Cost savings of in-house Imaging Specialist
  - In-house developed applications and support

- Project Management
  - Breakdown of budget costs from 2017 thru 2020

At the request of Commissioner Van Beek, Director Rast spoke about how his department works thru and prioritizes the day-to-day work and the projects. Additionally, Commissioner Van Beek asked Director Rast in the interest of time the Board requested another meeting be scheduled to discuss server space provided to the Ambulance District and additional services, disaster recovery overview in regard to budgeting, Sunbelt Controls and for a high-level discussion regarding expansion and what it looks like from an IT standpoint. The meeting concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ASSESSOR TO DISCUSS BOARD OF EQUALIZATION MATTERS

The Board met today at 11:18 a.m. for a meeting with the County Assessor to discuss Board of Equalization matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Sr. System Analyst Steve Onofrei and Deputy Clerk Jenen Ross. Commissioner Van Beek made a motion to convene as the Board of Equalization. The motion was seconded by Commissioner White and carried unanimously.

Assessor Stender presented the 2020 Transient property roll to the Board. This is construction equipment that spends part of the year in various counties throughout the state. The owner files with the home county where the equipment resides for the majority of the year, the value is then distributed based on the number of months it spends in other locations. County-wide there is \$60M on this roll. Assessor Stender said there were no appeals on this roll, it just requires acknowledgement from the Board that the Assessor's Office has completed their portion and it will be passed on to the Clerk. The abstract will be filed with the state tax commission. At the request of Commissioner Van Beek, Mr. Onofrei gave additional detailed information about the transient roll. The meeting concluded at 11:28 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING TO TAKE COMMENT REGARDING THE ASSESSOR'S PROPOSED DMV ADMINISTRATIVE FEE INCREASE

The Board met today at 3:01 p.m. to conduct a public hearing to take comment regarding the Assessor's proposed DMV administrative fee increase for new and renewal vehicle registrations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, DMV Supervisor Kimbra Asqueta, Deputy PA Brad Goodsell, Steven Shake, David Beach and Deputy Clerk Monica Reeves. Present via Webex: Rachel Spacek from the Idaho Press-Tribune. Assessor Stender gave a PowerPoint presentation, a copy of which is on file with this day's minute entry. He is requesting a \$2 increase in the administrative fee hoping to hire

four (4) additional staff to reduce the wait times and backlog at the DMV office. The proposal also includes a second location in Nampa.

- Serious delays started occurring on October 13, 2020 for all DMV's in the state with the rollout of the state's new software program.
- It's not unusual to have 150 people in line waiting for hours in the heat and cold,
- They have updated the queuing system to allow people to wait in their cars and receive a text message when they can enter the facility. (This did not speed up the system, it just allowed people to wait in their cars out of the weather)
- Prior to the state's new software DMV could conduct 800 transactions with 14 people on the front line working for 8 hours. They could conduct 7.14 transactions per hour. After the rollout of the new software they are doing 313 transactions, 2.95 transactions per hour.
- ITD has done a good job telling people to renew online,
- Employees in other areas of the Assessor's Office are assisting with some of the paperwork.
- The DMV turns people away at 1:00 p.m. every day.
- In November of 2019 the average wait time was 9 min, 26 seconds; in November of 2020 the average wait time is 1 hour and 28 minutes. More employees are needed to push transactions through the system.
- Four additional employees would not move the needle much on the performance, but it would be more volume through the system.
- Today at 10:00 a.m. there were 110 people waiting in the parking lot. At 1:00 pm they had 131 people in line and the max wait time was 3 hours and 52 minutes.

In response to a question from Commissioner Van Beek, Kimbra Asqueta said people have become verbally abusive to employees. Due to delays created by the state's system employees are working 7 a.m. to 6 p.m. trying to get caught up and it's overwhelming. Assessor Stender proposes to change the \$4 administrative fee to \$6. The fee for 30-day temporaries will go from \$9 to \$11 and duplicates will go from \$4 to \$6 which will generate an additional \$365,000. They anticipate it costing \$400,000 for a second facility, including employees and equipment. Commissioner Van Beek said the level of service, although not the fault of the Assessor's Office, is unacceptable to the citizens and there is high interest in figuring out how to mitigate the problems with the state's system. She has a lot of empathy for Assessor and staff and the obstacles they are trying to overcome.

**Public comment was as follows:**

Steven Shake read a prepared statement into the record, a copy of which is on file with this day's minute entry. In summary he does not think the proposed \$2 increase will raise sufficient funds to properly lease a second location and have an adequate staff to meet the present and future needs of a growing population. A second site located in Nampa needs to be a larger facility and

have more employees. The population has more than doubled in the last 20 years but the number of employees has not increased proportionately. He proposes a \$4 increase in the administrative fee for vehicle registrations. He suggests 13 new positions and 9,000 square foot facility to serve patrons.

David Beach agrees with the comments made by Mr. Shakes. He owns a towing company and is at the DMV three to four times a month and the delays and backlog are creating an economic negative for the community. We need a new building and 10 more employees and he thinks the \$2 proposed fee is too low. He supports additional funding to build a facility and hire people to solve the problem.

Hubert Osborne submitted an email dated February 9 endorsing the administrative fee increase. Commissioner Van Beek said it does not make sense to approve a fee that's not going to cover the actual cost of services. She proposes the Board move ahead and authorize an allocation in the budget, and gather additional information on the site and enter negotiations to identify costs and present what that will be. Commissioner Smith wants to make sure the fee covers – and does not exceed – the cost of services. Commissioner Van Beek said the Assessor's proposal is for a \$2 increase, and Mr. Shake's is for a \$4 increase. If the fee is changed we will be required to notice it again so this will give us time to acquire additional information to consider the \$4 increase. Commissioner White said there is a desperate need for additional DMV resources but she can't make a decision without seeing the budget and all the information. Joe Cox said before they can negotiate with a landlord they need to know it will be properly funded and if the public deems it worthwhile, and whether the Board will allow the Assessor to negotiate on a site. Assessor Stender needs additional employees today. Following comments, the Board decided to continue the hearing for additional information. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue this hearing to Friday, February 12, 2021 at 9:30 a.m. The testimony portion will be left open. The meeting concluded at 3:55 p.m. An audio recording is on file in the Commissioners' Office.

#### FEBRUARY 2021 TERM

CALDWELL, IDAHO    FEBRUARY 10, 2021

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

APPROVED CLAIMS ORDER NO. 2110

The Board of Commissioners approved payment of County claims in the amount of \$1,759,425.01 for a County payroll.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$2,600.00 for Information Technology Department
- Elmridge Protection in the amount of \$1,298.68 for Information Technology Department
- FBI-Leeda in the amount of \$2,780.00 for Canyon County Sheriff

#### CONSIDER FINAL PLAT FOR CASCADE HILLS NO. 1

The Board met today at 9:30 a.m. to consider the final plat for Cascade Hills No. 1. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida (via conference call), Kyle Pruett, Spencer Kofoed, and Deputy Clerk Monica Reeves. Jennifer Almeida gave a summary of the project which is zoned R-1 single family. Cascade Hills No. 1 consists of 25 residential lots and one common lot. The preliminary plat was approved on December 6, 2019 subject to six conditions, and conditions have been met. Keller & Associates has reviewed the final plat, and staff is recommending approval. Commissioner Van Beek had questions regarding the plat notes pertaining to fire district and highway district requirements. Spencer Kofoed spoke about plat note relating to fire district requirements and said it allows for flexibility to follow the guidelines as the County will apply the fire regulations. The project engineer said they can remove the note before recording the final plat. Director Nilsson said the best way to handle that is to have the developer work with the fire district and if there is some agreement they've come to then have the note reference that or not having anything. Next, Mr. Kofoed addressed the plat note regarding highway district requirements. He said developers cannot be required to do private walkways for citizens, but he did it and so the question is whether the highway district can require those things without an ordinance or consistent application of the rule. Discussion ensued about compliance with standards for storm water retention services. Mr. Kofoed said he's trying to be a good developer, but to him it's a matter of efficiency and the proper use of resources. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve final plat for Cascade Hills No. 1, and to amend the staff report to reflect the correct zoning to R-1 (single family residential), to remove plat note #13, and amend the language on note #5 by removing the word *does* because that agreement is not applicable to Phase 1. The meeting concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.

#### RESCHEDULE PUBLIC HEARING - PRELIMINARY PLAT FOR HIPWELL ESTATES, CASE NO. SD2020-0014



The Board met today at 10:02 a.m. to go on the record to reschedule the public hearing regarding the preliminary plat request for Hipwell Estates, Case No. SD2020-0014. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to March 1, 2021 at 11:00 a.m. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS HOUSE BILL NO. 53

The Board met today at 1:17 p.m. to discuss House Bill No. 53. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, PIO Joe Decker, DSD Director Tricia Nilsson (arrived at 1:25 p.m.) and Deputy Clerk Jenen Ross.

Commissioner Smith said that the House is considering passing a bill that would no longer require public hearings be noticed in the legal section of newspapers. She noted that six emails were received encouraging the Board to stand in opposition of the bill.

Commissioner Van Beek said that it seems to be an older population that is receiving this information via the newspaper vs. online and asked about the distribution of newspapers. Mr. Decker believes that the Idaho Press distribution has increased recently although the Idaho Statesman has decreased. He agrees with Commissioner Van Beek's suggestion that it is an older population reading the legal notices. He thinks a younger population probably reads the paper but in a digital format, however, you still need some kind of subscription for access.

Mr. Decker thinks that with this particular bill is that it would be a big hit to local newspapers across the state. He feels local newspapers are important, they serve an important role in society. IAC estimates the savings statewide would be approximately \$600K if notices were moved to an online format.

Commissioner White feels there are a lot of people that are in assisted living, group homes, nursing homes, or hospitals that having the physical newspaper gives them a sense of normalcy and makes them feel connected when often they are isolated. She thinks that the cost of \$34K that Canyon County pays can be made up somewhere else and that there are people that depend on the newspaper to get their information. She supports leaving it how it is (posted in the newspaper) and also posting on the website so that it's all encompassing.

Controller Wagoner said there is a specific line item for advertising. He believes a large portion of the notices and costs are incurred by Development Services and in that case those costs would not be paid for with property taxes. DSD generates enough revenue to cover their costs. He also feels that even if notices are posted on the website there are behind-the-scenes costs involved for someone to post, review, maintain and oversee.

Commissioner Smith feels notices should already be posted on the website as there are many people who do searches for these types of thing. Her personal opinion is that it is time for change in Idaho Code to remove the requirement, however, just because the state removes the requirement doesn't mean that the county can't continue providing notice however it would like. She feels that there are smaller local newspapers that don't receive the advantage of legal notices and that it gives an unfair advantage to the larger papers because of the state code requirement. In many cases it's less expensive to run an ad in the newspaper than a legal notice and when it's mandated like it is the newspaper has an unfair advantage in pricing those legal notices. She supports the change; however, she also supports it being put in the newspaper if that's a policy the county would like to make. She likes the idea of more local control vs. state control. At one time Director Nilsson spoke about having a plan as to how the information is distributed and documented. She thinks it's important for the county to have its own policy in place. Commissioner Van Beek doesn't necessarily disagree. Although she would not take the paper specifically to read legal notices she does understand there is a certain population that does get their information from the newspaper.

The meeting concluded at 1:31 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONTINUE THE PUBLIC HEARING TO CONSIDER A REQUEST BY JOSEPH TAGUE FOR APPROVAL OF A SHORT PLAT FOR KESTREL ESTATES SUBDIVISION; CASE NO. SD2019-0048

The Board met today at 1:33 p.m. to continue the public hearing to consider a request by Joseph Tague for approval of a short plat for Kestrel Estates Subdivision; Case no. SD2019-0048. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to continue the case to March 17, 2021 at 9:00 a.m. as requested. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 1:34 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS UPON DEATH FLOW CHART

The Board met today at 3:03 p.m. for a meeting to discuss the upon death flow chart. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Coroner Jennifer Crawford, Indigent Services Director Yvonne Baker, Case Manager Camille Tilden, IT Director Greg Rast, Treasurer Tracie Lloyd, and Deputy Clerk Monica Reeves. Today's meeting was a roundtable discussion about the upon death process that involves the Coroner's Office, Treasurer's Office and the Indigent Services Department. Commissioner Van Beek said the issue came about because of a case where a funeral home was upset with inadvertently getting stuck with the costs of a cremation, and there was some negotiation which they did not accept as a reasonable alternative

to the process. She has met with Treasurer Lloyd, Coroner Crawford, and Director Baker and had communication about developing an "Upon Death Flow Chart" which is a color-coded system that reflects the steps in the process. She noted that Brad Goodsell had previously prepared a document titled Indigent Burial in Canyon County to help the Treasurer with the public administration process, and it was suggested by Director Baker that we develop a fact sheet for different intervals that answers questions that are most likely to be asked by a funeral home. There is a flowchart from Ada County that has different timelines than Canyon County but there are statute driven timelines that are applicable to Canyon County as far as seizing assets, securing the home, and what the Treasurer has for timelines to look at that and hold assets. Commissioner Van Beek said input was solicited from six funeral homes to see if they were interested in being on rotation. The next step is to invite local funeral home directors for a roundtable discussion to get an understanding of the process so they are clear when called on rotation where the costs are going to be picked up who has possession of assets, etc. She invited IT Director Greg Rast to participate and his team developed a shared drive with the Coroner, Treasurer and indigent services where limited information can be accessed by all three parties when talking about seizing assets. Director Baker said the flow chart will be a benefit especially if it's provided to the funeral homes so they have a better idea of the process. There continue to be misunderstandings about the process. In a recent case a funeral home picked up the deceased and they waited two weeks before filing an application with indigent services and so now they are panicking because they've had the decedent since January 22 and are wondering what to do. That puts pressure on her office to get things done quickly but we are still in the investigative period. There is confusion because the funeral homes think they need to hear whether it's an approval or denial before they move forward, but in reality all the County needs is an application. The Coroner continues to search for next of kin but that doesn't prevent the funeral home from submitting an application for assistance which should be submitted within days of picking up the decedent. We are all need to be working together but the funeral homes have not caught on to that yet. Director Baker thinks the chart is great and gives all parties an idea of what goes into the process. We also need to update the resolution (No. 97-292) that addresses burials and the maximum rate schedule. There was a meeting in 1997 where it decided that Indigent Services can pay a maximum of \$1,000 on the burials and during that meeting they decided if they have less than \$1,000 in assets we would pay the full \$1,000. She wants further clarification on it because there isn't anything in writing that memorializes that decision. Camille Tilden spoke about her role in investigating the residency/indigency issues. Funeral homes believe that because the Coroner has asked them to pick up the deceased the County should pay. Treasurer Lloyd spoke of her role as public administrator and the expense associated with that process. Creditors have the authority to become personal representative of an estate, they can also get an affidavit and seize money in a bank account. If there are limited assets the indigent services office does a high-level investigation and if there are assets or personal items they estimate and determine the estate value. If the case is turned over to the Treasurer she will look at the items and determine whether it's in the best interest to step forward. In one case she estimates the County has spent a minimum of \$6,000 on an estate that's valued at \$3,000. It will be a negative asset estate because the funeral home didn't want to step forward and do what they could to get their costs and now they will only get a percentage. The funeral home, who wanted \$2,200 for their services, would have been better off to exercise their rights and do the necessary paperwork and done it outside of her being appointed

as a public administrator. Discussion ensued about the process for administering estates. Jennifer Crawford said funeral homes are not an extension of the Coroner's Office and when they receive a call it does not mean the County is responsible for payment of funeral home expenses. When the funeral homes accept the on-call rotation they know it's an opportunity for additional business. She's told funeral homes to submit applications right away but there seems to be confusion. She spoke about her statutory role noting that her only responsibility is what is found on the body; i.e., a wallet, jewelry, etc. If there is no family she can take the items to safekeeping until she finds the family, if family cannot be located she lets the Treasurer know. Greg Rast spoke of the IT Department's role in rewriting the Coroner's case management system. The program can be updated and grant access to the Treasurer through a shared drive to help streamline the assets. Another meeting will be scheduled with the Board and this group with an invitation to the funeral directors. Coroner Crawford wants to make sure there is an agenda for the next discussion. Commissioner Van Beek will prepare an agenda and will include facts with a flowchart. Director Baker will send the 1997 resolution to Brad Goodsell and ask for an interpretation of it. Treasurer Lloyd will meet with Brad Goodsell tomorrow on public administration items so she will try to get some legal direction as to what we want to provide to the funeral homes as far as what they can to avoid the Treasurer dealing with this. No Board action was required or taken as the meeting was for discussion purposes only. The meeting concluded at 3:51 p.m. An audio recording is on file in the Commissioners' Office.

#### **FEBRUARY 2021 TERM**

**CALDWELL, IDAHO    FEBRUARY 11, 2021**

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

#### **APPROVED CLAIM**

- The Board has approved claim 571477 in the amount of \$90.00

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

The Board met today at 8:45 a.m. to discuss matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

Case no. 2021-382 does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial with written decision within 30 days.

Director Baker said case no. 2020-1069 needs to be continued from February 18, 2021 to April 8, 2021. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to continue the hearing as requested.

The meeting concluded at 8:46 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 9:01 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell (left at 9:38 a.m.), Deputy P.A. Zach Wesley, Landfill Director David Loper (left at 9:17 a.m.), Clair Roper with the Board of Community Guardians (left at 9:17 a.m.), Assessor Brian Stender and Administrative Property Appraisal Supervisor Greg Himes (arrived at 9:42 a.m. and left at 10:01 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution classifying records of the Canyon County Board of Community Guardians and authorizing destruction of Guardianship/Conservatorship records and files:*** Mr. Goodsell provided background on the Board of Community Guardians as to when it started and the function it serves to the county. He is working to collect some additional information but requested a future meeting be scheduled to discuss succession planning. The Board of Community Guardians has been in place since 1987 and have 35 years' worth of records the need to do something with. A resolution has been prepared to allow certain records to be destroyed after 2 years and others 5 years after the case is closed. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Board of Community Guardians and authorizing destruction of Guardianship/Conservatorship records and files (see resolution no. 21-017).

***Consider signing Pacific Steel and Recycling Change Request No. 1 to Agreement No. 16-211, regarding scrap metal and electronic waste removal from Pickles Butte Sanitary Landfill:*** Director Loper explained that the original agreement contained an index formula determining pricing for scrap metal and electronic waste pick-up was outdated so this change order is to update the index that is used. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Pacific Steel and Recycling Change Request No. 1 to Agreement No. 16-211, regarding scrap metal and electronic waste removal from Pickles Butte Sanitary Landfill. A copy of the change order is on file with this day's minutes.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:18 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell (left at 9:38 a.m.), Assessor Brian Stender and Administrative Property Appraisal Supervisor Greg Himes (arrived at 9:42 a.m. and left at 10:01 a.m.) and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:05 a.m. with no decision being called for in open session.

At the conclusion of the executive session the Board requested that a meeting be convened with the Clerk, Assessor and Controller to discuss additional employees to address needs at the DMV.

Additionally, it was requested that messaging along with the PowerPoint presentation that was presented at the Department Administrator meeting last week be forwarded to the HR staff requesting that staff return to work at the primary physical location of the courthouse or respective offices. Mr. Wesley said he and Mr. Porter could be copied on the email to address any questions that may arise from the HR department.

The meeting concluded at 10:07 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY JOE RUMSEY FOR A REZONE, CASE NO. RZ2020-0007

The Board met today at 10:14 a.m. to conduct a public hearing in the matter of a request by Joe Rumsey for a rezone, Case No. RZ2020-0007. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Joe Rumsey, and Deputy Clerk Monica Reeves. DSD Planner Julianne Shaw participated via Webex and gave the oral staff report. The request is for a zoning amendment of Parcel R37877011B from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The property is located adjacent to Butterfly Ridge Subdivision at the south end of Monarch Lane and the Caldwell city limits are approximately five miles south of the property. This area is expected to become residential and the surrounding zoning is primarily rural residential. The P&Z Commission recommended approval on November 19, 2019. Following Ms. Shaw's report, the Board had raised questions and made recommendations to staff about changes/corrections that should be made to the findings of fact, conclusions of law and order (FCO's). The language in Item G shall be changed to conclude that at this time the rezone does not require road improvements. Future potential mitigation would occur at platting. The language in Item F shall be changed to state that an approach application is required to be submitted to the

Notus-Parma Highway District at the time of development. Additionally, a change shall be made to the staff report to remove the reference to a development agreement because this application is for a straight rezone, not a conditional rezone, and there are no conditions attached to it. Joe Rumsey testified in support of his request for a rezone of approximately 16.1 acres. He met with the Notus-Parma highway district and they said it was unlikely he would need a traffic impact study because it falls well below the required minimum for a TIS. Due to the way the land falls the district did not want a culvert. The property is un-farmable; it has irrigation rights but it's difficult to get water to it so right now it's a weed patch so he lets the neighbors run their horses on it to keep the weeds down. A few years ago, it was farmed with risers and pressurized sprinklers but the farmer was unable to successfully farm it. The property will be platted. The slopes will be behind where the house will be built. Mr. Rumsey responded to questions from the Board. Commissioner Smith said this is an area she supports development in especially with the non-prime farm land designation and the growth in the area supports this. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. The Board directed staff to remove the reference to the development agreement, and make changes to Sections F and G of the conclusions of law. Commissioner Van Beek made a motion to accept the findings of fact, conclusions of law and order with the noted amendments and the ordinance as presented. The motion was seconded by Commissioner White and carried unanimously. (Ordinance 21-006.) The hearing concluded at 10:45 a.m. An audio recording of the hearing is on file in the Commissioners' Office.

CONSIDER REQUEST BY JAY WALKER FOR APPROVAL OF A FINAL PLAT FOR FAISAN POINTE ESTATES SUBDIVISION, CASE NO. SD2020-0020

The Board met today at 11:05 a.m. to consider a request by Jay Walker for approval of a final plat for Faisan Pointe Estates, Case No. SD2020-0020. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Matt Johnson, Jay Walker, Jerrod Fuhrman, Adam Fuhrman, and Deputy Clerk Monica Reeves. DSD Planner Dan Lister participated via conference call. All conditions have been met except for Condition #4 which requires the installation of pressurized irrigation. The applicant, Jay Walker, is requesting the plat to be signed without pressurized irrigation, but through irrigation by domestic wells instead. At the October 16, 2019 hearing the applicant expressed concern regarding the pressurized irrigation system and the plan provided, but the Board still required the condition and that the pressurized irrigation plan remain. Later, staff gave the applicants two options: they either submit an amended preliminary plat to remove that condition or install a pressurized irrigation system, however, when the preliminary plat and final plat modification was submitted on June 18<sup>th</sup>, staff noticed that on June 9<sup>th</sup> the applicant already relinquished their water rights back to Black Canyon Irrigation District so there is no way for them to put in that pressurized system. They do not have the water rights. Upon seeing that staff advised the applicant to withdraw the plat amendment and bring this before the Board to either sign it or require them to amend the preliminary plat to remove that condition. Today staff recommends the Board sign the plat even though it does not meet the intent of condition #4. The applicant proposes that each lot will have irrigation via domestic well

which meets the Idaho Department of Water Resources standards. Staff is still recommending the Board sign the final plat because the irrigation proposed still meets County and state law. Commissioner Van Beek noted the proposed subdivision is across from Middleton High School and is next to lots that are nicely developed. She has no objection because of the information staff has put on record. She asked the applicant to explain the timelines about the water rights being relinquished. Matt Johnson said from the applicant's perspective the pressurized irrigation system was always going to be problematic and so as the process went on that's what led to the sequence of timing and the relinquishment of water rights and during that time the applicant was in discussions with staff about how to handle the amendment approach that ultimately the applicant did not need. Jay Walker said the plat demonstrates possible well use, a gravity flow irrigation system, as well as a potential pressurized irrigation system and as they vetted this with the Black Canyon Irrigation District there were some decisions that pinpointed them to the resulting well use and transfer of water into the bank and confirmation with the Idaho Department of Water Resources they could utilize individual wells for ½ acre of the one-acre lots. One of the leading decisions by Black Canyon Irrigation District was the inability to get another head gate, and it would have been a disservice to the homeowners to deal with a cumbersome expensive pump station that ultimately would not operate. Adam Fuhrman stated there are no common areas to be landscaped, but they are putting in enough money for full landscaping and white vinyl 3-rail fencing for the four lots that touch Emmett Road. The CC&R's state the minimum landscaping requirements must be met and there are maintenance requirements that have to be met. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the final plat for Faisan Pointe Subdivision, Case No. SD2020-0020. The meeting concluded at 11:26 a.m. The Board went back on the record at 11:28 a.m. because in reviewing the final plat it was discovered that plat note #17 mandated fire sprinkler systems for fire suppression systems, but it has been the Board's position to not mandate those plat requirements so Commissioner Smith wanted to reopen the meeting for discussion. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reopen the meeting. Commissioner Van Beek said the Board has not adopted the national fire protection code on the ordinance and she wants to strike plat note #17 and allow to the developer to negotiate that with the fire department outside of what this Board mandates. Dan Lister said that is a condition of approval in the preliminary plat and we required them to have it on the plat so how do we do this outside of a hearing process. Staff crafted the language to make it so they have to work with the fire district. It makes it so they don't just have to do sprinklers they can work with fire district on fire suppression. If the condition is changed it would have to be done at a public hearing. Mr. Fuhrman said the fire district is not flexible; they will not count the fire hydrants in the area because they want them in the subdivision. He does not know what alternative the district will accept since sprinklers are the alternative and that's how it's being sold. They are choosing to install sprinklers as an accepted alternative to installing fire hydrants. Mr. Johnson suggested the Board continue this matter so they can follow up with staff and address the legal issue, and either come back under a public hearing amendment process or simply come back with a continuance. Comments followed regarding the hearing process. Commissioner Van Beek said it seemed like a lot of restriction was placed on this development and she wants to help facilitate the process because there is consensus that the fire requirement would be deemed unfair with this current Board because it has taken a position that is not required. She proposes a



short hearing to vacate condition #9 and plat note #17. There was additional discussion regarding the hearing process. Mr. Johnson said the developers want to move ahead with signing the plat as-is and the developer will work with staff to figure out a minor plat amendment or vacation rather than create potential procedural issues. Deputy PA Zach Wesley arrived at 11:51 a.m. and was briefed on the issue and then he asked questions of Mr. Lister. According to Mr. Wesley the best course is to sign what's available now and leave that condition in place and go back through with an amendment to the plat that way we have a hearing process and everything can be noticed appropriately and then you can sign the revised mylars at that point. Commissioner Smith asked if we can do a simple change or will it require a minor replat? Mr. Wesley said the historic interpretation for any plat note amendment is that it is a substantial change and requires going through the final plat hearing. This needs to go back through the final plat hearing procedure, not a minor replat. It does not have to go back to the P&Z Commission for review. Mr. Johnson said the developer requests the Board confirm its already-approved motion to finalize this and they will proceed with staff on the process. The Board agreed and said it will not charge any additional fees to the applicant on this matter. Commissioner Van Beek wants staff to do in the shortest timeframe possible everything to accommodate a request to vacate that plat given the discussion taken place today. The meeting concluded at 12:07 p.m. An audio recording is on file in the Commissioners' Office.

#### FEBRUARY 2021 TERM

CALDWELL, IDAHO    FEBRUARY 12, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 571422 to 571476 in the amount of \$52,107.69

#### APPROVE DONATION FOR ANOTHER EMPLOYEE'S SICK LEAVE REQUEST

The Board approved a donation for another employees' sick leave request form for Elda Catalano.

#### PUBLIC MEETING TO CONSIDER RESOLUTION GRANTING CREATIONS UNLIMITED MACHINING, INC. A PROPERTY TAX EXEMPTION PURSUANT TO IDAHO CODE 63-602NN

The Board met today at 9:01 a.m. to take public comment on the proposed resolution to grant Creations Unlimited Machining, Inc., a property tax exemption pursuant to Idaho Code 63-602NN. Present were: Commissioners Leslie Van Beek and Pam White, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Sr. System Analyst Steve Onofrei, Property Appraisal Supervisor Greg Himes, Beth Ineck, Nampa Economic Development Director, Wes and Sandy Rathi, Steve Shake, and Deputy Clerk Monica Reeves. Present via Webex: Deputy PA Brad Goodsell and Rachel Spacek from the Idaho Press-Tribune. Creations Unlimited Machining is a business that manufactures custom high-end C&C equipment, and they are relocating to Canyon County from California. Joe Cox and Beth Ineck spoke of the job creation and wage aspect. The applicants agreed to the terms and conditions of the resolution. All of the taxing districts affected by this exemption received notice of the hearing although no one was present to offer comment today. Following comments by the Board, Commissioner White made a motion to sign the resolution granting Creations Unlimited Machining, Inc., a property tax exemption pursuant to Idaho Code Section 63-602NN. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Resolution No. 21-018.) The meeting concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ASSESSOR TO DISCUSS BOARD OF EQUALIZATION MATTERS

The Board met today at 9:16 a.m. with the County Assessor review Board of Equalization (BOE) matters. Present were: Commissioners Leslie Van Beek and Pam White, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Sr. System Analyst Steve Onofrei, Property Appraisal Supervisor Greg Himes, Steve Shake, and Deputy Clerk Monica Reeves. Present via Webex: Deputy PA Brad Goodsell and Rachel Spacek from the Idaho Press-Tribune. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to reconvene as the Board of Equalization. (This is the second part of the discussion that was originally held on February 9, 2021.) The Assessor submitted the following handouts: 2020 Missed Supplemental & Occupancy Assessed Valley by Taxing District; Property Tax Reduction Preliminary Roll – Occupancy; and Occupancy Value. Comments were offered by Assessor Stender, Greg Himes, and Steve Onofrei with a brief discussion that followed. Assessor Stender said there were no appeals this year so he requested the Board acknowledge that they will move this along in the property tax system and transfer the roll from the Assessor's Office to the Auditor's Office, and the Treasurer will begin billing from there. No Board action was required or taken as the Assessor was simply sharing information. The meeting concluded at 9:25 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING REGARDING THE ASSESSOR'S PROPOSED DMV ADMINISTRATIVE FEE INCREASE

The Board met today at 9:26 a.m. for the continued hearing regarding the Assessor's proposed DMV administrative fee increase. Present were: Commissioners Leslie Van Beek and Pam White,

Assessor Brian Stender, Property Appraisal Supervisor Greg Himes, Steve Shake, and Deputy Clerk Monica Reeves. Present via Webex: Deputy PA Brad Goodsell and Rachel Spacek from the Idaho Press-Tribune. Assessor Stender said other matters have come to light between the last hearing date of February 9<sup>th</sup> and today so he want to postpone the hearing to February 18, 2021 in order to explore different options such as possibly funding a few positions from the property tax roll and then have a discussion on what we do with fees closer to the budget cycle. Commissioner Van Beek said it sounds like there will be two discussions, two scenarios that will be presented next week. Assessor Stender said he and others, including the Ada County Assessor and members of the Governor's staff, will meet with ITD next week to try to iron out a scenario on how the state will help them get caught up and move through the future until the system is more stable. Commissioner Van Beek asked if he will still need for additional employees if ITD is able to assist. Assessor Stender said yes he will need additional staff. He currently has three to five employees working on the weekends to help catch up but they are burned out. To date they have spent \$13,000 on overtime costs, which ITD plans to help pay for. Steve Shake suggested Assessor Stender or the Board solicit the support legislatively (perhaps through Representative Chaney) and find out what's going on over there. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to February 18, 2021 at 9:30 a.m. The hearing concluded at 9:34 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE PARKS DIRECTOR TO DISCUSS REVISIONS TO JOB DESCRIPTIONS, TITLE CHANGES AND SALARY CHANGES FOR POSITIONS IN THE PARKS DEPARTMENT

The Board met today at 10:00 a.m. with the Parks Director to discuss revisions to job descriptions, title changes and salary changes for positions in the Parks Department. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. HR Generalist Jennifer Allen participated via teleconference.

***Consider signing a resolution to revise job descriptions, title changes and salary changes for positions in the Parks Department:*** Director Schwend spoke about several positions within her department that have been recently vacated. She has been working with HR to update 4 different job descriptions and salaries, some are minor changes related to the department name changes. Director Schwend gave a brief overview of some of the changes made to each description. A copy of each job description with salary ranges are on file with this day's minutes. Commissioner Van Beek made a motion to sign the resolution to revise job descriptions, title changes and salary changes for positions in the Parks Department. The motion was seconded by Commissioner White and carried unanimously. See resolution no. 21-019.

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

FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 16, 2021

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

APPROVED CLAIMS

- The Board has approved claims 571396 to 571421 in the amount of \$19,526.37

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

The Board met today at 8:48 a.m. to consider signing the Treasurer's tax charge adjustments by PIN for January 2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Treasurer Tracie Lloyd arrived at 8:56 a.m. and left at 8:58 a.m.

Commissioner Van Beek gave a brief explanation of the tax charge adjustments to Commissioner Smith. The Board would like to continue this meeting to a time when the Treasurer's staff is able to attend the meeting. Commissioner Van Beek made a motion to continue the meeting to a time when Treasurer staff is available. The motion was seconded by Commissioner White.

Treasurer Lloyd arrived 8:56 a.m. to answer Board questions regarding the adjustments. Once all questions had been addressed Commissioner Van Beek made a motion to sign the tax charge adjustments by PIN for January 2021. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy

P.A. Zach Wesley (left at 9:03 a.m.), Deputy P.A. Mike Porter, Fair Director Diana Sinner (left at 9:03 a.m.), Facilities Paul Navarro (left at 9:03 a.m.), Elections Supervisor Haley Hicks (left at 9:07 a.m.), Elections Specialist Brandi Long (left at 9:07 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing Addendum 2 for Canyon County IFB Fair Expo Building construction project:*** Zach Wesley explained that questions regarding this project were received until last Thursday at 5:00. Due to the volume of questions received this addendum extends the deadline by another week. Director Navarro indicated that 151 questions were received which he feels is a good situation so more questions can be answered now instead of having change orders once the project begins. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign addendum no. 2 for the Canyon County IFB Fair Expo Building construction project. A copy of the addendum is on file with this day's minutes.

***Consider signing a resolution classifying records of the Canyon County Clerk and authorizing the destruction of certain records:*** Mike Porter spoke about records retention in regard to permanent, semi-permanent and temporary. The documents to be destroyed have been reviewed by legal and qualify under the categories listed. A specific breakdown of documents to be destroyed are outlined in the resolution. Several questions posed by Commissioner Van Beek were addressed by Ms. Hicks. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Clerk and authorizing the destruction of certain records (see resolution no. 21-020).

Commissioner Van Beek asked about the process of requesting Board meetings. Commissioner Smith said all EOs need to follow the process of going thru the Board and Chairman to request meetings. Discussion ensued about an upcoming meeting regarding security; since it is an open meeting anyone is welcome to attend. Commissioner Smith indicated she will reach out to the other EOs informing them of the meeting request process.

Commissioner Van Beek spoke about an email that was just received from the Sheriff requesting the meeting to discuss security matters be limited to include the Sheriff, legal, Judge Southworth and the Board. In response to a question from Commissioner White, Mr. Porter said the meeting could potentially go in to executive session but wouldn't necessarily have to. Commissioner White feels that the Sheriff's request should be upheld. Commissioner Smith would like to see the meeting left as it is with the option to go into executive session if it moves that direction.

The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:18 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Assistant Director of Juvenile Detention Shawn Anderson, Director of Misdemeanor Probation Jeff Breach (arrived at 10:08 a.m.), Director of Juvenile Probation Elda Catalano (arrived at 10:09 a.m.) and Deputy Clerk Jenen Ross. Director Brown updated the Board on the following:

- Number of juveniles in custody has fluctuated between 15 and 23 for the month of February. Currently they have 19 in custody and Director Brown reviewed the numbers as follows: 11 from Canyon County, 3 from Payette County, 1 from Gem County, 1 from Malheur County and 3 from the Department of Juvenile Corrections.
- They are working on replacing some beds in the garden. The wood was purchased with grant funds and the veterans garden will provide topsoil and woodchips.
- There is a dryer that is 22 years old and needs to be replaced. A new dryer will cost approximately \$4000 and Director Brown has worked with Director Navarro who has indicated his budget can absorb about ½ the cost. Director Brown said he has funds available in his miscellaneous and repair and maintenance budgets that could be used for the other half. He plans to account for replacement of the other one in case it goes down although the Board is in favor of replacement before the dryer completely dies out.
- Sean Anderson said that training certification for defensive tactics will be happening within the next month.
- Discussion ensued regarding wage increases for part-time employees. Commissioner Smith is supportive of having a plan in place and thinks employee retention is really important. She would like to see a plan from Director Brown in how he would handle this.

The meeting concluded at 10:18 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:18 a.m. for a monthly meeting with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Probation Elda Catalano, Fleet Director Mark Tolman (arrived at 10:45 a.m.) and Deputy Clerk Jenen Ross.

Director Catalano updated the Board on the following:

- Her department is starting the planning of the 6<sup>th</sup> Annual Truancy Kickball event. There is a partnership in place with the United Way of Idaho as the financial sponsor; she is working with Zach Wesley in order to get the latest MOU on the agenda for Board consideration.
- They are participating in the Contingency Management Program with Oregon Social Learning. She will soon be receiving the \$2500 incentive for participation as a reward for the Probation Officers. Contingency Management is a specific approach to get juveniles to comply with their conditions of probation by utilizing incentives and rewards. Oregon Social Learning provides the incentives and rewards for the juveniles and anytime a youth is involved in the program they provide \$425 per student to Juvenile Probation to be used. Last year they enrolled 8 youth, this year they are hoping to increase the enrollment number because it is an effective program.
- The Institutionalization of Status Offenders program is back and running; she has one part-time officer that is grant funded and specific to that program. Currently that person is doing ride-alongs with law enforcement as that is where they are identifying the kids who will benefit most from the program. The program runs thru the end of September.
- Gang activity is starting to increase so she is working with law enforcement to search homes when appropriate and/or necessary.
- Next month Joe Langan with the Idaho Department of Juvenile Corrections will attend the meeting to give an overview of the relationship with the County, funding and answer any questions from the Board.
- Commissioner Van Beek requested to see Director Catalano's 1, 3, and 5 plans and asked for her input on the Youth Court. Additionally, she would like there to be discussion about her drug testing policy and the potential of applying it county-wide.

Director Breach updated the Board on the following:

- Last month he attended the magistrate judges meeting. POs are spending an enormous amount of time just sitting in court. He may need to look at adding additional POs if/when more magistrate judges are added. There is a combination of reasons why hearings are taking so much more time including defendants delaying their case, judges granting continuances, attorney's not being prepared for court amongst other reasons. Commissioner Smith asked if there is something that can be done to increase efficiencies, if perhaps a meeting with the ADJ and TCA could be helpful. Director Breach isn't sure a meeting would be helpful because traditionally ADJ's have been hesitant to tell other judges how to run their courtrooms. He also feels that once more courtrooms are added additional staff will be inevitable.
- His department is working with Serenity Wellness on their Cares program which is for people on probation and in jeopardy of being terminated from treatment in-turn getting a probation violation for being non-compliant.
- He has completed his org chart which he will forward to the Board. He did ask for more direction on what kind of information the Board is looking for with the reopening plans

that have been requested. His department has been open but limiting appointments due to maintaining social distancing. In response to a question from Commissioner Smith, Director Breach said what they're doing right now is probably about the best they can until vaccines are more readily available to the public and fewer CDC guidelines requiring social distancing are implemented. Commissioner Smith asked him to indicate that there are still concerns about a mass of people but will continue scheduling appointments and that all employees are at work.

Director Catalano added that her office has been open to the public and they are not restricting anything other than probation officers are not meeting with clients in their small offices due to social distancing recommendations. If someone comes into the office they will meet with them in one of the conference rooms. Commissioner Smith said Director Catalano can submit her plan just stating the department is functioning as normal with the minimal exceptions outlined.

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

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

The Board met today at 10:57 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- They are starting the upfitting on new patrol vehicles.
- He is getting ready to send vehicles to auction. This year an auction service will be used instead of the public surplus auction that has been used in previous years. The contract is with legal for review.
- He is working with legal on a contract for uniforms. There is a new public sector partnership available that could save about 50% of what they're currently spending.
- Commissioner Van Beek spoke about how vehicle budgeting is under each department or office and not all under the Fleet budget. Once a vehicle is sold/auctioned the funds are returned to the current expense fund instead of the Fleet budget.
- He is working with area carwashes inquiring about their programs for certain county vehicles. The Board is in support of contracting with Epic Shine as they are locally owned.

The meeting concluded at 11:16 a.m. An audio recording is on file in the Commissioners' Office.



## MEETING WITH DEVELOPMENT SERVICES DEPARTMENT DIRECTOR AND STAFF TO CONSIDER ACTION ITEMS

The Board met today at 1:30 p.m. with the Director of the Development Services Department Director and others to address several matters and action items. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Director Tricia Nilsson, DSD Planner Jennifer Almeida, DSD Admin. Specialist Kathy Frost, Code Enforcement Officer Eric Arthur, Code Enforcement Officer Nicholas Wood, IT Director Greg Rast, Computer Network Technician Ben Larson, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley and Deputy Clerk Monica Reeves. The items were considered as follows:

***Reschedule public hearing to consider a request by Lee Family Trust for preliminary plat approval of Solitude Creek Subdivision, Case No. SD2020-0016*** – Jennifer Almeida reported that the applicant is still working with the highway districts and have requested a continuance. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reschedule the hearing for the preliminary plat for Solitude Creek Subdivision to February 24, 2021 at 9:00 a.m.

***Meet with DSD Director to discuss general issues, set policy, and give direction*** - Commissioner Smith spoke of the technical difficulties experienced in land use hearings when displaying information via Webex and when the Board has questions of staff so she would like to have DSD planners appear in-person for land use hearings rather than appearing virtually. Director Nilsson said she will work with IT to address the technical issues of planners logging in and being on Webex and work out the details of who the presenter will be, who is sharing their screen, etc. She said they have a target date of April 15 which means they need to have the technical issues resolved by March 15. Director Rast said the new equipment for the Board's meeting room will arrive this afternoon so the system will be operational this afternoon. Commissioner White asked about the possibility of having legal counsel present for those hearings. Sam Laugheed said we can talk about when the Prosecutor is available. Zach Wesley said if DSD is aware of an issue in advance that would be helpful. (Director Rast and Ben Larson left at 1:40 p.m.)

***Discussion regarding code enforcement caseload and establishing a new process*** - Commissioner Smith said she's heard frustration from constituents that we do not have enough tools to adequately enforce some compliance versus our standard go-to voluntary compliance, or competing with the other criminal and civil cases. Zach Wesley said when we last met there was discussion about the City of Middleton's code which has a staggered infraction schedule where the first penalty is \$50, then \$100, etc., and then it goes to a misdemeanor whereas the County's process is immediately misdemeanor. The difference between the two approaches is going to be a lot in the process and resources involved. The infraction schedule Middleton uses does allow for more of these immediate direct fees that are less burdensome on the court. If the Board wanted to go back to infractions it could be accomplished by going through an ordinance amendment process. Discussion ensued regarding penalties and fee structures. Commissioner Smith asked if we can have an ordinance that sets the tone for infractions with the process like Middleton has that has the different levels. We are trying for voluntary compliance but also giving

notice of the fees because of the work the County has to do. Is there a way to do that so if we abate we can also affix those costs to the tax roll to recoup the money? Mr. Wesley said yes, the current ordinance contemplates that sort of procedure. With regard to the civil penalty procedure that Eric Arthur contemplates, Mr. Wesley said there is not a good model for that in Idaho that he's aware of so if we are going to build something like that we will have to look to the state authority and it would require additional processes with the Board. Eric Arthur said we still have absentee property owners where it's difficult to cite them so that's why he is proposing something in addition to criminal, to have something administrative with an appeal process to the either the Board or the P&Z Commission. He said there needs to be some other method of compliance other than only criminal – whether it's infraction or misdemeanor, we have to do something else. There was discussion regarding the expenses the County incurs in compliance issues and the need to have fees to cover those services, but Mr. Wesley said we need to be careful because it's not a service we are providing, it's a penalty for the failure to follow the law and there would be fees associated with it that go to the court system. The infraction model will not be a significant revenue generator. If you're going to institute a staggered progressive penalty violation it needs to be something without discretion. Follow-up discussion ensued. Director Nilsson offered to prepare a flow chart of the current system and how abatement fits in and when it comes to the Board. Commissioner Smith asked for a blended model that gave us the tools to have the infraction. Sam Laugheed said it would be helpful to know which of the 300 cases DSD is worried about, and he wants to know the basis of the conclusions that are being drawn. Commissioner Smith said it's been an ongoing problem for several years and she heard from constituents who express frustration about the lack of enforcement. One common denominator that's always existed is there is normally only one code enforcement officer and it's so understaffed no one had a chance to succeed. Mr. Laugheed said that doesn't mean the Sheriff's Office and local law enforcement aren't doing their own public nuisance cases. He would like to know of the 300 cases how many are weeds, or public nuisances, or zoning issues. Commissioner Van Beek said Eric Arthur's proposal would be to have the people with that expertise feed information to him with direction on how to proceed. Mr. Laugheed said if the concern is that the PA's Office isn't prosecuting things the way people might prefer that's a completely different discussion then what can we do to help the ordinance. Commissioner Van Beek said she's heard a desire for additional policy and clarification on policy and that there are competing interests in the PA's Office that put the code enforcement cases at a lesser priority. Commissioner Smith said while she understands there are competing interests, we still have ordinances we want to comply with and there needs to be more tools before it goes to the PA's Office and it needs to be more than voluntary compliance. We want to add to the ordinance and have other tools that can be available for Eric Arthur. Commissioner Van Beek asked about a fee structured that includes logged hours. Mr. Wesley said the fees have to reflect the service provided and most of these are the weed cases where you send somebody out once, make a call to the service provider and they mow weeds. The fee structure is probably not going to recoup the costs on the cases that have been ongoing for years. Infractions are capped by statute and misdemeanors are capped at \$1,000 penalty by state law. Director Nilsson talked about having a standard monthly report of where the cases are at. Oftentimes when they get a violation they try to give the property owner some time to come up with a plan and she would like to talk about how that could be more structured in the ordinance so instead of going to an infraction we can have a compliance plan so we don't have to

spend money on abatement. Of the 300 cases where could we get voluntary compliance and then what would have to advance to an infraction or use up other resources. Mr. Arthur said we need to pick a process and move forward with it. He needs direction and a determination on where we need to go. Commissioner Smith asked the parties to work together on an ordinance that outlines the infraction process being added, and then a clear process that gets us to a Board decision for abatement or misdemeanor, and abatement being that we can add that to the tax roll so we can recoup the costs. Director Nilsson will prepare a flow chart of what the current process is and how abatement fits in. The meeting concluded at 2:26 p.m. An audio recording is on file in the Commissioners' Office.

#### FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 17, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 571634 to 571669 in the amount of \$22,522.29
- The Board has approved claims 571598 to 571633 in the amount of \$36,104.75
- The Board has approved claims 571584 to 571597 in the amount of \$17,271.00
- The Board has approved claims 571478 to 571519 in the amount of \$93,367.49
- The Board has approved claims 571359 to 571395 in the amount of \$25,628.20
- The Board has approved claims 571580 to 571583 in the amount of \$22,923.00

#### APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Terrence Martinez, Computer Network Technician.

#### PUBLIC HEARING – CONDITIONAL REZONE REQUEST JARDINE FAMILY TRUST, CASE NO. CR2020-0011

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by Jardine Family Trust for a conditional rezone, Case No. CR2020-0011. Present were: Commissioners Keri

Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, TJ Wellard, and Deputy Clerk Monica Reeves. Present via Webex: Teresa Jardine and Deputy PA Zach Wesley. Commissioner Van Beek disclosed that she had ex parte communication with Teresa Jardine, who reached out to her while she was in the midst of the application process, and they had a conversation about the application and the family dynamics, but Commissioner Van Beek had no idea where the application would go but she doesn't feel like that conversation will prohibit her from making an objective decision. Additionally, she requested information from Director Nilsson and that information has been provided to the other Board members for discussion today. Deputy PA Zach Wesley had no concerns with the disclosure. Jennifer Almeida gave the oral staff report. The property is approximately 1.75 acres not located within an area of city impact for a floodplain and the applicant is requesting to rezone of the property from Agricultural to CR-R1 (conditional rezone single-family residential). In 2020 they applied for a secondary residence to care for their aging parents, however the mortgage company required the home be on its own parcel. In 2020 approximately .75 acres was divided off the parcel due to requirement that the home be on its own parcel and in doing that it fell below the one-acre minimum lot size so they were required to receive approval of a variance of the lot size. They gained approval on December 1<sup>st</sup> of last year. The applicant is also requesting a rezone to comply with code. The home will be adjacent to existing homes that are clustered along Dearborne Road and would not impact the agricultural uses that are adjacent to the subject property. Both the P&Z Commission and staff are recommending approval. Commissioner Smith had questions about issuing a variance when it wasn't zoned yet, and she asked if it was the correct process to apply for a variance in a zone that didn't exist. Zach Wesley said the scenario does not present any legal issues although there may be some procedural things the Board would want to evaluate, but he needs to look at the documentation first. Commissioner Smith said the order states the decision was to reduce the average minimum lot size in an R-1 zone to .75 acres for this parcel. Her other problem with the variance; she does not see how an actual site characteristic created the hardship whereas it was created by an administrative land division. The parcels were set in size because of that and because of the ordinance requirements at the time so she doesn't know how that creates a specific site characteristic that would support a variance per state statute and the zoning ordinance. If we can do a variance on an R-1 zone that doesn't exist yet why can't we do a variance on the agricultural zone and just keep it zoned ag with the variance? There is a decision varying it and it would stand but the land isn't zoned R-1 yet and so her question is procedurally is the Board okay to issue a variance on land that isn't zoned R-1? Ms. Almeida said we have a couple different variances: one that the director can approve if it's below 33%. Anything more than that has to go through a public hearing process. This case was an administrative decision, it was not heard by the P&Z Commission. Commissioner White said west of the property is a large agricultural parcel and an adjustment of the western property line would interfere with farming operations on the adjacent parcel and she believes that creates a problem because it would damage the farm-ability of a neighbor and that is a hardship. Commissioner Smith said the zoning ordinance already allowed for the land division and secondary residence to be built on the current land so there is not a site characteristic that did not allow for the construction of the home. Mr. Wesley said it looks like they were filed at the same time but the variance worked its way through the process quicker than the P&Z Commission process. The variance probably should have happened after the hearing but the question about whether there is a hardship is not before the Board today;

that's an appropriate question to discuss with staff afterwards, but the variance isn't directly before the Board, it's not been appealed and would be final under the ordinance unless it was appealed. The issue for today is the question of the rezone from Ag. to R-1. Commissioner Smith had follow-up questions for staff about the site and the secondary residence permit. She noted that there is no approval for Parcel B. TJ Wellard testified on behalf of the applicant. The original parcel was owned by Pancheris who are relatives of the Jardines and when they did the original land division they split off the existing house on the parcel in question today. They came to him and asked to adjust the property line of the subject property to incorporate more land so the Jardines could build a secondary residence to take care of their aging parents. They went through the process to get approval for a property line adjustment which increased the parcel from one acre to 1.75 acres. There is a strip of fallow ground between the two houses so that is the additional .75 acres that was added to this parcel to increase its size so they could put a secondary residence on it. They thought about going larger because they thought they would have enough money to build a house without having to get a mortgage so they went forward with the 1.75 acres because the other family member did not want the parcel to jog out 20 feet into the field making farming difficult and wasting more good farm ground so they went with the 1.75 acres hoping they could finish construction without getting a mortgage. In order to get a parcel for the mortgage company they had to create the parcel. Today they have two parcels: one-acre with the house and the .75-acre they created for the secondary residence. With regard to the hardship, Mr. Wellard said it's more of a site characteristic because if we want to preserve farm ground we can have a .75-acre parcel without ruining over an acre of farm ground. The variance was requested because they need to reduce the size of the parcel so as not to waste farm ground to meet an acreage. The site is already approved for access with the highway district, and well and septic with the health department. The size of the lot is not constraining being able to put the house on it. He said they cannot ask for the rezone unless they know they can get approval for the variance. If they don't get one or the other – or both – it's a no-go no matter what. Following his testimony Mr. Wellard responded to questions from the Board. Commissioner Smith had additional questions regarding staff's findings. Teresa Jardine confirmed that Commissioner Van Beek's summary of their conversation from September was an accurate recollection of the conversation that took place. She said they pursued two different banks for financing and both required it to be in their (Jardine) name so they pursued the split to get the parcel into their name. In response to a question from Commissioner Smith, Ms. Jardine said if the rezone is not approved the home will still be constructed. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith said she understands the value of having family near you and when the zoning ordinance was adopted, and later modified, the secondary residence permit was put in place to help with those situations, but what happened here puts us in a situation where many people will take advantage of applying for a secondary residence and then going through a rezone process and having spot zoning to legitimize having two separate parcels. She recommends changes to the conclusions of law that would support denial of this request. The Jardines have other options to pursue without the Board rezoning this agricultural land that was created by a legitimate process. Commissioners Van Beek and Smith discussed the process for land divisions. Commissioner Smith pointed out that Parcel B is not an approved parcel for an administrative land division and said what will likely happen is the next application will be for Parcel B. She believes this is a way to circumvent the ordinance by

applying for a secondary residence and coming in after the fact for a land division. Commissioner Van Beek made a motion to reopen the record. The motion failed for lack of a second. Commissioner White does not see this as spot zoning. They have kept it where agriculture can continue and they are doing it for a deeply personal reason which carries a lot of weight with her. She is not worried about it setting a precedent because the Board looks at requests on a case-by-case basis. Commissioner Smith asked about delaying the hearing for a review of past history on what constitutes spot zoning. Mr. Wesley would prefer to have an executive session and go over it with the Board in more detail. Commissioner Smith and Commissioner White discussed existing zoning in the area with Commissioner Smith stating this is an example of spot zoning; the additional land division does not meet the current code which is why they are seeking a rezone. She said this area is not appropriate for a rezone. Commissioner Van Beek would like to have additional time to think about the information that's been collected and meet with legal counsel. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to Friday, February 19, 2021 at 1:45 p.m. The hearing concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

#### FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 18, 2021

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:

- HP Inc. in the amount of \$1150.00 for Information Technology Department

#### APPROVED NOVEMBER 2020 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of November 2020 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

### MEDICAL INDIGENCY MATTERS

The Board met today at 9:15 a.m. to consider medical indigency matters. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-318, 2021-392, 2021-304, 2021-411 and 2021-306. Commissioner White made a motion to issue initial denials with written decisions within 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial approval with written decision within 30 days on case no. 2021-406.

Commissioner White made a motion to issue a final approval with written decision within 30 days on case no. 2019-817. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

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

### PUBLIC HEARING – TAKE COMMENT REGARDING ASSESSOR'S PROPOSED DMV ADMINISTRATIVE FEE INCREASE, AND MEETING TO DISCUSS DMV STAFFING NEEDS

The Board met today at 9:32 a.m. to conduct a public hearing to take comment on the Assessor's proposed DMV administrative fee increase, and to discuss DMV staffing needs. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Assessor Brian Stender, DMV Supervisor Kimbra Asqueta, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Civil Deputy PA Sam Laugheed, Deputy PA Brad Goodsell, Steven Shake and Deputy Clerk Monica Reeves. Rachel Spacek from the Idaho Press-Tribune participated via Webex. Today's hearing was continued from last week. Assessor Stender said the original plan was to increase the administrative fee to \$2 but he wants to change that. His new plan is to fund four additional employees to help reduce wait times, and two additional temporary employees to help with customer flow. He said ITD has offered to assist with the backlog of mail-in renewals and internet transactions but they will only pay the counties \$3 of the \$4 fee that's currently being collected. Other highlights included:

- Senate Bill 1102 will allow ITD or its agent to handle title transfers and registration work
- Wait times are improving but we have a long way to go to get back to where they were

- Transactions counts are still increasing
- Today he is asking if the Board will authorize property tax funding to be used for four fulltime and two temporary employees
- A lot of Canyon County's customer base and revenue is going to DMV's in other counties.

The total cost for employees and computer equipment to get us through the year will be \$121,000. The additional employees will not generate additional revenue, but they will be able to push more people through the system compared to what they are doing now. Kimbra Asqueta anticipates the additional employees will be able to serve an additional 130 customers per day; before the Gem program they were serving 800 customers a day, compared to 400+ now. Clerk Yamamoto said the Board is not getting the whole story as to what is going on with this program so he has invited officials from ITD to observe how long it takes to complete a transaction. Commissioner Smith asked if we can add the fee to cover the cost of doing service. Commissioner Van Beek wants to do a deeper dive during the budget season and look at the prorated costs per department given that we have growth and space needs throughout the County. To Commissioner Smith's question, Sam Laugheed said when looking at the fee increase versus the property tax, from a legal perspective he's worried about maintaining the difference between a fee and a tax so when we talk about increasing that fee we want to make sure it doesn't turn into a tax and the cleanest way to do that is to take the average time/salary per transaction and how that's changed. If we show that we can show that the fee is directly associated with the service need provided. Take the pre-ITD software change, the time it took an average to do this service and what the employee's average salary would be and then we can get an average cost per service. Now we know the time has doubled but the salary is going to be the same so the cost has gone up for just that service. Then factor in the administrative costs and then we can be close enough to what the statute says which is reasonably related but not exceed the actual cost. Assessor Stender said if we do that we are back to looking at how many people will be moving into the additional facility, there are too many unknown factors. We can do that but it will extend the timeframe to get people in chairs. Commissioner Smith said there still needs to be a decision from the Board to use property tax to pay for the employees and then we are looking at the fee, the cost of that service and then we can have a reasonable fee and evaluate what the fee increase looks like. Clerk Yamamoto agrees with Sam Laugheed and said if we raise fees to try to cut back on a four-hour wait and you cut that to three hours it's still a bad look. Commissioner Smith said if we provide the employees and look at the cost of service and use historical data plus the average of the new data now we have a better fee base. The first step is to get the employees and the next step is to figure out the cost. Commissioner Van Beek agrees and she feels our constituents would approve of the Board solving this problem and which address the immediate need for help. Commissioner White is not sure four additional employees will be enough and if we are going to hire people it has to be a sustainable funding source. Why are we raising fees if we have the money? It needs to be justifiable. Commissioner Van Beek wants to know how we are going to embrace the bigger ongoing need so it does not continue to be a current expense item. Controller Wagoner said the state implemented a new software program and system and it's not fair the Canyon County residents have to pay an increase fee, or through property tax, for what the state has pushed on us. Motor vehicle is an area where we can charge a reasonable fee to cover the cost of providing the service, but this is not going to be a profit center; we need to determine and establish what is



a reasonable fee specific to the service and that fee is charged to cover only the cost of this specific service so the burden does not fall on property taxpayers long-term. Steven Shake said the people he represents agree with what the Controller said. The state has imposed this disability on the County and until the state decides what they are going to do about this program the County is not going to be able to make an assessment of what the future looks like as far as time or money. The crux of this problem depends on how fast or the state/ITD can fix this problem and until that time is established how can we assess a long-term need and how much a fee should be? Commissioner Smith said the Assessor needs additional employees whether it's the state's fault or not and we have an obligation to serve our constituents. She supports Assessor Stender working with the Clerk and Controller to figure out how we can come back with reopening and adjusting the budget to support that need. Commissioner Van Beek supports the Assessor's request. Commissioner Smith said we do not have enough information for the fee increase. Sam Laugheed said if the Controller is willing to run the numbers for the Board to show what that would look like there could be additional discussion and an action item to consider reopening the budget for this purpose. Controller Wagoner said he prefers to reopen budget at the end of the fiscal year, but the positions can be funded sooner than that. The formal action will need to be published to formally adjust the budget. Commissioner Van Beek supports the Controller's position of waiting for one budget adjustment, and when feedback is provided, because of the unique position we have been put in financially with federal COVID funding, she would like to have the amount of the County's fund balance and what percent that represents as well as the number that is reserved for the landfill enterprise fund and what percentage of the budget that represents. A meeting and action item will be set for a later date to consider adding four employees to the Assessor's Office. The meeting concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS COURTHOUSE CAMPUS, AND LEGAL STAFF UPDATE

The Board met today at 10:20 a.m. to discuss the courthouse campus and to have a legal staff update. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Brad Goodsell, Deputy PA Mike Porter, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Paul Navarro, Assessor Brian Stender, Steven Shake, and Deputy Clerk Monica Reeves. Commissioner Smith requested the meeting because there is an adjacent property to the courthouse campus that's for sale and given the immediate need for growth and space, she wants to talk about what we have and what our goals are. Sam Laugheed said sometimes there can be an advantage to having discussions in executive session about which properties are available and which ones the County might want to acquire. Paul Navarro said overall we have set aside monies to buy blighted properties around the courthouse and that's how we've acquired most of the parking lots around the campus. Several years ago, the City of Caldwell asked us to consider integrating our master plan into a special zoning district from the railroad tracks north, past Chicago Street. At one time the County tried to purchase the Van Burren Elementary School. When we get serious about buying large commercial real estate we need to look at an asbestos survey, lead-based paint survey, roof conditions, and heating and cooling, power systems. The building code states if you manipulate at last 25% of the

property you must bring the entire project to code which would include a fire suppression system, plus, we inherit the problems of asbestos and lead-based paint. The property in question today was previously discussed preliminarily and we looked at it but the difference in the County's opinion of value and the owner's opinion of value was pretty large and it died right there. He likes the idea of moving north between 10<sup>th</sup> and 14<sup>th</sup> Avenues and creating a special zoning district knowing we will need more space. Commissioner Van Beek said she did not agree with the decision to turn the property purchase Director Navarro referenced. She asked if there is a coordinated effort between the Facilities Director and the Assessor to identify properties as they come up for sale? She wants a coordinated discussion that looks at what we can do to create a special district with the city, but to offer a first right of refusal or to have a master plan that would strategically target these blighted properties as they come available. Director Navarro said when we have a property in mind they speak with the Assessor about the assessed value and fair market value and determine if it's something we should consider. Identifying properties is one thing, trying to figure out a master plan and how to fund it is another and that's not something we've been doing actively. Commissioner Van Beek asked if there was a designated line item for purchasing properties? Director Navarro said there yes, there was capital fund to buy blighted property, which is helpful for parking control, parking issues, etc. A special zoning district will open up abilities for us to control parking. Commissioner Van Beek thought it would be a good idea to have an expanded detailed discussion, and an Executive Session was held as follows:

EXECUTIVE SESSION – DISCUSS ACQUISITION OF AN INTEREST IN REAL PROPERTY, AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, Commissioner Van Beek made a motion to go into Executive Session at 10:31 a.m. pursuant to Idaho Code, Section 74-206(1) (c) and (d) regarding acquisition of an interest in real property, and records exempt from public disclosure and attorney-client communication. 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, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Brad Goodsell, Deputy PA Mike Porter, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Paul Navarro, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Mr. Goodsell, Director Navarro, Controller Wagoner, Clerk Yamamoto and Assessor Stender left at 10:50 a.m. The Executive Session concluded at 11:25 a.m. with no decision being called for in open session. The Board continued the legal staff update to 2:30 p.m. this afternoon.

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

#### CONSIDER FINAL PLAT FOR STAR RIVER MEADOWS SUBDIVISION

The Board met today at 11:26 a.m. to consider the final plat for Star River Meadows Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer

Almeida, a representative from KM Engineering and Deputy Clerk Monica Reeves. Ms. Almeida said the property is zoned R-1 single family residential and contains 13 residential lots and one common lot. The project will utilize an internal public road. Sewer and domestic water are provided by Star Water and Sewer District, and pressurized irrigation will be provided. It is located within an AE flood zone with a base flood elevation determined. The preliminary plat was approved by the Board on January 28, 2020 subject to 8 conditions of approval and all conditions have been met. Keller and Associates has reviewed the final plat and construction drawings and recommended the plat be approved. Staff has found the plat to be in compliance with the County code and is recommending the Board sign the final plat. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the final plat for Star River Meadows Subdivision, Case No. SD2020-0019. The meeting concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED LEGAL STAFF UPDATE/EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS  
EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

*The legal staff update was continued from this morning, and an Executive Session was held as follows:*

Commissioner White made a motion to go into Executive Session at 2:32 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss named personnel and records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Mike Porter, and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:41 p.m. with no decision being called for in open session.

**FEBRUARY 2021 TERM**

**CALDWELL, IDAHO    FEBRUARY 19, 2021**

**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:

- Thompsons commercial/industrial/CCIN Laundry Equipment in the amount of \$4,828.00 for Facilities Department

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Juil McCoy, Outdoor Recreation Planner and Laura Barbour, Assistant Director, Parks.

#### MEETING WITH CANYON COUNTY AUDITOR TO RECEIVE THE FISCAL YEAR 2020 AUDIT REPORT FROM EIDE BAILLY

The Board met today at 10:09 a.m. with the Auditor's Office and Eide Bailly to receive the Fiscal Year 2019 audit report from Eide Bailly. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Auditing Supervisor Marina Mendoza, and Deputy Clerk Monica Reeves. Present via Webex: Jodi Daugherty and Abbie Belthoff from Eide Bailly. Jodi Daugherty reviewed the required Auditor's communications:

##### Independent Auditor's Report

- Unmodified opinion (clean opinion)

##### Report on Internal Control over Financial Reporting and Compliance

- No Internal control findings and no noncompliance

##### Report on Compliance for the Major Federal Program and Compliance Required by Uniform Guidance

- Unmodified opinion (clean opinion)
- No noncompliance
- No internal control findings

##### Audit performed in accordance with auditing standards generally accepted in the United States and Government Auditing Standards

- Management is responsible for the financial statements
- Audit provides reasonable, but not absolute, assurance that the financial statements are not materially misstated
- Audit does not provide any assurances regarding regulatory compliance
- Audit is not designed to provide assurances regarding internal control over financial reporting

Financial Statements prepared in accordance with accounting principles generally accepted in the United States

There were no difficulties encountered in performing the audit; no disagreements with management; no management consultations with other independent accountants, no other

matters discussed prior to retention, and there were no corrected or uncorrected misstatements.

#### **Significant Estimates**

- Management's estimate associated with self-insurance liability for claims incurred but no reported (IBNR/incurred claims payable)
- Management's estimate of the liability associated with the closure, post-closure and correction action costs for the landfill
- Management's estimate of the net pension liability and deferred inflows and outflows of resources
  - Based on actuarially determined estimates

#### **Major Federal Program Audit**

- Dollar Threshold: \$750,000
- Not a low-risk auditee
- Coronavirus Relief Funds
  - CFDA 21.019
  - \$907,027 in federal expenditures
  - Passed through from Idaho Governor's Office
- No material weaknesses or significant deficiencies

Abbie Belthoff reviewed the Comprehensive Annual Financial Report (CAFR)

#### **Reviewed statement of net position – September 30, 2020**

- Total ending net position of \$89,732,909 as 9/30/20
- Net pension liability was nearly \$28 million (last year it was \$14 million)
- Overall the county has ample assets on hand to cover liabilities

#### **Statement of revenues, expenditures, and changes in fund balances**

- All funds brought in more revenue than expenditures

Controller Wagoner said out of all the pages of the report this is the most important page as it shows actual revenue, actual expenditures. Financially FY2020 was a good year. Our fund balances for government funds grew by over \$5 million as result of expenditures coming in under budget and revenues came in better than anticipated. Important to recognize that we made significant capital assets elections equipment, which came in under budget at \$3 million, and costs associated with the opening of Pod 6.

The largest revenues were property tax at \$56,135,633 and intergovernmental fund at \$19.4 million.

There was a review of the estimates related to the landfill closure and post-closure costs. The landfill fund has ended with about \$20.7 million at the end of the year while the insurance fund is about \$6.2 million. The ending net position for the landfill fund last year was \$18.7 million. Discussion followed regarding the estimated costs for the landfill closure and post-closure costs.

For the enterprise fund, both the revenue and cash flow funds have positive cash provided by those operating activities.

They presented a schedule of expenditures of federal awards prepared by Controller Wagoner as part of the CAFR, noting the Coronavirus Relief Fund (COVID) where that \$907,000 was received and a separate audit was conducted.

Eide Bailly reports there is “no bad news” and Canyon County is doing a great job maintaining and improving operations year after year.

The meeting concluded at 11:01 a.m. audio recording is on file in the Commissioners’ Office.

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

The Board met today at 11:04 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of IT Greg Rast, Assistant Director of IT Eric Jensen, Business Manager Caiti Pendell, Operations Manager Don Dutton, Project Manager Shawn Adamson, Development Operations Team Lead Mark McMinn, Development Manager Rick Fisher, IT Business Analyst Chelsea Baguley and Deputy Clerk Jenen Ross.

Each member of IT introduced themselves and gave a brief overview of their job responsibilities.

Director Rast then updated the Board on the following:

***Disaster recovery program:*** In the FY2021 budget \$100,000 was cut from the Disaster Recovery Program. New fiberoptic pathways to be run for \$40,000 to provide a secondary pathway for every switch. \$60,000 to bring up another core, which is the “heart” of the network and also serves as back-up. Both of these projects were cut for FY2021 but Director Rast said they can be pushed to FY2022.

***Service provided to the Ambulance District:*** Director Rast gave a history of the relationship between county IT and the Ambulance District and provided an overview of the services he knows county IT can provide to them. Currently they have two servers maintained by county IT. There is a frustration by IT and the Sheriff’s Office over security of the Spillman system and the Ambulance District, additionally there is question about the GIS system used by both entities. Director Rast spoke about how the Ambulance District is supported by just one person and how that can be problematic if that person is unavailable. Commissioner Smith would like to get everyone in one room to identify problems and possible solutions.

***Sunbelt Controls:*** This is the system that controls all the HVAC systems, IT maintains a virtual environment for them.

Director Rast gave a high-level overview of what is needed for IT expansion noting several items that are needed including an email administrator, fiber connection for weed and pest, additional bandwidth at Celebration Park, Fairgrounds fiber connectivity project and mobile app development.

Commissioner Van Beek asked about fitting the BOCC meeting room tables similarly to the courtrooms. A meeting for further discussion on this topic is planned for next week and will include the Facilities Director.

Commissioner Smith suggested it may be good to share this information with the other EOs so they understand the services provided by IT.

The meeting concluded at 11:55 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:17 p.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, PIO Joe Decker, Controller Zach Wagoner (left at 1:43 p.m.) and Deputy Clerk Jenen Ross. Director Tricia Nilsson, DSD Planner Jennifer Almeida, Deputy P.A. Zach Wesley and TJ Wellard arrived at approximately 1:45 p.m.

The following items were discussed with the Board:

Mr. Decker participates on a Hispanic/Latino task force which would like to put out a PSA on Spanish radio regarding vaccine awareness. The proposal would be to run ads for 11 weeks, with 25 commercials per week for \$1375 airing on both LaGanD and La Ponderosa radio stations, Mr. Decker thought perhaps the county would be willing to provide funding for this round of PSAs. Commissioner Van Beek expressed her concerns about it appearing as though the county is promoting the vaccine. Controller Wagoner said there are monies available in fund balance to make this happen. The Department of Health and Welfare in conjunction with SWDH, Terry Riley and Family Medical Residency of Idaho will be developing the messaging. Commissioner Van Beek said she is struggling with this request as there would be a need to reopen the budget at the end of the year and she would like to move away from doing that. In response to a question from Commissioner Van Beek, Mr. Decker said he is 100% in support of doing this – it is a good look for the county and it benefits the community. Commissioner Van Beek feels the county should have some say in the messaging and as of right now she doesn't have enough information about what that looks like, she is not bias against the population receiving the information but the county doesn't know what the information is and feels it places the Board in somewhat of a position of promoting, additionally the County provides a fair amount of funding to SWDH. She personally

doesn't feel inclined to open the budget for this request. Commissioner White's take away from Mr. Decker's presentation is that the county has the largest Hispanic constituency of probably any other county and thinks that public announcements like this don't advocate, they are just informational. She feels the county should be proactive in getting out the public service announcement. In response to a question from Commissioner White, Mr. Wagoner spoke about the necessity of having to open the budget for this request. Discussion ensued regarding the possibility of using funds from the Emergency Management budget for this. Commissioner Van Beek reiterated that overall, she is not in favor of this but thinks it's a good suggestion to look at the Emergency Management budget, secondarily, she feels if it's paid for with County funds the message should be approved by the County. Mr. Decker said the original messaging centered around the message of "do your part" and believes these new PSAs would follow that same theme. Mr. Decker said he could get provide the messaging to the Board once they're complete and asked if support could be contingent upon approval of the messaging. Commissioner Smith would like see if there is a way for all the parties of the task force to contribute so that it's a group effort and not just Canyon County paying for it. Mr. Decker said that since this go-round will be with both Radio Rancho and Salt and Light radio he suggested that perhaps the county would cover the cost of one of the ad buys if the rest of the group could fund the one on Salt and Light. Commissioner Van Beek noted several line items within the Emergency Management budget that appear to have funds that have not been utilized yet. Controller Wagoner cautioned that before spending another department's funds use of 'Department 13' known as the general department could be considered as an option. Commissioner Van Beek said Canyon County funds a lot of benevolent groups and because it's a community effort, if it's the consensus of the Board, she would like to see everyone take a small piece. Commissioner White said it would take more time and effort to convene the groups and agendize meetings. The amount Southwest District Health is funded by the county is an amount designated by the state formula. Commissioner White thinks this is important and the county needs to do what it can to help, she would like to see this done. Commissioner Smith asked Mr. Decker to see about finding matching funds, noted that the Board would like to review the final PSA and determine the best place to fund it from. Commissioner Van Beek said we are asking citizens to pay for a segment of the population, in the evaluation of how to do business that is what we have to do. Commissioner Smith spoke to Mr. Decker's point saying that this is covered in the news but it's in English and this is the one place that it can be conveyed to the Spanish speaking population, they don't have access to the same information. Commissioner Van Beek expressed her appreciation for the work Mr. Decker has done on this but said it just needs to be a well vetted conversation. Commissioner Smith said she would like to see all the organizations have a little skin in the game and would really like to see the messaging. Mr. Decker said the messaging has been left to the medical professionals as it's not really the job of PIOs to formulate messaging around diseases.

Mr. Decker gave the Board an overview of what he's received from each department so far for the State of the County. His ideas for a presentation would be a webpage which could incorporate photos, audio and/or videos. Some other options would be a 10 to 15 minute State of the County video with a year-in-review document, a videoed speech giving the State of the County to an empty auditorium, however he doesn't recommend this option, or a year-in-review booklet to highlight office/department accomplishments thru the year. Commissioner Van Beek really likes



the idea of a professionally narrated video that could play on the monitors at the entrance of the courthouse. Mr. Decker recommends a more condensed version - whichever way is chosen. He also asked about timing in putting out the State of the County in upcoming years. Commissioner Smith wants to make sure the Board follows up with Mr. Decker's email to the other EOs asking them to provide input. She personally likes the State of the County webpage but also the year-in-review document.

The meeting concluded at 1:54 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING – CONDITIONAL REZONE REQUEST FOR JARDINE TRUST,  
CASE NO. CR2020-0011

The Board met today at 2:00 p.m. for the continued hearing in the matter of a request by the Jardine Trust for a conditional rezone, Case No. CR2020-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, TJ Wellard, and Deputy Clerk Monica Reeves. Teresa Jardine joined via Webex. At the previous hearing on this case, the Board closed public testimony and continued the hearing to get a legal interpretation, which was received yesterday in executive session. Commissioner Van Beek said in the staff report there are two findings to grant a variance but the problem with that is the reasons cited do not support the findings. She doesn't find it to be supportive of the comprehensive plan and the characteristics of the site given the history in evaluating what constitutes a variance it's the land itself, not financial hardship or that the structure is in an undesirable location so if we wanted to find a way to support this we have to make findings that are defensible. Allowing the rezone could create a precedence. In looking at the map she finds support for putting a secondary structure on the .747-acre parcel because it would be difficult to either farm and it's fallow ground. She does not want to penalize an applicant who applied in good faith for a secondary permit, but there is a gap that exists on how to meet the request for a secondary residence without violating or changing the zoning. Commissioner Smith said the variance decision is final and not part of her evaluation. Staff fairly applied the zoning ordinance when they permitted the secondary residence, and what happens after that set a precedence for future divisions of land for all our secondary residences and it's not appropriate. They fulfilled all of their property rights per the zoning ordinance and their property rights are not being hindered as they have built the home they asked for per the ordinance. She personally believes agricultural policies 1 & 3 of the comprehensive plan do not support the request. This use is not consistent with the permitted uses in the rest of the zoning district so she will be recommending denial of the application. Commissioner White does not believe this request will set a precedence nor does she think it is spot zoning. Each case is weighed and considered on its own merits. She said homes are not out of character with the area, and she supports the request. Commissioner Smith referred to zoning ordinance requirements and said this is not a single-family living area, it's a predominately agricultural area, and setbacks are different and code enforcement could become an issue. Discussion ensued about process. She believes the use is inconsistent with the rest of the district and should remain in agriculture. The County helped the Jardines with a secondary application and did everything required and that exerted their property rights to allow

them to do it. The use is not consistent with the comprehensive plan; it would be a rural residential zone over the top of an agricultural designation in the comprehensive plan. When considering surrounding land uses the Board has to consider is the conditional rezone more appropriate than the current zoning district, and the answer is no. It is predominately agriculture and the agricultural zoning district is the most appropriate zoning designation. Commissioner Van Beek asked for Commissioner White's basis for approval. Commissioner White said the Jardines had moved the lines to keep everything in order and they kept the corrugated area the same. If they went to the other side, it would cut into somebody else's farmland. There are homes on Missouri and Dearborne so this request is not out of character and the way they have designed it they have protected the farmland. Commissioner Van Beek said she wants to grant this based on an emotional appeal because the applicant is in need but she cannot make a finding for that. She supports the reasons for it to be done, but she does not have the tool to do it. It is not more appropriate than the current zoning designation and the moment we allow a nonconforming change to that zone it jeopardizes some of the large-scale ag farming, and if we allow people to apply for a secondary residence permit that is then turned into a request to rezone and that has the potential to negatively affect that farming community. She was able to make four positive findings for the request. Commissioner White made a motion to approve the conditional rezone for the Jardine Trust, Case No. CR2020-0011, and to adopt staff's findings of fact, conclusions of law and order and to approve the development agreement. The motion failed for lack of a second. Commissioner Smith made a motion to deny the conditional rezone and to have the findings of fact, conclusions of law modified that support a denial of this application as rendered in the Board's deliberation specifically related to Section 07-06-07 A, B, C and D to have those changed that support a denial, and to not accept the development agreement. Commissioner Van Beek wants to decide based on the difficult position the applicant is placed in but she is unable to find support in the order of that decision that it complies with County laws, rules, and ordinances. She requested a five-minute recess to evaluate the information. (The Board took a recess from 2:45 p.m. to 2:51 p.m.) Commissioner Van Beek said as she reviewed her analysis of the criteria, she could not make a positive finding for each one and as much as she wants to say yes to this application she has to render a decision that will go against what she might believe personally. Commissioner Van Beek seconded the motion to deny. The motion to deny carried by a two-to-one split vote. Commissioner White was opposed to the motion to deny. Process requires this matter will come back to the Board for a full second hearing due to a denial being issued. The hearing concluded at 2:53 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 22, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Myron Emly, Juvenile Detention Field Training Office.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:31 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. PIO Joe Decker arrived at 8:40 a.m. The Board reviewed this week's schedule with staff and it was decided that the following topics will be scheduled for discussion:

- Results of the Board's department administrators submitting their operational plans
- Meeting with the elected officials regarding the upcoming state of the county address
  - Commissioner Smith will work with the elected officials to see if they are interested in resuming the regular monthly meetings to discuss general county business. A determination needs to be made on whether there will be a rotating chair for those meetings.

Commissioner Van Beek wants to discuss the Board issuing a statement regarding Congressman Simpson's bill to take out four lower Snake River dams. Discussion ensued regarding the opposition to the bill. It was decided that IAC should be contacted to see if a collective statement will be issued from all counties or whether the Board of Commissioners should issue its own statement individually in support of the dams not being breached. Commissioner Van Beek spoke of email communication she has had with Claudia Haynes regarding fire suppression issues and it was decided the inquiry will be referred to Director Nilsson's fire committee. The meeting concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO LABYRINTH ESCAPE GAMES LLC

The Board met today at 9:02 a.m. to consider signing a resolution granting a new alcoholic beverage license to Labyrinth Escape Games, LLC. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution granting the alcohol license to Labyrinth Escape Games, LLC, as presented. (See Resolution No. 21-021.) Commissioner Van Beek said she wants to revamp the

alcohol license application form; Commissioner Smith will contact Clerk Yamamoto about the desire to change the form which is generated by the Recorder's Office. The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUE PUBLIC HEARING – REQUEST BY HANS & CONNIE HILL BRUIJN FOR A REZONE, CASE NO. RZ2020-0018

The Board met today at 9:06 a.m. to go on the record to continue the public hearing in the matter of a request by Hans & Connie Hill Bruijn for a rezone of approximately 2.94 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. DSD staff advised that the hearing needs to be continue to a later date. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to March 18, 2021 at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS BOCC HEARING ROOM RENOVATIONS AND UPGRADES

The Board met today at 9:30 a.m. to discuss BOCC meeting room renovations and upgrades. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro, IT Director Greg Rast and Deputy Clerk Jenen Ross.

Commissioner Smith spoke about the additional tables in the meeting room and finding a way to make them a more permanent situation. Director Navarro said in order to hide wiring and make things more permanent it would require cutting the floor, addition and removal of concrete and addition and removal of conduits. For the work that is being requested they would need the room for a solid 10 days. The work tables in the courts have power and data although he doesn't think it would be necessary to add data to the meeting room tables as there is already good Wi-Fi connectivity available. In order for the tables to remain movable they would install floor boxes into the concrete for power, and although it wouldn't be easy, everything would just need to be disconnected to move the tables. In response to comments from Commissioner Van Beek, Director Rast said the microphones would be changed out to an omni-directional, instead of a uni-directional as are currently used. Although the Board wants to continue with just audio recording and not video recording Commissioner Smith asked if it would be possible to have a camera facing the other direction as currently the one camera is only able to see the Board and really not anyone else in attendance. Commissioner Van Beek asked about having video recording, Director Rast described the implications of that in that video picks up everything, including demeanor and facial expressions. Additionally, the storage for video is about three times that of audio files.

Commissioner Smith asked for clarification on the time needed for the renovations, Directors Navarro and Rast said that the Facilities side would take at least 10 days and then IT would have to come in once Facilities has completed their side and would probably need another week or so. If needed, Board meetings can move to the Admin Building public meeting room.

In response to a question from Commissioner White regarding cost, Director Navarro said his portion would be \$2500 to \$4000. Director Rast asked some additional questions for clarification prior to answering the question. He said the display monitors would need to be changed out to 4K monitors due to the devices that are being plugged in so they can scale accordingly, discussion ensued regarding placement of possible additional monitors. The other option he presented is to have embedded devices in the table at each Commissioner seat which would serve as the display for the Board and can also be used at the point the county moves to electronic signatures for things such as purchase orders. General consensus is to go with the two monitors that match on each side of the room, one behind the Commissioners and one in front. Director Rast said for all the new equipment it would be \$10,000 to \$20,000. Director Navarro said that due to scheduling they would probably plan for the upgrades to be done sometime between Thanksgiving and Christmas which would allow for the renovation to be considered in the FY2022 budget. Commissioner Van Beek does not think this is a bad ask given that the county is in a good financial position. Per Directors Navarro and Rast the system is approximately 7 years old and things continue to just be "bolted on". Director Rast said that with Board change and requirement changes he doesn't think the cost is out of bounds due to the amount of business that is conducted in the meeting room. Commissioner Smith feels its time, there should be a plan that keeps the Board and the county up with technology and helps the Board do their job in a way that is efficient and effective for people.

Commissioner Van Beek asked if there is something that can be done with the conference phone. Director Rast said there are options available so that it's built-in. Commissioner Van Beek asked Director Navarro about the mobile tables suggesting that perhaps they could be moved to the back of the room and 2 new/additional tables could be built to an 8' length vs. the current 7'. Director Navarro said 8' is a tall order, simply getting it in the door could be challenging; additionally, they would be much more expensive. Commissioner Van Beek said if that is the case she doesn't want to do that.

Commissioner Smith confirmed that everyone has good direction and asked for some real costs so that it can be planned for.

The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS SECURITY MATTERS

The Board met today at 10:01 a.m. to discuss security matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Judge Southworth, Judge Bever, Sheriff Kieran Donahue,

Prosecutor Bryan Taylor, Deputy P.A. Sam Laugheed, Controller Zach Wagoner, Treasurer Tracie Lloyd, Assistant TCA Benita Miller, ADJ Administrative Supervisor Tara Hill and Deputy Clerk Jenen Ross.

Commissioner Smith said she wanted to have this meeting in order to get some background information and for everyone to get on the same page in moving forward. She knows everyone wants courthouse security and that it's in the best interest of everybody.

Judge Southworth spoke about the service the security staff provides. In addition to providing security they help guide people to the appropriate places and help set up booths on the second floor among other things. Traditionally, under statute, security of the courthouse has fallen to the Sheriff but there have been some differing opinions on the subject of authority of the courthouse. In 1987, an Attorney General opinion on the authority of courthouse security said it falls to the Sheriff, however, the judges do have inherent authority to provide court security. The Idaho legislature, at the behest of the Idaho Supreme Court in 1994, passed a statute giving the Administrative District Judge the authority over courtroom and courthouse security for court purposes. Different states and counties have approached this scenario in multiple different ways. Ada County is working thru this right now, their Sheriff is in the process of taking back courthouse security and working with the ADJ on how that will work. Judge Southworth said he and Sheriff Donahue exchanged emails and ideas on what should and shouldn't be done along with the role of the bailiffs/marshals. He said that the bailiffs/marshals are not law enforcement officers and have no law enforcement authority in the state of Idaho. Their authority is to deal with security in the courthouse, participants, judges, clerks' office and anyone in the courtroom. There is some amount of disagreement but the judge does agree that the Administration Building probably does not fall within general courthouse security. Sheriff Donahue has drafted a memo outlining the areas where he and Judge Southworth agree and disagree (a copy of the memo is on file with this day's minutes). There is a need to have courthouse security; the magistrate judges deal with a lot of high conflict cases where there is a lot of emotion involved. Judge Southworth feels that bailiffs/marshals should be able to escort court patrons to the exterior of the building in order to make them feel safe. The Sheriff has some disagreement with that but it's something the courts feel strongly about. Judge Southworth's understanding is that the Sheriff believes that if they go outside it's more of a law enforcement action they shouldn't engage in. The courts feel this is something they need to provide to their customers to assure them the courts are doing what they can to keep them safe.

Sheriff Donahue said he and the judge spoke extensively last week, he believes the memo speaks for itself. There are many issues that they agree on but there are some that they don't agree on. Within the memo the Sheriff has documented his reasons for disagreement. He said his justification for not agreeing with his honor is not to take anything away from the ADJ or the judiciary it's simply where he stands as the Sheriff and feels where his concerns need to be met by the Board. He agrees that the courtrooms, back hallways, and judges' chambers are certainly well within the authority of bailiffs/marshals. He agrees that if judges are here late or the magistrate is concerned about their safety or the safety of the jurors then certainly a bailiff/marshal could escort them to their vehicle. He doesn't agree that it extends to the clients

or others who are in the courtroom. His opinion is that once a bailiff/marshal leaves the courtroom/hallway they are a shared employee and if something goes wrong and there is some kind of altercation he wonders whose purview are they working under. Both he and the judge agree that they should not be in the Admin Building unless directed by the Board. His recommendation to the Board is not to do this as it places a liability on the county that he doesn't think can be covered. The bailiffs/marshals are not peace officers and if they were to act to detain someone in the admin building or if a firefight ensues over an altercation that would be on the county. The Sheriff said he dispatches for the entire county, including Caldwell PD, and at any given time he probably has 20 officers in the building. The courthouse falls under Caldwell's jurisdiction and although the Sheriff's Office would probably be the first line of defense he would expect Caldwell PD to respond if there were an altercation in the parking lot. To him there is a clear delineation of authority and once that's crossed it is the Board of County Commissioners who assume responsibility.

Judge Bever said he's been in Canyon County for almost 15 years and when he started with the courts there wasn't really any meaningful security for the courthouse. There are currently 9 full time magistrate judges (with the potential of 2 more being added), 5 district judges (with the potential of 1 more being added), and on any given day there are 2-6 senior judges who operate their own independent courtrooms. The need for security doesn't end at the courtroom door, there is a need for security beyond the courtroom door. At present there are 6 full time bailiffs/marshals, 5 part time bailiffs/marshals each of whom is a certified law enforcement officer. They have 250 years of combined law enforcement experience and are led by Jim West who has over 30 years of law enforcement experience. As a judge in Canyon County he's very proud of what Mr. West has done with the bailiffs/marshals and the service he's provided to the county. The team does not just provide security to the judges but also to the clerks, secretaries, public defenders, prosecutors, anyone who comes into contact with the court system and is in need of security or at times a friendly face. Mr. West does a really good job of understanding what the job is and what the job is not, he understands what they are supposed to do and what they are not supposed to do and preaches that to his team every day.

Commissioner Smith said she can sense the need for safety outside of the courtroom. She asked if the Sheriff has a solution for that – if there is a highly volatile situation and the bailiffs/marshals can't leave the courtroom, is there a process that can be followed. Sheriff Donahue's solution is to call 911. There are numerous law enforcement officers in the courthouse and participants don't need to leave the hallway for the next case to be begin. Sheriff Donahue respects the amount of experience the bailiffs/marshals bring but they are not peace officers today. He explained that law enforcement responds to the courthouse regularly. Commissioner Smith asked about jurors being here late, that is a situation where the Sheriff has no issues with the bailiffs/marshals escorting jurors or judges to their cars, he feels that's appropriate. Although he appreciates that the bailiffs/marshals are willing to escort everyone out there is a point where once action is taken outside of the courthouse and/or into the parking lot who is liable? Whose discretion are they working under? Judge Southworth said it's not always a physical altercation where 911 would be necessary. Often, it's just a civil dispute and one party is very fearful of a potential situation and just wants someone to be watching if something were to happen and to be able to call 911 if

necessary. He feels they would have the right as any citizen for defense of self or defense of others and he feels not being able to provide that leads to a big potential liability with the county. He feels that the courtroom participants need to be taken care of – not just judges and court staff. Sheriff Donahue doesn't discount Judge Southworth's concerns but he'd like to get to that happy medium. He wonders if they intervene, who is going to pick up the responsibility for that – the bailiff/marshal himself, the court, the county? Judge Southworth doesn't feel that 911 can be called because no crime has been committed; Commissioner Smith suggested calling the non-emergency number. Judge Southworth said that could potentially be a solution but noted that there could be days law enforcement is responding 5 or 6 times. Sheriff Donahue said that their number one priority under statute is to keep the peace – that doesn't mean a crime has been committed, they civilly stand by. If they know there is a situation that could potentially become threatening they intervene. He feels that the County needs to find a way to move forward with a limited security program, but that is separate from putting court personnel in a liability situation. Both Sheriff Donahue and Judge Southworth have concerns surround liability from standpoints of protecting the county and personnel and protection of the citizens.

Commissioner Van Beek asked if there is a blend possible. She feels that the person witnessing the situation knows what the level of escalation is going to be. She wonders if perhaps the court patron could be escorted to the door and then there be a waiting area where a law enforcement officer could take over. Judge Southworth thinks the doorway to the courthouse would be a good stopping point, he believes that sometimes just the bailiffs/marshals presence deters some people. Sheriff Donahue said maybe a triage area is where he and the Judge can find some common ground. He did make a point of noting the front door is where it would end for the bailiffs/marshals and anything past that would be at the discretion of law enforcement. In the past, they've seen other court security personnel try to expand their authority and that authority just doesn't exist.

Sheriff Donahue spoke about the 'Run, Hide, Fight' training that has been offered by the bailiffs/marshals. He doesn't feel this is appropriate as he has trainers on staff who can offer this training. Judge Southworth suggested the County engage in training for employees on a yearly basis for its own protection but that it is the Commissioners' decision on how that's done.

In response to a question from Commissioner White, Judge Southworth spoke about statute that guides courts and court facilities. He explained that they recognize that their bailiffs/marshals are not law enforcement authorities. Sheriff Donahue spoke about response when 911 is called. He said that if 911 were to be called from the courthouse building it would go to the dispatch center and dispatcher assigned to Caldwell PD at that time. Although the courthouse falls under Caldwell PD jurisdiction CCSO deputies would start moving in the direction of a disturbance if a call from the courthouse is received. If there is an alarm in a courtroom or judges chambers or bench it is an open announcement to all law enforcement within the vicinity. The difference between the Canyon County Courthouse and other courthouses is that it is a multi-use building so it creates other issues since it is not overseen by just the courts.



Commissioner Van Beek asked to hear from both Judge Southworth and Sheriff Donahue on the pros and cons of deputization. Judge Southworth said that if you cross-deputize the bailiffs/marshals the Sheriff would then have a great deal of say in who is hired and responsibilities, they would then also fall under the shared employees' doctrine which can come with its own set of issues to work thru. Sheriff Donahue agrees there would likely be unintentional issues that arise. Additionally, he is not interested in, nor will he deputize the bailiffs/marshals. Commissioner Van Beek wondered if there is some kind of public announce system that could be put in place, something that broadcasts thru the courthouse or phones. She also spoke about how she has not heard any proposal from the Sheriff's Office in regard to a 'Run, Hide, Fight' training but she is in favor of doing such a training. Her understanding is that the training would not be conducted by the Security Supervisor. She asked if there are plans for a courthouse-wide emergency advisement system in case of an active shooter situation and clarification on who would be leading the 'Run, Hide, Fight' training. Judge Southworth said the training would need to be conducted by someone who is trained and capable of doing it; he doesn't see any problem if the Sheriff wants to provide that training. He thinks it would be a good idea for the training to happen every year and thinks the bailiffs/marshals are important to that training since they are the ones here every day and know the routine of daily court operations. Sheriff Donahue spoke to the notification system saying the best option right now is dialing 911. Additionally, with a public address system you run the risk of causing mass hysteria which you don't want to do. Commissioner Van Beek clarified that her question regarding notification via phone would be something similar to the Amber Alert system that would go to cell phones. Judge Southworth said that all the bailiffs/marshals have radios so information would spread that way and agrees that an intercom system could be very distracting. Sheriff Donahue confirmed that his office and the bailiffs/marshals have access to each other's radio channels so information would be shared thru that. Commissioner White clarified that the discussion regarding the 'Run, Hide, Fight' training took place during Director Navarro's regularly scheduled meeting where Mr. West and Security Supervisor Les Johnson attended. Sheriff Donahue said he understood that but is concerned because law enforcement nor the Judge were in that meeting and feels that his office should have been involved in that discussion as his office is a primary stakeholder.

Judge Southworth said he and Sheriff Donahue have been communicating about most of these items and feel the two of them could come to some agreeable points and get some of the issues resolved without having to involve the Board on every item.

At the request of Commissioner Van Beek, Treasurer Lloyd spoke about the bailiff/marshal being stationed at the front door of the admin building while things were closed down and they provided a good service for them. Going forward she would like to see some kind of security in the admin building. Judge Southworth said with trials starting again and COVID still out there all of the bailiffs/marshals will be working in the courthouse. Further discussion ensued regarding security planning when the administration building was originally built and opened. Sheriff Donahue said security for that building would fall to the Board, not the Judge, and the Board would have to decide what kind of liability exposure they want. Also, if there were to be a more in-depth conversation on that it would need to involve multiple stakeholders.

In response to a question from Commissioner Van Beek, Judge Southworth spoke briefly on use of the title of 'bailiff' vs. 'marshal'. By definition they are the same responsibilities but in different areas of the country they are called by different names. Judge Southworth believes ultimately, it's up to the BOCC what title is assigned. Sheriff Donahue said he's always used the term 'bailiff' as the term 'marshal' is a person who works for the Department of Justice. In his view, a marshal is a person working under the Department of Justice who hunts people down and a bailiff works under the capacity of the court.

Commissioner Smith encouraged Judge Southworth and Sheriff Donahue to continue communicating and update the memorandum as necessary. If formal action is needed she requested that they let the Board know so a meeting can be scheduled.

Commissioner Van Beek asked if the judicial system has a copy of the marshal's section from the Triad report. Judge Southworth said he does not have a copy of any security study. Commissioner Smith said the Board will make sure that section is shared with both Judge Southworth and Sheriff Donahue.

Over the next few weeks Judge Southworth and Sheriff Donahue will continue to discuss and Commissioner Smith suggested coming back together in March to discuss next steps if necessary.

The meeting concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

#### FEBRUARY 2021 TERM

CALDWELL, IDAHO    FEBRUARY 23, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Sunbelt Controls in the amount of \$1,910.00 for Facilities Department
- SHI in the amount of \$19,472.24 for Information Technology Department

#### APPROVED CLAIMS ORDER NO. 2111

The Board of Commissioners approved payment of County claims in the amount of \$1,663,942.72 for a County payroll.

#### APPROVED CLAIMS

- The Board has approved claims 571298 to 571314 in the amount of \$109,476.01
- The Board has approved claims 571670 to 571720 in the amount of \$124,326.27
- The Board has approved claims 571721 to 571729 in the amount of \$2,555.00
- The Board has approved claims 571730 to 571756 in the amount of \$32,642.41
- The Board has approved claims 571757 to 571768 in the amount of \$9,170.00

#### CONSIDER AUTHORIZING PAYMENT OF THE INTEREST SETTLEMENT AMOUNT TO BE PAID TO THE CANYON COUNTY TAX COLLECTOR FROM THE COUNTY TORT FUND

The Board met today at 8:47 a.m. to consider the action item of authorizing payment of the interest settlement amount to be paid to the Canyon County Tax Collector from the County tort fund. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Assessor Brian Stender, Controller Zach Wagoner, Deputy P.A. Brad Goodsell, Chief Deputy Assessor Joe Cox, Directors Paul Navarro and Diana Sinner (arrived at 8:53 a.m.) and Deputy Clerk Jenen Ross. Treasurer Lloyd explained that there was a judgment entered into between the Canyon County Assessor and Twin Island which stipulated the adjustment of value resulting in adjustment to the 2018/2019 taxes. The judgement provided for interest payment of \$19,563.17 as of February 4<sup>th</sup> and accruing interest of \$41.01 for any days after the entry of the judgement which is to be credited to the 2020 taxes. Joe Cox explained this was settled before it went to district court and explained how the value was worked out. The settlement amount of \$19,768.22 is the interest on the overpayment of taxes thru February 9<sup>th</sup> which was the date of the judgement. Mr. Goodsell explained that the Board approved the settlement agreement between Twin Island and Canyon County and the Canyon County Assessor, that settlement adjusted the value on essentially three different properties. As a result of those adjustments there was \$124,313.02 in taxes to be refunded, the statute provides that when there is a refund of taxes interest is also paid. The refunded interest amount is going to be a credit to their 2020 taxes it's just a question of where that will come from, from an auditing standpoint. The proposal is to pay that interest from the county tort fund. Mr. Wagoner explained that he feels since the adjustment to the valuation was a county decision that the county tort fund should pay that interest. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize payment of the interest settlement amount to be paid to the Canyon County Tax Collector from the County Tort Fund. The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro, Fair Director Diana Sinner, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Directors Navarro and Sinner left at 9:10 a.m. The action item was considered as follows:

***Consider signing addendum no. 3 for Canyon County IFB Fair Expo Building Construction Project:*** Mr. Wesley and Director Navarro said this addendum will address the significant amount of questions that were received and update the bid form which evolved based on the questions asked. Additionally, several drawings have been amended to address the questions. Bids will be due by 8:59 a.m. on March 2, 2021. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign addendum no. 3 for the Canyon County IFB Fair Expo Building Construction project. A copy of the addendum and supporting documents are on file with this day's minutes.

## EXECUTIVE SESSION – PERSONNEL MATTER

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

Commissioner Van Beek made a motion to go into Executive Session at 9:10 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. 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. Commissioners Keri Smith, Pam White, Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Monica Reeves participated in the meeting. The Executive Session concluded at 9:40 a.m. with no decision being called for in open session. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 9:43 a.m. for a monthly meeting with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner reviewed the following items with the Board:

*Fund balance – option to increase:*

- Fair – generate more revenue/reduce expenses
- County – increase tax levy
- Commissioner Van Beek will follow up with Chair Commissioner Smith regarding a meeting to include the Controller to discuss further

*Capital improvements:*

- Plan – past, present and future
- Improvement needs – Expo building construction, Expo building rental, grounds, grounds equipment, livestock and facility

*Operational plan:*

- Comp time – due to the timing of the fair the general comp time policy is not applied. Director Sinner gave a brief review of how she applies the policy to her department.

A copy of Director Sinner's outline is on file with this day's minutes. The meeting concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:32 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith (arrived at 1:37 p.m.), Chief Public Defender Aaron Bazzoli, Chief Deputy Public Defender Scott James, Landfill Director David Loper (arrived at 1:51 p.m.) and Deputy Clerk Jenen Ross.

In response to a question from Commissioner Van Beek, Mr. Bazzoli and Mr. James spoke about legislative house bill 192 regarding public defense and the impact it may have on the county and the Public Defender's department.

Mr. Bazzoli gave a brief review of budget line items; witness, interpreter and investigation fees are slightly over budget due to some extenuating circumstances. Other items reviewed included the monthly case type count from October 1, 2020 thru February 23, 2021 and all of FY2020 thru February 23, 2021.

Commissioner Smith notified Mr. Bazzoli that directives are going to be issued about bringing employees back to work. The Board understands that Public Defender's office space is very limited and that social distancing may not be possible but stressed the importance of getting everyone back to the office and getting things back to normal.

Mr. Bazzoli said that all of his attorney positions are filled and there is currently an offer out for the lead investigator position.

The meeting concluded at 2:00 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:03 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper and Deputy Clerk Jenen Ross. Director Loper updated the Board on the following:

- Waste amounts were up 8.05% in January, FY21 is up 7.1%.
- A comment letter was received back from DEQ regarding the site certification/lateral expansion with 4 items that needed to be addressed. One of the items is related to the design so they tried to answer that question as broadly as possible.
- Well drilling at the Stuart property is planned to start towards the end of the month.
- The scale houses are in the process of being remodeled.
- Director Loper will be meeting with landscape architect Rodney Evans on the February 25<sup>th</sup> to talk about ways to improve the entry way at the landfill and the ingress/egress.
- Currently they have one screener position open and an operator position will be opening up soon.
- Landfill staff has been working with Park staff to make changes to the shooting lanes at the gun range. They are about 75% complete in making the lanes narrower and the berms higher. Director Loper feels the improvements have already made the range safer as the lanes should really only accommodate one group and the berms are now above the height of a person.
- In FY20 all of the handheld radios were upgraded and there is one located in every machine and truck. When the radios were upgraded a digital repeater was added to the tower as Director Loper was going to phase in the change from analog to digital, however, the digital is much clearer and he would like to make the change now. The cost to move everything to digital is about \$5000 which he has other line items with saving he could use for this expense. The Board is supportive of moving forward with the digital upgrade.

The meeting concluded at 2:23 p.m. An audio recording is on file in the Commissioners' Office.

#### DISCUSSION REGARDING MIDDLETON-STAR SERVICE AREA CAPITAL IMPROVEMENTS PLAN AND TRAFFIC IMPACT FEE PROGRAM

The Board met today at 2:50 p.m. with representatives from the Canyon Highway District regarding the Middleton-Star Service Area capital improvements and traffic impact fees. Present

were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, Deputy PA Zach Wesley, Tim Richards, Chris Hopper, and Jay Gibbons from Canyon Highway District, and Deputy Clerk Monica Reeves. Chris Hopper reviewed a PowerPoint presentation, a copy of which is included with this day's minute entry. Topics were as follows:

#### **Draft Middleton-Star Service Area capital improvements plan (CIP)**

- Cost Estimate Assumptions
- Impact Fee Eligibility
- Existing Deficiencies
- Year 2040 Deficiencies

#### **Middleton-Star Service Area CIP Projects**

- CIP Project Timeline
- Intersection Projects
- Roadway Projects

#### **Middleton-Star Service Area CIP Project List Summary**

- Projects
  - 30 intersections
  - 16 roadways
- Total Costs = \$90,877,979
- Total impact fee eligible costs - \$72,908,615

Used to calculate impact fee schedule

#### **Draft Middleton-Star Service Area TIF Schedule**

##### **Next Steps**

- Address comments from DIFAC and partner agencies
- Finalize Middleton-Star Service Area CIP
- Finalize Middleton-Star Service Area TIF Program
- Coordinate with Canyon Highway District, City of Star and City of Middleton on ordinance and adoption schedule

Commissioner Smith said there is no funding plan for the state highway and yet that's where all the subdivision and rezone applications are occurring. Mr. Hopper said impact fees are not eligible for use on the state highway system so they cannot plan for them or collect funding for them. He included the local share of the intersection costs. Traffic impact fee eligible costs do not include things like rehabilitating or reconstructing the existing travel lanes, or pedestrian and bicycle improvements, streetlights, or landscaping. They do include roadway widening costs, traffic signals, signage, drainage improvements, right-of-way costs, and design and construction costs. The total estimated cost to reserve the transportation system in this area over the next 20 years is \$91 million, and of that about \$73 million is eligible for reimbursement through an impact fee recovery. The areas they identified as current deficiencies will need to be funded through some mechanism other than transportation impact fees, either through property taxes or highway use

taxes. Mr. Hopper reviewed cost calculations, impact fee projections and their development of a capital improvement plan. The next step is to request formal comment from the County's impact fee advisory committee. Director Nilsson said the committee has had a joint meeting and they received this request on January 11<sup>th</sup> so they will need to schedule a meeting of just the Canyon County representatives. Commissioner Smith asked why we are including that information if we cannot fund state highways. According to Mr. Hopper even though they are an intersection with the state highway there is still percentage of that project cost that can be attributed to the local responsibility so they need to identify them as deficient so they don't include them in the impact fee funded projects. Commissioner Smith wants to hear more on the fees before the County says it's going to approve of it. Mr. Hopper again spoke of how he wants the County's impact fee advisory committee to provide comments on the CIP and the impact fee schedule and then they will finalize the CIP and present that to the land use agencies for adoption and inclusion in the comprehensive plan. From there they will ask the County adopt an impact fee ordinance to fund transportation impact fees to cover the costs of the CIP. Commissioner Smith sees value in another workshop to hear what the advisory committee says so that if we need to make recommendations before it gets more formal Mr. Hopper won't be caught off guard. Director Nilsson said this will be different from fire district impact fees so we'll have to figure out how this will work and what our permit clerks' roles will be to make it smooth. Commissioner Smith said it would be helpful to have the Snake River Valley Building Contractors Association as well as real estate boards involved with this process. The meeting concluded at 4:00 p.m. An audio recording is on file in the Commissioners' Office.

#### FEBRUARY 2021 TERM

CALDWELL, IDAHO    FEBRUARY 24, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 571520 to 571578 in the amount of \$211,617.20

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



The Board met today at 8:31 a.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Development Services Tricia Nilsson, DSD Planner Jennifer Almeida (arrived at 8:54 a.m.) and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Director Nilsson has made the decision to retire this year and the Board was notified earlier this week via email. As per the personnel manual she is giving 2 month notice.
- A list of 29 task items has been provided to the Board. A copy is on file with this day's minutes
- Director Nilsson suggested the hiring of a Planning Director to help with succession planning for the department. Over the next few years it is anticipated that most members of the management team will retire. She has been working with HR to find examples of job descriptions from other entities. It was also suggested that the DSD Director position job description probably needs to be reevaluated. Jennifer Allen is creating a resolution to create a PCN for the Planner I position which will be brought to the Board within the next few weeks. Salary for the position has been determined by Controller Wagoner with help from Director Nilsson. Commissioner Van Beek feels the Board needs to be involved in the setting of salaries.
- The Board was given a brief explanation of how the org chart for the department was done.
- Director Nilsson will work on her suggested budget before she leaves with all pertinent notes added.
- She spoke about the work that is involved with noticing of the hearing and Webex and suggested it may be beneficial to hire a part-time admin position. She has been working with EOM Christine Wendelsdorf and the Facilities department on appropriate set-up of the admin building meeting room in order to conduct P&Z hearings in-person again and/or some kind of hybrid of Webex and in-person. The goal is to start back to in-person hearings by May 15<sup>th</sup>. The Board would like Director Nilsson to look into re-noticing of hearings to indicate they will be conducted in-person and not via Webex. Additionally, Director Nilsson said she is looking to hire a security company to assist with management of the attendees for hearings.
- Further discussion ensued regarding the CAFO request, noticing distance requirements, a fire meeting, a highway district meeting, wine ordinance (Commissioner Smith will forward to Director Nilsson and Kate Dahl) and conditional rezones.

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

The Board met today at 9:10 a.m. to conduct a public hearing to consider a request by Lee Family Trust for approval of a preliminary plat for Solitude Creek Subdivision, Case No. SD2020-0016. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Present via Webex: Craig Lee and Jim Coslett. Today's hearing was continued from February 2 and February 16, 2021. Jennifer Almeida gave the oral staff report. The property consists of 16.55 acres and is located in Middleton impact area. The property is zoned CR-R1 (conditional rezone/single family residential), and is located in an area that is anticipated for residential uses. Keller & Associates has reviewed and recommended the plat be approved subject to conditions. Ms. Almeida reviewed issues related to access, domestic water and sanitary sewer, and irrigation. The P&Z Commission and staff have recommended approval of the preliminary plat. Following her report Ms. Almeida responded to questions from the Board. Director Nilsson offered testimony on behalf of the Development Services Department. Craig Lee testified that his family bought the property mostly for family use; four lots will be for their children and two other lots will be for friends. They are not developers but are learning and adjusting as they go through this process. Mr. Lee agrees with staff's report. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the request by Lee Family Trust for a preliminary plat for Solitude Creek Subdivision, Case No. SD2020-0016 in addition to the findings of fact, conclusions of law and order as presented by staff. The hearing concluded at 9:27 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:31 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Commissioner White explained how she is working with Mr. Decker in order to collect information regarding unfunded pass-thru mandates which she will speak about at a Treasure Valley Partnership meeting tomorrow.
- Commissioner Smith asked Mr. Decker to make sure that the county website is updated to show that all BOCC departments are fully open for business. She attended a Southwest District Health meeting yesterday – the county is currently in the yellow stage but is moving to grey where there are no COVID restrictions.
- The Board is looking for any suggestions on revisions that can be made to the website in order to make it more transparent. It was decided that the contracts and agreements page would be removed as these can be found in the minutes and generally any large project award agreements can be located on the RFP/legal notices page. Additionally, the Board

would like to see a timeframe identified for the 'past projects' page and once they hit a certain age they would be removed.

- Commissioner Van Beek spoke about how she would like to create a "What does a Commissioner do?" quick reference. She also noted that when she attended the legislative session recently there was conversation of refinancing of bonds and the money that can be saved by doing so. She said she would reach out to Treasurer Lloyd with the information she learned.
- Mr. Decker will work with Assessor Stender on a press release regarding the additional employees at the DMV.
- A meeting will take place on Monday with the other EOs to talk about the State of the County. Mr. Decker will have something to present at that meeting. Commissioner Smith said she would like to see a "Year in Review" type presentation each February as a wrap up to the previous calendar year. The Board would also like to see more regular postings about county events/happenings/projects.

The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – REQUEST BY SHILO HIXON FOR A CONDITIONAL REZONE, CASE NO. RZ2020-0020

The Board met today at 3:01 p.m. to conduct a public hearing in the matter of a request by Shilo Hixon (Watts) for a conditional rezone of approximately 28.96 acres from an "A" (Agricultural) zone to a "CR-RR" (Conditional Rezone/Rural Residential) zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, John Healy, Shilo Hixon, and Deputy Clerk Monica Reeves. TJ Wellard joined via Webex at 3:30 p.m. Jennifer Almeida gave the oral staff report. The applicant is requesting a conditional rezone and a development agreement which will restrict the development of the site to three (3) residential lots, one of which contains an existing residence. The surrounding area is agricultural and residential in nature. There are residential uses clustered along Fern Lane and there are residences north of the subject property along Howe Road. The request will not interfere with surrounding agriculture. There are residential uses clustered in the area. The primary zoning district is agriculture and there are no platted subdivisions within one mile. The Planning and Zoning Commission recommended approval of the conditional rezone and development agreement on January 7, 2021, and staff found the request complies with the criteria for a conditional rezone and is recommending approval. Following her report, Ms. Almeida responded to questions from the Board. John Healy testified in support of the request as Shilo Hixon's representative. There is frontage on Fern Lane and Arena Valley Road. The ground is nonviable because has no water rights. It has never farmed, it used to be a feedlot many years ago. According to Mr. Healy, Shilo Hixon is planning to sell his current house and the 7-8 acres and build a smaller house for himself and his daughter. Shilo Hixon testified he has lived on the property for 24 years and before that it had never been farmed. He wants to split off the existing house and build another one, and allow his daughter to have three acres in case she wants to use it later on.

He responded to questions regarding drainage ditches and the lack of water rights for this property. He mows the weeds because the soil in that area is sandy. Upon the motion by Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Smith said she understands the property has moderately suited soils and there is no irrigation. The applicant wants to add three home sites, essentially two additional ones, with a rural residential zoning but this is not an area identified in the comprehensive plan for residential growth. She does not believe the request would change the character of the area but the rural residential zone designation would change that area for other properties for continued growth in that area. She cannot say this conditional rezone is more appropriate than the current zoning designation or that rural residential is compatible with surrounding land uses. She cannot support request. We need a different way to consider requests like this that fall outside of a residential zoning designation. Commissioner White supports the applicant's request. The property has not been farmed in the 24 years he's lived there, and much of the surrounding area is big-company agriculture so they have the money to lay pipe from the river to the property. It's for family use and there is no opposition. She agrees with the P&Z Commission and with staff and she supports the request. Commissioner Smith said it's a 29-acre parcel and if it was divided for the rural residential zone into two-acre lots you would have 16 parcels theoretically. There is a way to irrigate the land with a lot of wells and that's a process the Idaho Department of Water Resources has which she finds very frustrating because you cannot get a water right but you can irrigate lawns. It does not protect agriculture. Commissioner Van Beek said there is a noticeable gap on nonviable farm ground splits and the County needs something to facilitate some of these decisions that make sense. She reviewed the rezone criteria and noted there is large-scale diversified farming in the surrounding area. If the ground is to be sold and if we look at the potential to negatively affect the character of the area it would happen one parcel at a time by rezoning with conditions. The proposed zone is not more appropriate than the current designation of farming. Granting an additional rezone is not going to fix the issues that exist with that sandy soil. Commissioner White said it's been like that for 24 years, and there could be restrictions imposed on the property through a development agreement. Additionally, there are not water rights available to the property. Commissioner White made a motion to approve the request by Shilo Hixon (Watts) for conditional rezone, Case No. RZ2020-0020 and to sign the findings of fact, conclusions of law and order, and the development agreement. Commissioner Van Beek said if there was a way to grant this the way we did under a provision that allowed for that nonviable farm ground she is all for this proposal because it makes sense and it's a good use of the ground, but changing the designation for that which could result in a cluster of homes along that area with the potential to divide it. The motion to approve the request failed for lack of a second. Commissioner Van Beek said based on the information contained in the staff report and the findings of facts, and the County's vested interest in identifying Canyon County as an agricultural zone the ramifications of changing a portion of the agricultural designation lends to a denial based simply on the appropriateness and impact to the surrounding area and that would be her motion. She wishes she had a way to approve this, and she agrees with the applicant but we don't have a vehicle like that and we don't have anything to keep further development from coming back through once we re-designate a conditional rezone - rural residential in a widely agricultural zone. Commissioner Van Beek's motion is to deny the request based the findings of fact, conclusions of law and order for Case No. RZ2020-0020. She noted that criteria A, B, C, and

D do not support a request for a conditional rezone. Commissioner White said the comprehensive plan is a guide and we, as the Board of Commissioners, do have a vehicle by which to approve this. Commissioner Smith said the zoning ordinance was adopted by the Board with standards of evaluation for a conditional rezone and so there is case law that each of these findings and we have identified A through H and each of them have to have a positive finding, and if you have a negative finding on just one of them the case should be denied. There are plan goals and policies that support approval, but the map and other goals and policies do not support the request. It could be conditioned in a way it would not make substantial impacts, but at the end of the day we are identifying it as a residential area and it's not. If you wanted to obtain approval in the future one route would be to amend the comprehensive plan map if it was appropriate, the other would be some type of zoning ordinance amendment that would allow consideration of dividing these areas that have not been farmed. There is support from Commissioners to come up with a process that would help Mr. Hixon in the future obtain approval. She said the process would involve working with DSD on an ordinance amendment and coming up with a strategy for that and it would include P&Z meetings and possibly committee meetings. The motion to deny was seconded by Commissioner Smith. Comm White was opposed to the motion to deny. The motion carried by a two-to-one split vote. Director Nilsson said a second hearing will be required and it will have to be re-noticed. The hearing concluded at 3:56 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER ASSESSOR'S REQUEST TO APPROVE FOUR (4) NEW DMV POSITIONS AND TWO (2) TEMPORARY POSITIONS FUNDED FROM PROPERTY TAX BUDGET THROUGH THE END OF FY21

The Board met today at 4:03 p.m. to consider the Assessor's request to approve four (4) new positions and two (2) temporary positions in the Assessor's Office – Motor Vehicle Department to be funded from the property tax budget through the end of FY2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor, DMV Supervisor Kimbra Asqueta, HR Generalist Demi Etheridge, Chief Civil Deputy PA Sam Laugheed, Controller Zach Wagoner, Clerk Chris Yamamoto, and Deputy Clerk Monica Reeves. The Assessor is requesting four (4) new employee positions to be paid from property tax revenue, and at budget season he will see where we're at and look at an overall administrative fee adjustment at that point. The short-term solution is he needs more people to push transactions through the system. Even if the state helps reduce the simple transactions he still needs more people to help with the frontend transactions they're currently processing. The two temporary positions are handled outside of the PCN process and do not require a formal PCN. He expects the starting wage for the fulltime positions to be in the \$28,000-\$29,000 range, plus benefits. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve four (4) new DMV positions and two temporary positions funded from the property tax budget through the end of FY2021 as presented by the Assessor's Office. (Resolution No. 21-022.) The meeting concluded at 4:08 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2021 TERM

CALDWELL, IDAHO    FEBRUARY 25, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Beth Claudio, Part Time Housekeeper

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- McKesson in the amount of \$7,086.35 for Canyon County Sheriff

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:46 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Keri Smith, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom, Deputy Clerk Monica Reeves and Sr. Admin. Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021- 563 and 2021- 473.

Liens were presented for signatures.

Director Yvonne Baker presented a subordination agreement for case 2014-485. A letter provided by the applicant was read on the record by Director Yvonne baker. Discussion ensued regarding the applicant's request for subordination of his lien.

Upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to grant the subordination with the stipulation that the applicant pay \$17,000 towards their medical indigency debt.

The meeting concluded at 9:01 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 9:07 a.m.) and Deputy Clerk Jenen Ross.

***Consider signing a resolution approving award of badge and duty weapon to Deputy Thomas Tippetts:***

Mr. Porter said Deputy Tippetts has been with the county for 17 years and meets the requirements for awarding of badge and duty weapon. Chief Dashiell gave a brief review of Deputy Tippetts career with Canyon County. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution approving award of badge and duty weapon to Deputy Thomas Tippetts (see resolution no. 21-023).

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

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

Commissioner White made a motion to go into Executive Session at 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Meeting participants were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:49 a.m. with no decision being called for in open session.

The meeting concluded at 9:50 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONTINUE THE PUBLIC HEARING TO CONSIDER REQUEST BY DUANE & LORA DARBIN FOR APPROVAL OF A PRELIMINARY PLAT AND FINAL PLAT FOR TRAIL'S END SUBDIVISION; CASE NO. SD2020-0034

Due to lack of quorum Commissioner Smith went on the record at 10:02 a.m. to continue the public hearing to consider a request by Duane & Lora Darbin for approval of a preliminary plat and

final plat for Trail's End Subdivision, case no. SD2020-0034. DSD Planner Jennifer Almeida, DSD Planner Tricia Nilsson and Deputy Clerk Jenen Ross were also in attendance. Ms. Almeida explained that the applicant is still working to obtain necessary signatures on the final plat along with a few other items on their checklist. This hearing will be continued to March 26, 2021 at 9:00 a.m. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

#### ELECTED OFFICIALS MEETING TO DISCUSS COVID-19 UPDATES

The Board met today at 1:30 p.m. for an Elected Officials meeting to discuss COVID-19 updates. Present were: Commissioner Pam White, Sheriff Kieran Donahue, PIO Joe Decker, EOM Christine Wendelsdorf, Chief Deputy P.A. Sam Laugheed, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Clerk Chris Yamamoto and Deputy Clerk Jenen Ross. Commissioner Keri Smith, Coroner Jennifer Crawford, Eugene Smith with SWDH (left at 2:00 p.m.) and Steve Blados with CCAD participated via teleconference.

Eugene Smith said that next week SWDH and other providing partners will participate in a training with the state which is developing a state coordinated notification and waiting list for vaccinations. Scheduling of the vaccine and trying to make sure that people can get appointment has been quite complex across the whole state and certainly across the district. The training takes place next week and they anticipate the waitlist starting the following Monday. SWDH has seen a slight increase in vaccines, they had averaged about 3500 a week since starting in mid-December but they have slowly increased to approximately 5000 doses a week across the district. If all the providing partners were operating at full capacity the district could provide approximately 25,000 doses per week. In order to try maintaining everyone's need and an equitable distribution of the vaccine across the district the planning process is constantly trying to move to the next subgroup. It is their intent to always be about 4 to 6 weeks out on time to estimate planning and ensure that when they reach any certain group or subgroup that they are able to provide legitimate information as to when they can get the vaccine. Currently they are 3-4 weeks out on the 65+ population and have initiated the next sub-group, which is sub-group 2.3. Data entry is an issue probably across the whole state but definitely within the health district. It is really hard to ensure that the numbers that are being reported are accurate and relate to the numbers of the vaccine and the doses that are being presented. SWDH is trying to assign more personnel to that process and create a new objective as they prepare to look at the next 30 days, to have all data connected to a vaccine inputted in to the system on the same day in order to have the most accurate information. Mr. Smith addressed a couple of rumors, the first being that if you missed the timeline for your second dose you get put to the back or you may not receive it at all, that is not accurate. They are trying to ensure that everybody gets both doses inside of a six-week window. He explained that the 5000 doses mentioned earlier includes the second doses which makes it all a bit of juggling act to maneuver thru all the specific requests and to make it equitable. The second rumor is in regard to a statement made by the state that the health districts need to start ensuring residency of people receiving the vaccine. It has not been a process that was followed up to this point, it is believed that most of the vaccines in SWDH are going to residents of the district or personnel who are



employed within the district. There were some exceptions, that will no longer occur, SWDH has initiated a change based on the Governor's direction and when someone calls to make an appointment there will be a question included asking the county of residence and/or employment. Sheriff Donahue asked about the rumor he's heard about Canyon County not being able to hold any more clinics. Mr. Smith said if they can get to the 20-25K doses per week, the intent is to ensure the providing partners receive a portion of those doses and then add to that the capability of large clinics. For example, once we're into sub-group 2.3, which includes a lot of the large employers in the area, if they prefer to have a closed clinic within their facility that is the intent. SWDH currently has 3 strike teams that are available to go anywhere across the district to work with organizations to establish their own clinics. The only hang up to having clinics is having doses available so what they've been telling people is that if they want to go that route the sooner they let SWDH know the better. There is no intent to not have additional clinics, it's simply a matter of the number of doses available to the district. Sheriff Donahue asked for clarification as to what happens with people who participated in the first couple of clinics that are now in need of their second dose. Mr. Smith said that his understanding is that the number that participants in the clinics that have already happened have been accounted for and should have no problem receiving their second dose. Ms. Wendelsdorf said she turned in a number of 341 people who need their second dose but has run into an issue where 7 people were told they needed to contact the health district because they were the people who received the "extra" doses and told they would have to be put on a waiting list because the Moderna vaccine hasn't been available in over a month. Mr. Smith said that if people want a specific vaccine then they may be put into a longer waiting period because the health district doesn't know what vaccines are coming in. In January they received almost all Moderna but in February they've received almost all Pfizer. He did note that Moderna and Pfizer are interchangeable for 1<sup>st</sup> and 2<sup>nd</sup> doses. If a person has a specific reason for wanting one or the other they may need to be added to a waitlist until their request can be fulfilled. Sheriff Donahue expressed his frustration that the Moderna vaccine was given to county employees at a large clinic and now those employees may not be able to receive the same vaccine as they were originally told. There may be some consternation amongst some people and concern surrounding first responders receiving the vaccine as it's limited in the time they are able to schedule. Prosecutor Taylor suggested information from SWDH explaining the potential change in vaccine may be beneficial so that everyone has an understanding. Mr. Smith said they can put something together to pass along the information. Additionally, he said there has been a request to set aside the Moderna vaccine for the participants of the earlier clinic but they won't know until next week which vaccine the health district will be receiving.

Ms. Wendelsdorf reported that PPE has been moved from the O'Connor Fieldhouse to a temporary access in the jail. Sheriff Donahue explained that the PPE was moved yesterday to the jail annex but that it was cumbersome getting it down there and it will be cumbersome to get back out. He hopes that the county will continue to either look for or build a warehouse facility for storage of PPE and to be an asset to the county. In response to a question from Commissioner White, Ms. Wendelsdorf said they are running low on gloves as they are still hard to obtain, however, they are still okay on masks and other supplies. She anticipates the stock diminishing considerably once courts start again. Sheriff Donahue reiterated that they county has purchased a truck, a trailer and a forklift in order to move the PPE from a warehouse type facility and strongly

encouraged the Board to continue looking at storage space and that getting the PPE from the jail annex and to the area agencies the county supports is going to be an arduous task. He indicated there is money available for a facility that would not come from local tax dollars. He feels this pandemic is far from over and we don't know what will happen in the future. Commissioner Smith said that at the last Board of Health meeting half the counties in District III have moved to gray and the other half, including Canyon County, are in yellow. The trend they're seeing is that Canyon County will be moving into gray shortly and she would like to see an exit strategy from the pandemic. She feels faith needs to be instilled in the community that the county is moving on, she feels we're doing well and everyone needs to come up with a strategy to move on. Sheriff Donahue said the county [the government entity] doing incredibly well because there have been a lot a protocols and safeguards put into place. Especially where the jail is concerned he said there are things that need to be acquired under the CARES Act that are instrumental in keeping COVID from infecting the jail population. If there is consideration being given to dropping the emergency declaration he wants to be assured that there are still financial resources available to address county government needs. He pointed out that courts are opening next week and no one knows what will happen with jury pools coming in. We are not completely out this and he does not want to let his guard down at this point. Commissioner Smith said the Board would want to know what that looks like in regard to long-term health. In response to a question from Sheriff Donahue, Clerk Yamamoto confirmed there are limited COVID funds available. He also noted that this next round with the new administration could be substantial but isn't sure if the county needs to be in a state of emergency to receive that funding although it would be his guess that it probably would need to be. Clerk Yamamoto believes it could be a direct payment of \$45M to the county, the payment would not come thru the state. Mr. Laugheed made everyone aware that the current declaration is set to expire next week and suggested there be a meeting earlier in the week between the Board and other stakeholders in order to have additional discussion prior to the expiration of the current declaration. He also noted for the record that the difference between the legal effect of the emergency declaration and the rhetorical effect of them is something that has been talked about as a county quite a bit, there is a significant difference between them. What needs to be done to maintain potential eligibility for funding and how the health circumstances are described could be two different things. It's possible to achieve all those things at the same time – maintain eligibility even while things continue to improve.

Clerk Yamamoto said the court clerks are ready for courts to open. He spoke about an add-on feature to Odyssey that they have concerns about becoming an issue.

Prosecutor Taylor said that they've had a working group consisting of prosecutors, courts and public defenders and anticipate trials to start March 15<sup>th</sup> with two magistrate trials and one district court trial every week on a rotational basis. The magistrate trials will be scheduled for Mondays and Thursday and felony trials will start on Tuesday. Canyon County is far ahead of other counties and judicial districts in the state of Idaho.

Commissioner Smith said that at the Board of Health meeting there was a presentation noting the 14 factors taken into consideration when determining the risk level. Two of those factors include input from elected officials and schools. Prosecutor Taylor also feels it's helpful to start conveying

to constituents that the county is moving forward but that any necessary procedures and protocols will be kept in place.

Assessor Stender said that ITD has offered to the counties to assist with titles that have been stacking up. He is working with the legal staff on an MOU. ITD has also offered to take over the internet and mail-in renewals.

Sheriff Donahue said quirks within the queuing system are continuing to be worked out. They are currently at 20-30% of appointments. Assessor Stender said the queuing system on the vehicle registration side crashed yesterday so that is delaying the rollout of appointments for them. Clerk Yamamoto said at this point the chairman of the ITD Board has a much better picture of what is happening. Until recently he had a single source of information, that being ITD. Clerk Yamamoto indicated he recently met with the Director, Deputy Director and the chairman of ITD and he feels that with his relationship with the Deputy Director and the chairman things will start getting better at DMV.

Commissioner Smith spoke briefly about the State of the County presentation the Board would like to put together. She would like to highlight how well Canyon County handled COVID.

Prosecutor Taylor suggested with the county moving further and further away from the red category that this meeting may need to happen less frequently. Clerk Yamamoto said that at this point unless there is something that comes up he will no longer be attending. Sheriff Donahue suggested just scheduling them on as-needed basis which was agreed upon by all the elected officials.

Clerk Yamamoto moved to close the meeting.

The meeting concluded at 2:31 p.m. An audio recording is on file in the Commissioners' Office.

#### FEBRUARY 2021 TERM

CALDWELL, IDAHO    FEBRUARY 26, 2021

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

#### APPROVED CLAIMS

- The Board has approved claim 571906 in the amount of \$64.50

- The Board has approved claim 571970 in the amount of \$552.05
- The Board has approved claims 571873 to 571905 in the amount of \$30,400.39
- The Board has approved claims 571769 to 571821 in the amount of \$55,966.49

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change forms for Janie Moore, Interpretive Specialist and Katie Dufurrena, Interpretive Specialist

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- HP INC. in the amount of \$4750.00 for Information Technology
- White Cloud Communications/Auto Phone in the amount of \$4779.00 for Solid Waste

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Fuerte LLC DBA Goodwood Barbecue Company to be used 3/14/21 for Favillo Wedding and 3/26/20 for Daniel Wedding

#### APPROVED DECEMBER 2020 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of December 2020 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

#### CONTINUE PUBLIC HEARING – APPEAL BY JOHN CARPENTER OF THE CANYON COUNTY DSD DIRECTOR’S DECISION, CASE NO. AD2020-0029APL

Public Hearing: Consider the appeal by John Carpenter of the Canyon County DSD Director’s decision regarding the April 17, 2020 conditioned approval for a home business conducting yoga studio sessions, Case No. AD2020-0029APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Julianne Shaw, and Deputy Clerk Monica Reeves. Ms. Shaw advised that the applicants are working out details of their agreements and they have requested the hearing be continued to a later date. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue this hearing to March 12, 2021 at 9:00 a.m. An audio recording is on file in the Commissioners’ Office.

CONSIDER DEVELOPMENT AGREEMENT AND ORDINANCE FOR THE SATTERWHITE CONDITIONAL REZONE, CASE NO. CR2020-0010

The Board met today at 10:45 a.m. to consider the development agreement and ordinance associated with the approval of the conditional rezone case for Mark and Tammy Satterwhite, Case No. CR2020-0010. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. This case was originally heard on January 13, 2021 and staff was directed to prepare conditions of approval as outlined in the Board's deliberation. The findings of fact, conclusions of law and order were approved on January 27, 2021. Dan Lister said the ordinance and development agreement were not signed on January 27<sup>th</sup> because the applicant wasn't available to sign the agreement; however, the development agreement has now been signed and notarized and is ready for the Board's signature. Commissioner Smith said the development agreement appears to match what was approved, but the one thing she wants to hold on is the direction to amend the zoning map because she wants a legal interpretation on a part of the code that talks about meeting conditions for the conditional rezone prior to decisions. An Executive Session was held as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 10:47 a.m. pursuant to Idaho Code, Section 74-206(1) (d) to discuss records that are exempt from public disclosure and attorney-client communication. 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, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 11:03 a.m.

While in open session Commissioner Smith said there was conversation about an ordinance interpretation and the Board is now ready to make a decision. 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 Canyon County Zoning Map in the Satterwhite rezone case, Case No. CR2020-0010 (No. 21-007) and to sign the development agreement (No. 21-007) as presented. The meeting concluded at 11:04 a.m. An audio recording of the open portion of this meeting is on file in the Commissioners' Office.

## PUBLIC HEARING – CONSIDER SHORT PLAT FOR GOFF SUBDIVISION, CASE NO. SD2020-0028

The Board met today at 11:08 a.m. to consider the short plat for Goff Subdivision, Case No. SD2020-0028. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Brad Goff, Roger and Donna Goff, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she testified in favor of the Goff's land use hearing but she has no financial interest in the property or any future decisions. Dan Lister said the Goff Subdivision is a three-lot subdivision, with an average lot size of 6.25 acres. The property was rezoned to a rural residential zone in 2019. It has property frontage along Lincoln Road and Marble Front Road, and individual wells and septic systems will be provided on each lot. The property has irrigation rights and gravity irrigation will be supplied to each lot. Runoff will be maintained by each homeowner. This matter came before the Board on January 12, 2021 and was tabled to allow a waiver through County code 09-01-19, section 6 – city agreement with the county that allows for waivers. If the City of Caldwell does not waive it they can do a process to waive the frontage requirements. This was heard by the P&Z Commission on February 4, 2021 and they recommended approval of the plat with the waiver of city frontage improvements. Included today is a waiver of the frontage improvements the city is requiring. Staff is recommending approval of the application, subject to conditions. The Goffs have met most of the conditions. If approved today, they would need to go to the City of Caldwell with the findings of fact, conclusions of law, and order approving the waivers and they would sign their portion of the plat and then come before the Board for final plat approval. Staff and the County surveyor find that the plat meets all the standards for review. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the request by Roger and Donna Goff for a short plat approval for Goff Subdivision, Case No. SD2020-0028 and to approve the findings of fact, conclusions of law and order. The hearing concluded at 11:15 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 1:03 p.m. with county attorneys for a legal staff update. Mr. Laugheed noted for the record that at the end of the legal staff yesterday there was general consensus to reconvene today for continued discussion. A request was made to enter into executive session as follows:

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

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

was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. The following participated in the meeting: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley. Deputy Clerk Jenen Ross joined the meeting from approximately 2:40 p.m. to 2:50 p.m. The Executive Session concluded at 3:09 p.m. with no decision being called for in open session.

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

DATED this 5th day of May, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS  
Commissioner Leslie Van Beek  
Commissioner Keri K. Smith  
Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Jenen Ross, Deputy Clerk

MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 1, 2021

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 571907 to 571956 in the amount of \$81,340.64

#### MONTHLY COMMUNITY INPUT MEETING

The Board met today at 9:01 a.m. to conduct the first community input meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Larry Olmsted, Claudia Frent, Frank Phillips, Darryl and Sheila Ford, Ron Harriman, Kathy Alder, Larry Stevenson, other interested citizens, and Deputy Clerk Monica Reeves. Citizens offered the following comments:

Larry Olmsted gave comments regarding the jail situation which he believes has been handled poorly because the Board does not get enough citizen input and every few years everybody talks about the fear and safety concerns, but there is no way to fund it without going for taxes. He said the Board needs to look at alternative financing particularly impact fees. He referred to the May 16, 2019 guest opinion article written by Commissioner Van Beek where she spoke about the jail and the "how-to" and rather than saddling taxpayers with the total cost which will raise taxes, she suggested the Board of Commissioners exercise creative financing options like reallocating urban renewal dollars, expiring tax incentives allocating a percentage of new construction towards the debt service and supplementing those with other identified revenue sources to get the annual payment amount to cover the debt service. He agrees that the Board needs to explore other financing options and couple those options with a smaller bond by limiting new amount of property tax imposed on residents. Mr. Olmstead said nobody disputes we need a new jail, but we don't need to spend \$187 million. The Board needs to establish a capital improvement fund and make it "non-pilferable".

Frank Phillips wants to gather information on how conditional use permits are issued, voted on, and how to terminate them in the future. Commissioner Smith suggested he speak with the Development Services Department for more information, and then she explained the CUP process the County follows.

Claudia Frent believes the process is broken because if the P&Z Commission determines something is going to be given a CUP, it doesn't really matter how well prepared you are or how much



evidence you have; it's difficult to reverse a CUP. She also spoke of her desire to learn more about the role of the Commissioners because we are treading into very different times and she wants to know that her local government has her back when the federal government doesn't have her back in terms of the COVID pandemic and the requirement for masks, shutdowns, and vaccines. She said the role of government is to uphold the Constitution and our rights, not protect our health. She believes the government has overstepped its bounds and now we are at the middle ground and we will determine which way our country goes. She wants to know if she is going to have freedom or is she going to die enslaved. Commissioner Smith said Canyon County has done a good job this past year; we are meeting in a room and no one was forced to wear a mask. Leadership in the cities did not shut businesses down, we have low unemployment rate and businesses are thriving. This afternoon the Board will consider the extension of the COVID-19 emergency declaration and that will be a good opportunity for the community to show and express whether they want to it to continue. Do we want to be tied to the federal dollars that may be coming? She was one of the champions that said don't shut us down and don't take away our rights. We will do everything we can to make sure the community continues with its rights. Ms. Frent spoke about the financial impacts her family as a small business owner has suffered in the last year and how she's been kicked out of places for not wearing a mask. She believes the federal government is taking a toll on our lives and it's chipping away at the freedoms in the country.

Ron Harriman, the chairman of the Concerned Citizens of Canyon County Committee, presented a position paper the committee has created with regard to the jail and the need for fiscal responsibility. It's the Board's duty to establish an impact fee for future jails, but what we have is a tent and steel trailers both of which are temporary, however, impact fees cannot be used to construct those two facilities. You have to put up a bond to replace them. He said the committee has provided three stages of construction designed by professional jail designers that have looked at this issue many times. He said we do not need to continue with "hair-brained ideas" to keep people in jails. He's looked at impact fees and they will be high, but you need to do it anyway. Growth must pay for itself – the County will not be able to pass a bond. According to Me. Harriman they are in the process of getting the bill through and prepared for property tax relief in the county and through the state. Commissioner Van Beek said the Board has been pursuing impact fees for transportation and for fire and safety and once they are implemented impact fees for public safety will be a logical step.

Kathy Alder spoke about her concerns with the County budget. In the past budgets have gone through without a lot of questioning and she appreciates Commissioner Van Beek because she asks good questions. Adjustments can be made without increasing taxes or budget. She appreciates the Board not taking COVID money. Commissioner Smith said the Board has talked about a new process for the budget and it will be rolled out before the budget season. Commissioner Van Beek spoke of her pride in organizing the first-ever Power Plan (budget software) training. She wants a list of what we are going to fund this year for capital improvements. She believes funding of the employee compensation plan has taken the place of service and there is room for the Commissioners to be involved since they have the statutory authority for it. There needs to be greater accountability and transparency to citizens.

Larry Stevenson thanked Commissioner Smith for the refreshing change in citizen involvement. He said he spoke at a townhall meeting about creating financing where Commissioner Van Beek talked about \$100 million coming down the pike through the sunset of the Caldwell Urban Renewal District, and he would like to see that money dedicated for capital improvements. Do not put it one pot and spend it. If our priorities are a jail that would be a big percentage of the money. He looks forward to creative financing options so that taxpayers are not burdened with more bonds. He asked what the Board's position is on property tax incentives given to new business that erodes the tax base. Commissioner Van Beek and Commissioner Smith responded to tax incentive questions and said we need to tie incentives to high-paying jobs and increase the medium household income. Mr. Stevenson said the plan is to expand and develop commerce, but it's not the role of the government to pick winners and losers and that's what we are doing because we are penalizing existing businesses because they have to make up that deficit in taxes. He wants to know who enforces the provision on wage requirements for the companies who receive the exemption? Commissioner Smith said she will look into that question. Mr. Stevenson said the committee is heavily involved in impact fees and property tax reform and it's a difficult process and if we work together and have enough voices we will be heard. He proposes the County have two citizens serve on the employee compensation committee. Commissioner Van Beek said she's heard pay and performance are not tied and that does not work for her, but the compensation committee is something she is working on and acknowledged that change happens slowly. There needs to be a reasoned discourse: citizens first, then the Board of Commissioners and elected officials, and department heads.

Sheila Ford spoke about the Constitution being the owners' manual for the country and how those who have taken charge of the government in Washington do not respect the Constitution. She said we need commissioners to pre-emptively pass ordinances to protect citizens, and noted that a well-regulated militia is necessary to the security of a free state - the right of the people to keep and bear arms shall not be infringed. We don't need a Supreme Court to tell us what is unconstitutional. County Commissioners need to protect citizens. She also wants the Board to end the emergency declaration because there is no emergency.

Commissioner Van Beek said there was discussion six months ago about being able to declare Canyon County a sanctuary for certain things like churches where they would remain open and there is the ability to declare the right to bear arms and keep our churches going. We need to look to see if we can create a boundary against some of those federal things. Commissioner Smith said it's sad because we should never have to put extra measures in place to protect the Constitution. The number one way to effect change is through community involvement.

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

ELECTED OFFICIALS MEETING TO DISCUSS STATE OF THE COUNTY PRESENTATION

The Board met today at 10:03 a.m. with elected officials to discuss the State of the County presentation. Present were: Commissioners Keri Smith and Leslie Van Beek, Sheriff Kieran Donahue, Clerk Chris Yamamoto (left at 10:27 a.m.), Assessor Brian Stender, PIO Joe Decker, Claudia Frent and Frank Phillips and Deputy Clerk Jenen Ross.

Commissioner Smith explained that the purpose behind the State of the County presentation is to highlight the great things that were done in 2020. The Board has asked their department administrators to compile information which has been done and shared with Mr. Decker and the Board would love input from the other elected officials. She doesn't think there needs to be a big presentation but more of an annual type report for 2020 presented on a website and/or with a short video which could also include what can be expected for 2021. She has seen some annual reports done by other communities that feature the amazing things done by local government and the impact it makes. She would like to see something that isn't overwhelming but has some brief highlights such as how the budget is managed, public safety and outreach. She feels the county needs to do a better job of sharing the work being done.

Commissioner Van Beek thinks that in the end this would help Commissioners understand where their tax dollars are going. Some of the areas she'd like to see highlighted include an outline of projects that were funded in the current budget including on-going marketing, expansion of the landfill, management of county parks and improvements made to the gun range.

Assessor Stender spoke about some deadline changes in his office last year and how they've navigated those changes along with meeting other deadlines. In response to Commissioner Van Beek's question he spoke about property tax increases and conversations being had in relation to the homeowner's exemption.

Commissioner Smith said the community needs to hear that the county understands their concerns. She would like to see the Sheriff share his successes in keeping COVID numbers at a minimum in the jail and his strategies in working with the Prosecuting Attorney and judges on controlling the jail population.

Sheriff Donahue asked Mr. Decker to send out what he has so far so that the other elected officials know what the Board is looking for. In response to the Sheriff's question about a timeline, Commissioner Smith said she would like to see it wrapped up by the end of the month. Assessor Stender said they still have a lot of time-consuming projects going on that need their attention. Commissioner Smith explained the Board is only looking for highlights, the public doesn't want to read pages of information.

Commissioner Van Beek noted that if there is a video done she would like to see it displayed on the monitors at the entry of the courthouse.

The Board asked the Sheriff, Clerk and Assessor to have information to Mr. Decker within the next couple weeks. The Board will reach out to the Treasurer, Coroner and Prosecuting Attorney asking them to provide some highlights.

Discussion ensued regarding timing for future years. Consensus of the Board is to wait until after the legislative session so that it can be shown how legislative decisions impact local government.

The meeting concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING TO CONSIDER A REQUEST BY C10 INVESTMENTS, LLC FOR APPROVAL OF A PRELIMINARY PLAT FOR HIPWELL ESTATES, CASE NO. SD2020-0014

The Board met today at 11:07 a.m. to conduct a public hearing to consider a request by C10 Investments, LLC, for approval of a preliminary plat for Hipwell Estates, Case No. SD2020-0014. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Julianne Shaw, and Deputy Clerk Monica Reeves. Greg Hipwell participated via Webex: Greg Hipwell. Julianne Shaw gave the oral staff report. The applicant is requesting approval of a preliminary plat, Hipwell Estates, an eight-lot subdivision with the current zoning of "RR" (Rural Residential). The project includes one common lot. It was initially submitted as a short plat but due to hillside constraints that was not permitted. Ms. Shaw reported on agency comments and suggested conditions of approval. The P&Z Commission has recommended approval of the request. Ms. Shaw responded to questions from the Board following her report. Greg Hipwell testified they will follow the fire department's guidance and doing weed abatement in the spring to mitigate the fire risk. There is only enough water for the ½ acre of land around the house so there will be 1.5 acres that won't be watered. It will be managed the same as other properties in the area. Mr. Hipwell responded to questions from Commissioner Van Beek. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the request for the preliminary plat Hipwell Estates, Case No. SD2020-0014 and to sign the findings fact, conclusions of law, and order and accept late exhibit no. 1. The hearing concluded at 11:24 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION

The Board met today at 1:17 p.m. to consider extending the COVID-19 emergency declaration. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Sheriff Kieran Donahue, EOM Christine Wendelsdorf, PIO Joe Decker, Assessor Brian Stender, Claudia Frent, and Deputy Clerk Monica Reeves. Commissioner Smith said a lot of progress has been made so she wants to hear some reasons to continue this declaration from the elected officials' perspectives. Sam Laugheed said the current declaration does not expire until 11:59 p.m. on March 4, and from a legal perspective the value of this declaration has very little, if anything, to do with the mask mandates or a lot of

the things the public is very concerned with that Canyon County has not done. We have used the declaration to maintain eligibility for state and federal funding and to make it easier for the EOM to coordinate communication with cities and to procure the PPE and other materials that the county and local communities need. We could likely do a lot of that without a declaration but having it eases the process. Doing it in 30-day increments was an intentional decision the County made to make sure we were not declaring some sort of ambiguous indefinite emergency but rather revisiting the question monthly. The latest draft tries to take into consideration the fact that the numbers in Canyon County are improving and we continue to see a decline. The purpose of the declaration is not to be a tool for overreach but to maintain eligibility for aid. From a legal perspective there is no reason not to, and plenty of reasons to do it. Commissioner Smith asked if the declaration is not continued and we see an uptick in COVID cases, how difficult would it be to institute another? Mr. Laugheed said the legal concern would be we don't know what kind of aid might be available, there is a likelihood there could be significant amounts of aid related to COVID and the economic conditions and emergencies related from it and introducing uncertainty. He would be concerned about the interim time period and what effect the uncertainty might have on our eligibility. We could re-declare but the period where we have nothing could be problematic in terms of the federal government. Commissioner Smith asked what we would use the federal funds if we were to receive it because she understands we still have a large amount of PPE being stored. Do we want to be tied to those federal dollar standards? Prosecutor Taylor said he has not read the current \$1.9 trillion COVID bill that passed the House so he doesn't know what parameters the federal government has put on it. His concern is that taxpayers are already going to be paying part of that \$1.9 trillion so should they be entitled to get that money back into Canyon County if we're already paying the tax dollars on it. Clerk Yamamoto referred to the 6<sup>th</sup> paragraph of the draft document and requested that the following words be removed: *"approximately x amount million dollars"* and go with secure state, federal aid. He said whatever number we plug in would be wrong so there's not much sense in doing that. There have been several emails stating they would like to see the declaration ended but he thinks there is some confusion as to what Idaho and Canyon County are doing. This declaration has one use and that is to be able to be eligible for federal/state aid. We don't know what that will look like yet but it could be a sizeable amount and possibly have no strings attached with a direct payment to the various entities instead of going through the state. We turned down the state's first offer of federal dollars and that was the right thing to do for several reasons, but number one because it was unlawful. We have also turned down the rental assistance program. It would be much better, simpler and have a better look to it if we remained with the emergency declaration purely for the reason of collecting those monies if and when they are available. This declaration has nothing to do with any kind of lockdowns or mask mandates. In the beginning we didn't know what we were dealing with and we heard COVID could overwhelm the hospitals, but he thinks we've been lied to and duped. Dr. Fauci told us the truth when he said don't wear a mask, but now he's talking about wearing 2 or 3 masks. There are people who want to see this pandemic go on indefinitely, but we don't want this go on, we want to open up and be smart about it. The declaration extension for one more month is simply to have us in line for any federal monies that may come. Commissioner Smith said that could suggest we agree there is a pandemic and are buying into it for the money. Clerk Yamamoto said if there is money being passed around and shall we just say we don't want? What he is hearing is it could be a significant amount and if there are no strings attached it could be a significant

property tax reduction. Mr. Laugheed said what we would be doing is maintaining eligibility to receive those funds, it doesn't mean we are obligating ourselves to take them but preserving the ability to make that decision on a case-by-case basis. The County was offered, via the state and the federal government, monies for a couple different programs that upon review by finance and policy were decided to not be appropriate and could open the door to problems and those were denied. Some of funds were accepted and were used for a variety of things. In terms of whether it means the County is buying into a politically motivated part of the national discussion about this, that is just a policy question. The local disaster emergency can be related to COVID and the fallout from the regulations associated with COVID. Commissioner Van Beek asked if we are classified as being in a pandemic according to SWDH regulations. Commissioner Smith said yes, they are still showing us in a health emergency and we are still in their color system, but we should move to gray soon. The mortality rate in Canyon County is less than 1%. Prosecutor Taylor said Sam Laugheed is the legal counsel and his (the Prosecutor's) comments are solely with regard to policy. From a policy component there is so much uncertainty with what is going to happen in Washington, DC and he is afraid by opting out without knowing if the current bill will go through the Senate and signed into law, that Canyon County is setting itself up. Some of these funds could be used in the response to get the economy back up and running and if we can assist businesses, schools and communities by being the go-thru. If we don't have some indication that we are in a local disaster they will decide to divert it to other states and then our citizens will not see the benefit of that money. If we are not in this local disaster mode it's not just the financial aspect, will it ultimately impact the number of vaccines available to our residents? Going on for at least another month to see what's going to happen with this bill does not hurt us in any way. We have done an amazing job; we have not imposed any type of mandate since day one. Commissioner Smith said the fourth whereas statement talks about the recovery aspect, and she would like to clearly identify that we believe we are in recovery, and she feels like our businesses, schools and community need to know we are recovering and there is a light at the end of the tunnel. There is pressure to have that stimulus package approved by March 14 because of employment benefits ending. We need those unemployment benefits to expire so that people go back to work. Canyon County has a 5% unemployment rate and there are jobs not being filled because people are receiving benefits for not working and so someone needs to lead the challenge in our recovery. She asked if the language can be shortened to get us through the next couple weeks to see what happens with Congress. Sheriff Donahue said Canyon County has been in this for a year and we have worked extensively to collaborate with each other to make sure county government stays in operation and we have shown the public that we put priorities and protocols in place to make sure we keep offices operating and people working. COVID exists – he has 40+ employees who would argue there is a pandemic because they've had COVID, which is not the common cold or the flu. Those who were in intensive care would argue that COVID is real. It is not government's job to say we need to get moving – that is up to the chambers of commerce and people in business. We are not interfering with business nor did we shut down schools. With all due respect, SWDH has been at this for a long time and the health districts need to stand up and say the recovery is going along and we're seeing low hospital rates. That is their job, not the County's job. The declaration does not hurt us. The emails the Board has received today about mask mandates need to be sent to someone else because Canyon County is not issuing mandates. We have an opportunity to make sure the County is covered financially and to address things that could come up. We have spent

money on a pick-up truck, a trailer, and a Hyster to accommodate the needs of the County and it would not be responsible government to shut the door on those potential future needs. He said the Prosecutor's Office looks out for us every day and this is what we should be following. Commissioner Smith said COVID is real. People within our community have died from complications of COVID. Chambers of commerce don't have leadership opportunities like we do as elected officials to instill confidence in our community that we are moving forward and so that is her goal. She is not saying that she cannot support another 30-day extension, she's saying we need to figure out how to start instilling confidence that we can move forward. The health departments are advisory, and a lot of the emails she's reviewed place a lot of blame on health departments, but it is their job to advise of health alerts and it's how we use that information on moving forward. Unfortunately, schools have used that information in a way that shut them down and she understands that is not our role and that we need to keep sharing with our constituents and the Board did that this morning in a community meeting. It was not Canyon County or the health department that closed schools – that decision is up to the school board members who are elected. Sheriff Donahue said his office has led the way and shown the communities we are leaders. We have been at this for a year and we have shown how county government should operate and we have identified and brought to the attention the inadequacies of the SWDH board on numerous occasions including last week. We have led the way in the state on emergency management during this pandemic and we have shown the communities that we are leading the way. Commissioner Smith agrees completely. Commissioner Van Beek said there is concern of what it would look like because from the federal level what we are seeing is that freedoms are being taken and she is not willing to benefit at the expense of freedom. She does not know what the bill looks like. She likes Commissioner Smith's idea of extending this declaration only to the point where we understand what the legislature is going to do with that and our legal counsel has had an opportunity to review that bill. As leaders we are all for freedom, gun rights, churches, and many of things that are being dismissed at the federal level. On the stimulus statement that is good point where Canyon County residents are going to pay for it. We are being funded by foreign entities that are going to own this country if they don't stop printing money. The County has turned down a rent program and other things that didn't look lawful and because we couldn't figure out how to put it on the bill in a way that made sense. Sheriff Donahue doesn't see any language in the declaration where we are losing our freedoms. Sam Laugheed said that is not the intent of the declaration. He tried to clarify it to emphasize one of the things the County has done is try to protect the personal responsibility obligations and rights of our citizens and communities. Legally he pointed to Idaho Code 46-1007 which makes it clear that nothing in these acts that allowed this declaration can be construed under law to affect the jurisdiction or responsibility of the police or first responders. Commissioner Smith asked if there is a way to change the long paragraph on Page 2 to align closer with today's sentiment related to recovery? Mr. Laugheed said yes, some portions might be straight out of one of the statutes. The new emphasis in this declaration would be that the danger is also posed to the local economy and our community's wellbeing and because of those there is still an emergency. Commissioner Smith doesn't want to undermine that there's an emergency if we focus on that because of the actions of what's happened we still have a recovery help that needs help and assistance. There are some business owners that would say the public health emergency is that we have taken the work force away because we are paying them to stay home. There are a lot of reasons we can say we are still in an

emergency. Mr. Laugheed said emphasizing those is really important but he doesn't know that we can eliminate the underlying part about COVID still potentially posing a risk of loss of life and things like that. He will have to look at the definition of disaster. Prosecutor Taylor said it could be something as simple satisfying the concerns without taking away what the statutory requirements are to the declaration. Commissioner Van Beek said the County invested \$1 million in infrastructure for store fronts and to secure barriers for the protection of employees and the public. She is still having trouble identifying what we would want to take money for. We don't have enough experience with the current administration and she is not willing to have everything subsidized which is what it feels like. Where is this money coming from? There has been a strong response that we want our freedom from masks and from mandates. Clerk Yamamoto does not disagree with anything that's been said, it's all about freedom, but we are having a discussion over something we have no control over. All we are talking about is a well-written document that leaves the door open as to whether we can take some funds or not. He doesn't see any reason not to continue the declaration because there are no mandates of any kind that go with it. He suggested the Board extend the declaration and pointed out that they can put a stop to it at any time. Commissioner Van Beek proposes we shorten the timeframe and get a clean copy of the declaration. Mr. Laugheed said edits can be made and he referred to applicable statutes. Commissioner Smith wants to continue this meeting and ask for a two-week extension of the order which would be March 18<sup>th</sup> and consider the changes requested by the Clerk and the Board. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue this item to March 3, 2020 at 9:30 a.m. The meeting concluded at 2:02 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:06 p.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, Deputy P.A. Zach Wesley, HR Generalist Jennifer Allen (left at 2:32 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing a resolution granting a refund to Lisa Bertoni for a withdrawn conditional use permit:*** Director Nilsson said that the applicant changed her mind and requested a refund. There was no work done by staff and DSD is recommending a full refund of \$850.00. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Lisa Bertoni for a withdrawn conditional use permit (see resolution no. 21-025).

Director Nilsson discussed the following with the Board:

- Earlier in the year she made a recommendation to add a Planning Director position to oversee the planning function. With her retirement in early May she believes it might be a



good strategic plan to recruit for both the Director and Planning Director/Assistant Director positions. She believes it would widen the applicant pool to recruit for both positions. In a couple of years, she anticipates that the Building Official, Senior Plans Examiner and Office Manager will all retire. She provided a job description to the Board - she tried to separate the Planning Director functions from the DSD Director functions. Currently the Planning Director position doesn't exist so how this would affect the budget would be a question for the Controller. Commissioner Smith said she can see merits to both scenarios of either hiring both positions at the same time or allowing the new Director to build their own team. She noted that economic development will be coming thru the Development Services Department and that there needs to be a knowledge of economic development practices for Director and/or Planning Director positions. Commissioner Smith would like to see the Director position posted as soon as possible in the hopes of having some amount of overlap time.

- Commissioner Smith asked what the options would be to start recruiting for an additional Planner position, the Admin position and possibly an Admin position for Code Enforcement. Director Nilsson said that in her absence, Kathy Frost met with Controller Wagoner and he indicated that he is not concerned with having to re-open the budget for the Planner I position. Director Nilsson thinks that perhaps Ms. Allen could touch base with Mr. Wagoner to determine whether the budget would need to be reopened or not. Further discussion ensued regarding immediate personnel needs vs. ones that could wait until the next fiscal year and the space need along with other necessities for new personnel.
- P&Z hearings are scheduled out thru May 20<sup>th</sup>. Director Nilsson will recommend Jenn Almeida to assist in overseeing them.
- Director Nilsson said she understands there has been some desire to not have the zoning map with residential zones in the ag areas. Another option would be some kind of a cluster ordinance. With a conditional rezone you're essentially clustering the residential lots for density but keeping most of the property in agriculture, that's what the development agreement does. This can be done with zoning districts. An ag cluster could be up-zoned to get additional entitlement and for the remainder, instead of a development agreement, it could be down-zoned and create a pure agricultural zone. There would be 3 agricultural zones – ag preservation, existing ag zone and a new ag cluster. The same locational criteria would be used for siting it on a property as is used for a building permit relocation as in the ordinance. The residential uses would be placed on the less prime soil on the site. Commissioner Smith would like to come up with a proposed ordinance sooner rather than later that has some clear standards for evaluation. Discussion ensued as to what those standards should be.
- Director Nilsson said that Caldwell is the only jurisdiction that uses a hearing examiner and has a call into Jerome Mapp for additional information.

The meeting concluded at 3:02 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 2, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Wall 2 Wall Flooring in the amount of \$4646.47 for Facilities Department
- Nemo Q Inc. in the amount of \$2420.00 for Information Technology Department

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

The Board met today at 8:31 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Deputy P.A. Brad Goodsell (left at 8:40 a.m.), Deputy P.A. Zach Wesley, Sr. Deputy Treasurer Tonya May (left at 8:40 a.m.), Chief Deputy Treasurer Jennifer Mercado (left at 8:40 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

**Consider signing substitute resolution declaring certain properties as not necessary for county use and authorizing sale thereof and signing the notice of surplus property auction:**

Brad Goodsell explained that these items are a follow-up to what was done in the fall. The surplus property auction was scheduled for November but was cancelled due the Governor's order on limited gatherings. Since the original auction time some of the properties have been redeemed; additionally, minimum bids have increased to account for accrued interest. This substitute resolution will supersede the resolution that was signed in the fall and reflects the reduced number of properties that will be up for auction. Tonya May gave a brief review of the properties for sale.

Commissioner Van Beek made a motion to sign the substitute resolution declaring certain properties as not necessary for county use and authorizing the sale thereof. The motion was

seconded by Commissioner Smith and carried unanimously (see resolution no. 21-026). Commissioner Van Beek then made an additional motion to sign the notice of surplus property auction. The motion was seconded by Commissioner Smith and carried unanimously.

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 8:41 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters concerning named personnel, records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently litigation. 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 for the meeting were: Commissioners Keri Smith and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy P.A. Mike Porter. A brief break was taken at 9:02 a.m. to take up the action item of opening bids for the Fair Expo Building project. The executive session reconvened at 9:06 a.m. and concluded at 9:41 a.m. with no decision being called for in open session.

*During the break in the executive session the below action item was taken up as follows:*

***Open bids submitted for the Canyon County Fair Expo Building IFB:***

Present for the bid opening were: Commissioners Keri Smith and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Facilities Director Paul Navarro, Fair Director Diana Sinner, Controller Zach Wagoner, Ken Fisher and Cole Coba with Paradigm, representatives from each bidder and Deputy Clerk Jenen Ross. Bids were received as follows:

**Construction Managers (CM Company)**

Received: March 2, 2021 at 8:48 a.m.

Bid amount: \$7,409,651.00

**ESI**

Received: March 2, 2021 at 8:42 a.m.

Bid amount: \$7,297,990.00

**HC Company**

Received: March 2, 2021 at 8:38 a.m.

Bid amount: \$7,276,000.00

**Scott Hedrick Construction**

Received: March 2, 2021 at 8:10 a.m.

Bid amount: \$8,708,000.00

Zach Wesley explained the bids would be forwarded for review and evaluation, the committee will then come back before the Board with a recommendation. A copy of each bid is on file with this day's minutes.

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

PUBLIC HEARING – REQUEST BY COREY BARNES FOR A SHORT PLAT FOR BARNES HOMESTEAD SUBDIVISION, CASE NO. SD2020-0025

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Corey Barnes for short plat approval for Barnes Homestead Subdivision, Case No. SD2020-0025. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Dan Lister, Corey Barnes, Samantha Barnes, TJ Wellard, and Deputy Clerk Monica Reeves. Commissioner Van Beek said she's known the Barnes/Borchert Family for a number of years but that should not impact her ability to make an unbiased decision. Dan Lister gave the oral staff report. This is a one-lot subdivision. The property came through a conditional rezone which included the preservation of over 50 acres of agricultural ground to allow this one division. It came through a different planner and by the time it got to the platting portion there were issues with it so they went through an administrative land division to separate the agricultural portion and the existing house away from this 1.7-acre to allow this one-lot subdivision. There is a road users' maintenance agreement and a private road for the shared access. It will be served by an individual well and septic system. The irrigation will be served by a domestic well and drainage will be controlled via landscaped swales and maintained by the property owner. Staff is recommending approval of the preliminary plat subject to conditions. The final plat is not yet ready for signature. Following his report, Mr. Lister responded to questions from Commissioner Van Beek. Corey Barnes and TJ Wellard agreed with staff's report. Following testimony, Commissioner Van Beek made a motion to close public testimony. The motion was seconded by Smith and carried unanimously. Commissioner Van Beek made a motion to approve the preliminary plat for Barnes Homestead Subdivision and to approve the findings of fact, conclusions of law and order for SD2020-0025. The motion was seconded by Commissioner Smith and carried unanimously. The final plat will be considered at a later time. The hearing concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:00 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. Director Navarro reviewed the following items with the Board:

- A document was provided to the Board showing both the preventative and demand work orders that were completed in the month of February. A copy of this document is on file with this day's minutes.
- A substantial amount of snow removal was completed in February causing additional man hours expended and overtime paid out.
- Fencing at the Caldwell Event Center is nearly complete.
- Landfill scale house remodels are complete.
- The policy and procedure manual for his department is complete and being distributed to employees.
- Badge migration from HR to the security office in his department happened in February.
- Bid openings for the Fair Expo Building happened this morning and he will start to review with Zach Wesley.
- Fencing at the gun range will begin as soon as they are done at the event center.
- A pre-construction meeting recently took place for the Celebration Park RV Improvement project; the project is scheduled to begin on March 8, 2021.
- Director Navarro will be meeting with DSD Director Nilsson today regarding some remodeling she would like done in her office. Remodel of the Code Enforcement office will begin Monday.
- Flooring replacements in the deputy station within Pod 5 and the Extension office back hallway and storage area will be happening soon.
- Camera and NVR installation at Crossroads Museum is being worked on right now.
- Director Navarro and Director Rast will be meeting with LenelS2 Security Software to discuss potential use at the new Fair Expo Building as a trial run of their unified program which incorporates physical lock security and technology.
- A roundtable meeting with the City of Caldwell will happen Thursday to discuss a potential storage facility on Graye Lane. Additionally, Director Navarro will meet with Jerome Mapp regarding a special zoning district and city comprehensive plan.
- As requested by the Chairman, Director Navarro has looked into exterior painting of the Extension office. The building is located in a zone with a required paint scheme. He has received a copy of the required paint schemes and will be meeting with the local improvement district regarding other improvements.
- Commissioner Smith asked about the mandatory mask signs which are affixed the front doors of the courthouse. Director Navarro believes those signs were provided by the Supreme Court and suggested a meeting with the ADJ and Sheriff might be beneficial to ensure the county isn't stepping on mandates from the Supreme Court. Director Navarro said he would do some additional research to determine exactly what kind of signs are

located in which offices and reach out to the other elected officials for their thoughts on the signs on the buildings they occupy.

The meeting concluded at 11:33 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH DIRECTOR OF THE CANYON COUNTY MOSQUITO ABATEMENT DISTRICT TO DISCUSS THE 2021 MOSQUITO MANAGEMENT PLAN

The Board met today at 1:31 p.m. with the director of the Canyon County Mosquito Abatement District to discuss the 2021 mosquito management plan. Present were: Commissioners Keri Smith and Leslie Van Beek, Director Jim Lunders, Chris Osagetta, lab manager, Board of Trustees President Doug Shinn, and Deputy Clerk Monica Reeves. Jim Lunders became director of the district in March of 2020, and today he spoke about the district's mosquito control measures. The district has 10 fulltime employees and an additional 40 seasonal employees. The district wants to be more efficient at killing mosquitos at the larval stage so they don't have to spend so much time killing them after they are biting flying adults. Copies of the district's 2020 annual report as well as the mosquito management plan for 2021 are on file with this day's minute entry. Doug Shinn invited the Board to come to their office and look at the operation and see what a field crew does on a typical day. Commissioner Smith said the County Agent's office offers a "Living on the Land" class that teaches people how to care for their land, and a mosquito portion of that class would be really helpful. Mr. Lunders agreed it would be helpful and he said public education, if done properly, can kill more mosquitos than the district can and that will be important as more people move to area. No Board action was required or taken as today's meeting was held for information purposes only. The meeting concluded at 2:04 p.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 3, 2021

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 572174 to 572199 in the amount of \$15,489.00

- The Board has approved claims 572042 to 572089 in the amount of \$42,751.51

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Superior Gutter Company in the amount of \$1820.00 for Solid Waste Department
- Positive Promotions in the amount of \$20,541.95 for Canyon County Sheriff

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Alan Wilson, Lead Investigator

#### CONSIDER FINAL PLAT FOR OAK RIDGE ESTATES SUBDIVISION, CASE NO. SD2020-0002

The Board met today at 8:45 a.m. to consider the final plat for Oak Ridge Estates Subdivision, Case No. SD2020-0002. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Corey Blaine, and Deputy Clerk Monica Reeves. Jennifer Almeida reported the development consists of 27 residential lots and 3 common lots and is located in an "R-1" (Single Family Residential) zone. The preliminary plat was approved on November 25, 2019 subject to 11 conditions of approval - all conditions of approval have been met. The final plat complies with the code. Keller & Associates has reviewed and recommended approval of the final plat, and staff is recommending the Board sign the final plat. In response to a question from Commissioner Van Beek, Corey Blaine advised that he has relocated and tiled the entire Conway lateral drain ditch. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the final plat for Oak Ridge Estates Subdivision, Case No. SD2020-0002. The hearing concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING - REQUEST BY HESS PROPERTIES, LLC (TYLER HESS) FOR APPROVAL OF A PRELIMINARY PLAT, IRRIGATION, & DRAINAGE PLAN FOR PURPLE SAGE ESTATES NO. 5 SUBDIVISION, CASE NO. SD2020-0026

The Board met today at 9:00 a.m. to consider a request by Hess Properties, LLC (Tyler Hess) for approval of a Preliminary Plat, Irrigation, & Drainage Plan for Purple Sage Estates No. 5 Subdivision, Case No. SD2020-0026. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Tyler Hess and Deputy Clerk Monica Reeves. Stephanie Hopkins participated via Webex. Jennifer Almeida gave the oral staff report. The development consists of 23 residential lots and two common lots and is located in an "R-1" (Single Family Residential zone). The subject property, parcel no. R38131011, is located on the west side

of El Paso Road, approximately 1424 ft. north of the intersection of Willis Road and El Paso Road. Keller & Associates has reviewed the preliminary plat and recommended it be approved, and the conditions noted in their letter have been added by staff with the exception of condition no. 1 which was already corrected on the preliminary plat. The Planning and Zoning Commission recommended approval of this case on January 21, 2021 and staff is recommending approval finding the plat meets Idaho Code and the requirements of the Canyon County Zoning Ordinance. Stephanie Hopkins testified this is the 5<sup>th</sup> phase of Purple Sage Estates Subdivision and it consists of 23 lots and 2 common lots. They are proposing to extend Highmark Way, which has been a part of Purple Sage Estates Nos. 3 & 4, and extend it over to El Paso Road. They are proposing one cul-de-sac that will serve as access to seven lots. The subdivision will be served by individual wells and septic systems. Ms. Hopkins reviewed the storm drainage and irrigation plan. The property is located in a nitrate priority area so they have designed advanced treatment systems appropriately. Tyler Hess gave testimony about the provisions for common areas and additional greenspace. He also spoke about the drainage system. They are proposing a five-foot berm and a white solid fence along Old Highway 30 for privacy and to act as a sound barrier. One of the neighbors does not want to see a white solid fence along the southerly boundary and Mr. Hess will not include that type of fence in the development, it will most likely be a three-rail fence. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to accept the late exhibit No. 16. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the preliminary plat for Hess Properties, LLC, for Purple Sage Estates No. 5 Subdivision, Case No. SD2020-0026 and that we accept the findings of fact, conclusions of law and order as presented by staff. The hearing concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION

The Board met today at 9:32 a.m. to consider extending the COVID-19 emergency declaration, a discussion that was continued from March 1<sup>st</sup>. Present were: Commissioners Keri Smith and Leslie Van Beek, Controller Zach Wagoner, Coroner Jennifer Crawford, PIO Joe Decker, EOM Christine Wendelsdorf, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith said the current declaration is set to expire tomorrow at midnight and the most compelling argument related to funding is that our constituents have to pay whether the County takes the money or not which is unfortunate and so she wants to know more about that. We have moved into the yellow category which means we are having success with implementation of measures to protect the health and safety of our community and hopefully we are trending towards the gray category and can continue that recovery. She said it's a tough decision on where we should be. Christine Wendelsdorf said the County is doing well and is in the recovery phase, and she is still doing vaccine clinics for first responders. She believes the emergency declaration needs to be extended



so that if there is federal funding that comes through small business will be able to partake in it. We are currently in the yellow category but no one seems to know what's going to happen especially with the different variants so it's a good idea to continue with the declaration. Commissioner Van Beek had questions about the mortality rates and the recovery rates, and she spoke about how the suicide rate in Japan has exceeded the COVID death rate. She said there is a lot of political pressure that drove the emergency declaration and the introduction of the virus. The optics of putting a declaration in place when there are businesses that are turning people away and going under because they cannot get people to work because they are receiving more money on unemployment is a communist philosophy. She has received nothing in support from the citizen-base that says we should consider an emergency declaration. Commissioner Smith said the Board has received approximately 30 emailed responses and not one supported the extension of the declaration. Joe Decker said most of the emails seem to be misguided in thinking that a lot of the restrictions, such as mask mandates, have been caused by the County's emergency declaration when that's far from the truth. Canyon County has not instituted any mandates or put any restrictions on the citizens through the declaration. Commissioner Van Beek said the natural inclination is to tie local disaster emergency declaration to this continued climate of fear. Commissioner Smith said Canyon County has continued the emergency declaration every month and economically speaking we are doing better than any other county and we've done that under the current declaration. We never shut businesses down and events happened in Canyon County when they were not happening in other communities. With this current declaration the Board did not take away any rights. Ms. Wendelsdorf said Canyon County has set the standard as to how this pandemic has been handled in the state. We did not shut down businesses nor did we mandate masks. We did a lot and our actions are being looked at by those at the state level and that is something we should be proud of. Commissioner Van Beek acknowledged and thanked Ms. Wendelsdorf for her efforts which are greatly appreciated. She wants to know who will pay for the federal funding we receive and what will it be used for? She also asked for an update on the current inventory of supplies. Ms. Wendelsdorf said we are doing well and she feels we can sustain that, although she is running low on gloves because they are hard to come by and the cost is inflated. Commissioner Van Beek said the elected officials and legal staff took into consideration and evaluated the CARES Act itself, and we could have taken \$9 million in federal funding but we chose not to because we felt like the office of internal government affairs did not have guidelines. She asked if there is updated information from the legislature on what the bounds are for the newest proposal? Controller Wagoner said the federal monies we have received through the Coronavirus relief funds have been extremely beneficial in helping the County respond to the situation by not having to dip into property tax funds which has protected the financial interest of our local property taxpayers. Legislation has passed the US House of Representatives that would potentially result in a direct payment of \$45 million. The use of those funds falls under four areas: 1. Respond to or mitigate the public health emergency, 2. Cover costs incurred as a result of such emergency, 3. Replace revenue that was lost, delayed or decreases, and 4. Address the negative economic impacts of such emergency. In his opinion he considers that a broad use – those monies would be beneficially to the residents of Canyon County. Commissioner Van Beek said one of the arguments we made in not taking the \$9 million is that if the federal government was going to issue that through the state of Idaho, the state should send it directly. She asked what kind of rubric is in place for the Board in figuring out how that would be meted out as far as the impact?

She does not disagree with the Controller's position that people have suffered loss, and there's a need because the federal government created the issue but why can't the federal government distribute those funds directly instead of making it go through local governments – but nobody has an answer for that. Commissioner Smith said the declaration has been vetted by the elected officials and they are in support of the 30-day extension to give us some time to explore and try to answer some of the questions. She has her own personal beliefs about COVID and the federal government and the money issues, but that's not in front of us today. If we don't extend the declaration we are not serving the constituents' best interests in being able to vet the opportunities in front of us and that is the only reason she will support the declaration. She also supports it because of the way Canyon County has handled this COVID crisis, whether it's a health crisis or an economic crisis, Canyon County is the leader in encouraging personal protection and we never shut anyone down. Out of respect for the other elected officials and department heads she is going to support the extension although she doesn't know if she wants to extend it beyond 30 days. If we recognize there is still an emergency in the community we might have an opportunity to vet out some options that could help other people and if we say no today she doesn't know if we can explore the option so because of that she will support the extending the declaration. Commissioner Van Beek is not prepared to render a decision because she wants to look at it more carefully. She is struggling with what are we going to spend the money on, who's going to pay for it, and how are we going to decide who qualifies. Commissioner Smith said if the Board says not today we'll never know the answer to those questions. She also said extending the declaration does not mean the County is accepting federal money. Commissioner Van Beek made a motion to continue this matter to tomorrow at 11:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH AGRICULTURE REPRESENTATIVES TO DISCUSS THE LOSS OF FARMLAND IN CANYON COUNTY

The Board met today at 1:30 p.m. with agriculture representatives to discuss the loss of farmland in Canyon County. Present were: Commissioners Keri Smith and Leslie Van Beek, Fair Director Diana Sinner, DSD Director Tricia Nilsson, DSD Planner Kate Dahl, Assessor Brian Stender (arrived at 2:12 p.m.), Roger Batt, Ken Day with Simplot, Mark Zirschky with Pioneer Irrigation District, Greg Alger with Houston Vineyards, George Crookham with Crookham Company, Kris Gross and Dane Johnson with Gross Farms, Rachel Spacek with the Idaho Press, Other concerned citizens and Deputy Clerk Jenen Ross.

Roger Batt explained they are coming before the Board today as concerned citizens and business owners that represent different sectors of agriculture. Agriculture has been a critical industry to Canyon County since the 1800's and based on a study by the University of Idaho in 2009 84% of the county is agricultural based meaning 84% of the land is in agricultural production. Additionally, based on the study agriculture constitutes 32% of base sales, 24% of all the base value added, 23% of all the base wages and salaries and 23% of all the jobs in the county. According to the USDA in

2017 the county generated over \$574M in ag sales received. These receipts are not inclusive of the seed industry due to propriety information. The true value of the seed industry is unknown, however, those in the sector estimate it to be at least \$250M to \$350M in the county. Each acre of cultivated land is worth about \$16K in base sales, worth about \$3400 in base wages and it also creates 1 job for every 10 acres in the county. For years there has been tremendous growth in the county but this unprecedented growth is rapidly replacing productive farmland. It is to a point where many sectors of Canyon County agriculture are worried about the future of agriculture and there is a serious concern that what once drove the economy here will soon be replaced with asphalt and buildings. It's no secret that the agricultural companies that are here, whether global, local, regional or statewide are here for a reason and if we keep paving over the farmland at the rate it's being swallowed up, it's guaranteed that these companies will reconsider being here and doing business here in the future. The seed industry alone, which contributes at least \$250M to \$300M to the county economy, we're seeing so much productive ag land being replaced with houses that's it's extremely difficult to find isolation for many of the seed crops that need that space. There are also challenges to the infrastructure. When subdivisions come into areas that are being farmed it creates more work for the irrigation delivery entities and more vehicles driving the roads are creating safety concerns when trying to haul equipment to and from fields. Few people understand farming practices and often complain about odor, pest, pesticide spraying, dust, noise, etc. It is a real problem and one that needs to have a solution in sight which is why they've requested this meeting with the Board because it's unknown if the county has a solution.

Ken Day spoke stating that the JR Simplot Company has a long history in the Caldwell area. Farmland loss is something that they, as a company, take very importantly. Idaho is one of the largest areas where they have operations, with more than 3000 employees in Idaho. The challenge for them is when you start pushing farmland farther out a lot of things become more difficult. They like to have their growers closer to factories which reduces the amount of time they have to be on the roads and makes it easier to deliver the products. But they also have to take into consideration that when you start having conflicts with ag operations, whether it's farming or in their case production, if you get too much residential near those operations it makes it extremely difficult to continue those operations. Obviously maintaining the cropland is important for the growers and it's a shame seeing a lot of good land being swallowed up by subdivisions. Additionally, you run the risk of pushing that land out into the desert which causes issues with irrigation. Caldwell has been an important part of the company and will continue to be an important part of the company, they plan to be around a long time but a balance needs to be found between keeping the ag industry alive and addressing the growth.

In response to a question from Commissioner Smith, Mr. Day addressed Simplot purchasing land around their Caldwell plant in order to protect themselves from growth but also to assist in water treatment. Commissioner Smith understands that land prices are so high right now that oftentimes buffers are not able to be purchased. Mr. Day confirmed that understanding noting that Simplot purchased their land when it was a lot less expensive and growth isn't what it is today. Mr. Day responded to Commissioner Van Beek, stating that they've invested a lot of money into the process of water treatment at the Caldwell plant, the water that comes from that plant is potable water so they don't have a smell issue but it is something they were concerned with in the meat

processing plant in Kuna. There is an ongoing issue of local state legislators and concerns on the federal issues as well of restricting crop protection items they can use. With new residents coming in there is a lot of misunderstanding about farming practices that can often lead to efforts to impose these types of restrictions, they work very hard in the communities where they're located to mitigate that.

Mark Zirschky explained that Pioneer Irrigation District delivers water from Can-Ada Road west to Greenleaf and then from the Boise River south to about Lone Star Road in Nampa. They also deliver water to Franklin Ditch Company, Mason Ditch Company and Canyon Hill Irrigation District along with the cities of Nampa and Caldwell. Mr. Zirschky has been with the district since 1992, working as a ditch rider for the first 12 years. At that time they averaged about 80 hours of overtime a season, last year, on average the ditch riders were between 400 and 500 hours of overtime for the irrigation season. Impacts to their systems include the time it takes to manage the system, travel time thru the district, maintenance, and the need to return equipment to the shop as it can no longer be left alongside the road since the shoulders are smaller and there is too much traffic. During his time with the district they've created 3 additional positions in order to manage it. He spends a great deal of time dealing with trespass including pedestrians, bike, ATV, etc. on the ditch banks. With the development that surround the ditch banks people often think of them as their public domain and as a public right-of-way. Dust is also becoming an issue with housing so close in proximity and in order to mitigate that they've had to slow down the speed at which they travel on the ditch banks. Additionally, they are having to water regularly to keep the dust down. The weeds, although problematic in some ways, do help keep banks established and from eroding but they often receive complaints about them. And due to environmental impacts chemical sprays that were once used are no longer allowed making the process of removing the weeds a much more mechanical effort thus costs continue to increase. Pioneer Irrigation District has 34,000 acres that they deliver water to which breaks down to about 60% residential and about 40% ag. As the cities grow and subdivisions come in land is annexed into the city so instead of delivering to 10-15 accounts they now deliver to 1 account, the city, and then the city delivers to the subdivisions. Meaning on the revenue side the irrigation district is seeing less money due to the loss of account fees they handle. Mr. Zirschky said he feels Pioneer Irrigation does a good job of maintaining infrastructure but the private infrastructure that delivers to a lot of the towns is aging, forcing a lot of requests for exclusions. Every Board meeting they see several exclusions that meet the criteria in state law that they can exclude their property because they no longer have access to water. It is becoming a bigger issue when properties change hands and the new owner inherits the pre-existing problem. It is important to them to figure out how to keep going at a reasonable assessment rate without driving the farmers out of business, currently they are up to \$130 acre for water. His big concern is how to keep sustaining the impacts to the district and billing less for properties.

Commissioner Smith spoke about when they make land use decisions it needs to be based on the 9 criteria that are found in the zoning ordinance. One of those criteria talks about the availability of public services. She doesn't feel like the county hears from the public agencies enough about the impacts of development and the cost. Mr. Zirschky said he does see the agency requests come in and tries to respond to each one. One issue they have is that they don't know what the extent

of the project is going to be at the time. Commissioner Van Beek spoke about water delivery and would like to have further discussion on that issue. Mr. Zirschky explained said that an added element to their budget is pipeline inspections. Conversation ensued regarding the right-to-farm statement in relation to complaints of dust from the ditch banks. Mr. Zirschky said in the end sometimes the most economical way to address the issue is just to take care of it than for him to spend hours out talking with people.

Greg Alger said they are farmers but maybe in a more unique way than has been experienced in the county before. The reality is that there is farm ground and then there are city impact zones and then city limits and it seems to him that those three designations are very definitive, with maybe only one grey area being the impact zone. That which is within the city limits and things associated with a city should be in those areas – things such as hotels, gas stations and restaurants. And those things that are agriculture related should be allowed in the agricultural area – food processing, seed processing, production of wine and production and selling of fruit. He's not sure how things got mixed up and how in the ag county there are gas stations, restaurants and potentially hotels. The agricultural community is very strong, very powerful and there is some uniqueness in the crops that are grown here. What makes this a good seed crop region is what makes it a good viniferous vineyards and wine production region. One of his concerns is that a lot of attention has been focused on gravity irrigated crop plans and let go of crop grounds or possible crop grounds that were potentially not gravity fed irrigation. Subdivisions have been allowed to be built in those areas, extra permits to be added to those areas and he lobbies here today that that is some of the best ground for more farm ground, specifically viniferous grapes. He would ask that farm ground is looked at as being farm ground and the production of those items related to those farms. Another concern he has with ag land being eaten up is that there is always a delicate balance, those farmers who want and receive the opportunity to sell their land at best price. If a developer offers them \$100K an acre and farm ground is \$10K an acre the reality is the farmer should be allowed to sell their land at \$100K. But the moment that ground sells it eliminates the possibility of it being farm ground in the future because it becomes the comp value for all remaining farm ground. The effect is that the sustainability of each industry suffers because that becomes the comp value for that property. How do you manage those farmers' opportunities to maximize their balance sheet? He thinks these are pretty complex conversations and that there have been some solutions in the discovery mode that he would challenge the county to embrace and tackle, how do you handle those things for this to stop. Another option is to say no more but for those farmers, what do you do with your land?

Commissioner Van Beek asked, as farmers, where should labor housing be located? It is something she would like help with. She spoke about how she has worked with the Parks Director and lobbied hard to create a federal district that would be recognized, she would like that to be part of the comprehensive plan so that it can be used to protect the unique heritage that belongs to people that have been here.

In response to a question from Commissioner Smith, Mr. Alger spoke about differences of farmlands for grape production. The reasoning of un-level farm ground as not the best farm

ground cannot be continued to be used as an excuse. It's all viable ag ground. Every piece of property has its own uniqueness for ag related operations.

Commissioner Smith spoke about cluster development and being able to look at certain situations on case-by-case basis and evaluate the impact of development. She noted that the Board does utilize the comprehensive plan regarding impact areas but it could be argued that the impact areas are too big. Those need looked at and evaluated, asking if that is an area for growth and then making sure that ag is being treated as ag and protecting it from spot development in the ag zone. However, that does raise the question of property rights for retirement and Canyon County having to decide if it's an ag community bringing in \$574M in ag receipts, do we want to lose that revenue source?

Commissioner Van Beek said the Board is actively looking at ordinances on the books and objected to land use decisions that historically would have been approved because it changed the zoning designation. She wondered how much density is appropriate. What density protects large scale diversified farming? What protects the rights of the people that are there trying to provide an economic base for Canyon County and the State of Idaho?

George Crookham spoke about the seed industry stating that the Treasure Valley is a high desert mountain county with adequate water, you don't find that around the world. They believe that vegetable seed wise they are the 3<sup>rd</sup> most important vegetable seed area in the world. They range from 2-9 times the farm gate, so they are at the high end of the spectrum. Most of their product is sold outside of Idaho and sell on every continent except Antarctica. They are considered a basic industry and to any strong economy you have to have a basic industry. In that basic industry their crops get multiplied by 2-3 times and they estimate they are worth \$250-\$300M. Some things to be considered at planning and zoning is that they do require small fields, sometimes P&Z looks at those small fields and determines they're worthless and to develop them. At times they pay more for the small fields than they do for the 20 acre fields. Many of their crops are insect or wind pollinated and they need 1/8 to 3 mile isolation. They struggle with transportation to get their crops to facilities in a safely and timely manner; safety is becoming a huge issue. They are a dirty, dusty, muddy industry that work long hours and make a lot of noise – it is an industry that is not compatible with subdivisions. They had one property adjacent to them with one house on it and within a months' time they were called on by the residents and had to address the ISDA (Idaho State Department of Ag) to defend their actions. Each time they came out clean as a whistle and were told by the ISDA employee that 95% of the time there was not issue with the farmer but they have to address the concern. They want to remain in the Treasure Valley but they have moved about 20% of their operation out of the valley due to concerns. Most importantly they cannot farm between the cracks, it is impossible. In response to a question from Commissioner Smith, Mr. Crookham explained that those small plots are necessary because they have stock seed and need to increase the stock seed so they can grow larger crops which require isolation and vary from ½ an acre up to 5 acres. Commissioner Smith asked what would happen if there was a nearby subdivision and someone decided to plant a row of corn. Mr. Crookham said that in that situation they have to find a way to either bring them free corn, or talk them out of it or buy it out of them

because that little garden can destroy a crop worth literally tens or hundreds of thousands of dollars.

In response to a question from Commissioner Van Beek, Mr. Day said that the industry as a whole is looking at every option possible to accommodate for less land and greater population. There is a lot of technology out there that allow different types of farming. He said that Simplot is heavily involved in genetic issues in order to maximize crop output.

Kris Gross said her family is third generation farmers in Wilder. Collectively they farm about 3000 acres of which several 5 acre lots go to Crookham. At any given time they employ 15-25 families and provide for them housing, safety and everything that goes with that. They are seeing more and more close calls with their equipment. Equipment is getting larger and they are having to use pilot cars more often to move it. Last year they had 3 very, very close calls where it would have been disastrous if they had not made aggressive efforts to get people off the road. They also have concerns about their aquifers, many have invested in wells that are used when there are short water years. With the concrete and housing structures that are going up it prohibits water from being fed into those aquifers and eventually the well will have to be dug deeper in order to have the same benefits. Input costs are very crucial for them right now, commodities in farming, they are all happy to break even at the end of the year. Anything they can do to help tell their story is what they're searching for right now because there are a lot of people coming into the community who don't understand ag – they'd be happy to give tours and explain what they need to do on a largescale farm in order to make a living.

Dane Johnson explained he works for Ms. Gross as a farm manager in training. He is third generation agriculture. As a young person coming up, born and raised in farming and agriculture and that is what he wants to do. He and his wife want to own a farm at some point in the future but for him it is very sad and challenging to see all the development happening. He applauds the efforts of the Board to keep ag land in Canyon County viable because there are young people coming up who want a chance at farming and that lifestyle.

Mr. Batt would like to continue this dialog with the Board. He thinks that perhaps before the next meeting they can go back to their people to develop some kind of plan or path forward because there needs to be a solution for this. Whether its policy driven or something else something needs to be done. Mr. Batt suggested meeting in 3 months to continue the dialog and have something to present to the Board. Commissioner Smith said the Board is operating at a faster speed than 3 months and this is a large problem that has persisted for a long time. She spoke about how Director Nilsson and Kate Dahl are working diligently to get the 2020 comp plan completed. Mr. Batt said he would get back with his people immediately to start collecting information.

The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 4, 2021

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

APPROVED CLAIMS

- The Board has approved claim 572200 in the amount of \$2,592.07
- The Board has approved claims 572139 to 572173 in the amount of \$38,743.91

FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for December 2020

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Slims Tavern to be used 3/27/21
- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 3/11/21; 3/12/21; 3/13/21; 3/20/21; 3/21/21; 3/27/21

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:30 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White – via the phone, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom, Deputy Clerk Jenen Ross and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-469; 2021-362; 2021-363; 2021-373; 2021-479; 2021-456; 2021-375; 2021-366; 2021-488; 2021-489.

Liens were presented for signatures.



Director Yvonne Baker presented a subordination agreement for case no. 2009-45 and read a letter provided by the applicant onto the record. Discussion ensued regarding the applicant's request for subordination of his lien.

Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to grant the subordination request.

Commissioner Smith asked for an update on last week's Subordination request, Director Yvonne Baker provided an update of the case.

The meeting concluded at 9:36 a.m. An audio recording is on file in the Commissioners' Office.

#### ACTION ITEM: CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION

The Board met today at 11:00 a.m. to consider an action item, consider extending the COVID-19 emergency declaration. Present were: Commissioner Keri Smith, Commissioner Pam White via conference call, Clerk Chris Yamamoto, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Chief Deputy Sheriff Marv Dashiell, Assessor Brian Stender, PIO Joe Decker, EOM Christine Wendelsdorf, Controller Zach Wagoner, interested citizens, and Deputy Clerk Monica Reeves. (Note - Commissioner Leslie Van Beek was out of the office today for a planned vacation.) Commissioner Smith said the Board has received over 70 emails, most of which oppose the extension of the emergency declaration. She spoke about how at her previous job she operated Indian Creek Plaza and they were the only events center in the state that operated, partly due to her leadership in pushing through the barriers. She couldn't have done that if she didn't have a county and a city that had a declaration in place that did not take away our rights or freedoms, nor did it include a mask mandate. Regardless of what we believe in COVID, we have a disaster in this community, state, and nation because of what others did to our communities. Canyon County did not kill small business, in fact, the businesses that chose to stay open are thriving. The declaration includes language about how we have some local economy issues that need solved and the declaration will allow us to do that. She asked Commissioner White to consider extending the declaration for 15 days versus 30 days so we can continue having discussions and figure out where the federal government is going, and continue to monitor the process. Commissioner Smith said there are many things in the federal bill she doesn't support, but she represents 230,000+ constituents and she doesn't want to take any option off the table that would be important for consideration. Clerk Yamamoto spoke about how he appreciates people being engaged in government and attending today's meeting. He implored the Board to extend the declaration for 30 days noting that the federal bill has passed the House and is going to the Senate and they are talking about it being passed on March 14<sup>th</sup>, but he doubts it will happen in that timeframe which would mean we would have to have this conversation again in 15 days. The Clerk believes the stimulus package is full of earmarks and there is one party ramming it through and it's going to destroy the country. He asked why Congress is doing a \$1.9 trillion new stimulus when there's approximately \$1 trillion of the original that hasn't been spent yet. He said the County turned

down two other offers of federal aid and it could be that we turn down this one too, however, he doesn't want to close the door to \$45 million, saying it would irresponsible not to look at it. Following the Clerk's comments several members of the audience voiced their strong opposition to continuing the emergency declaration because they believe it infringes on their freedoms. Commissioner Smith assured the audience that every official in Canyon County is advocating for the citizens and we understand what the citizens are saying and we are not taking away their freedoms. Discussion ensued with citizens stating they believe mandates have been put in place and restrictions have followed. Commissioner Smith encouraged the citizens to read the declaration and see that there is nothing in it that tells anyone what to do. Commissioner White said the County has had emergency declarations in the past (heavy snowfall resulting in floods and destruction in 2016, for instance), and we were able to come to the rescue for businesses and that's how she views this action, she wants to leave it as a resource for the citizens. She reiterated that there are no mandates in Canyon County. Commissioner Smith read Commissioner Van Beek's written comments into the record where she entered a vote of no to extend the emergency declaration in the absence of citizen support and unbiased reporting as well as a failure to identify who the fund the significant liability of the latest stimulus package. The argument to accept federal dollars and big government does not outweigh the significant negative impacts of continuing to live under an emergency declaration where infection rates and mortality rates are continuing to decline. This does not mean or imply that she does not take the virus seriously, it means she recognizes the devastating impacts to families, schools, businesses, and the economy. Suicide rates, child abuse, and mental health issues continue to escalate because of the mandate to quarantine both the sick and the healthy. She spoke with a lobbyist to the Idaho Legislature who stated the latest stimulus package includes funding for abortion, and other sources indicate there may be strings attached translating to government overreach. She votes no. Commissioner Smith said the declaration identifies that we are improving and recovering and it references the negative economic impacts. We have a very low death rate in Canyon County, but that does not mean we don't have a local economic impact. She asked if there is a motion to support the March 4<sup>th</sup> through April 3<sup>rd</sup> extension, or rather if there is a 15-day extension that goes from March 4<sup>th</sup> to March 19<sup>th</sup>. Commissioner White made motion to extend the declaration for 30 days to get more information. *It was noted during the meeting that a citizen approached the deputy clerk and indicated that the Board was not complying with the Idaho meeting law, however, that is not an accurate statement. On Monday, March 1<sup>st</sup> the Board met at 1:15 p.m. to consider extending the COVID declaration (as noted on the Board's agenda), and that meeting was continued on record to March 3<sup>rd</sup> (as noted on the agenda) and it was continued again to March 4<sup>th</sup> (also noted on the agenda.)* Commissioner Smith asked Commissioner White if she would consider modifying her motion to end the emergency on March 19<sup>th</sup> in an effort to shorten the timeframe. There are reasons, including being moved into the gray category from SWDH and also a continued meeting with SWDH to address some of these issues at the next board meeting, as a compromise to continue this discussion sooner than later. Commissioner White said we are compromising the time, whether it's 15 days, or longer, to get the information. She then amended her motion to approve the emergency declaration from March 4<sup>th</sup> to March 19<sup>th</sup>. The amended motion was seconded by Commissioner Smith. The record noted that Commissioner Van Beek was opposed to extending the declaration, however, this is not a proxy vote. The motion carried unanimously by the two Commissioners who were present for the meeting. Commissioner White authorized

the use of her stamp on the declaration. The meeting concluded at 11:39 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING LEGAL NOTICE REQUIRING DEQ APPROVAL OF SITE CERTIFICATION APPLICATION FOR LATERAL EXPANSION

The Board met today at 11:41 a.m. to consider signing a legal notice requiring DEQ approval of a site certification application for lateral expansion. Present were: Commissioner Keri Smith, Commissioner Pam White via conference call, Chief Civil Deputy Sam Laugheed, Deputy PA Brad Goodsell, Deputy PA Zach Wesley, Landfill Director David Loper, and Deputy Clerk Monica Reeves. Mr. Loper said the County has applied for site certification approval from DEQ to expand the site certification boundary for the landfill for a lateral expansion project. We received an official decision from the DEQ approving the application and now we can move forward with other projects such as design. As part of the approval process we have 10 business days to post public notice that approval was granted. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to approve the legal notice for the DEQ site certification application that was submitted by Canyon County for lateral expansion of the Pickles Butte Sanitary Landfill. The notice will publish in the Idaho Press-Tribune on March 10, 2021. Mr. Loper left at 11:45 a.m. The Board went into Executive Session as follows:

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

Commissioner White made a motion to go into Executive Session at 11:46 a.m. pursuant to Idaho Code, Section 74-206(1) (d) to discuss records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Keri Smith, Commissioner Pam White via conference call, Chief Civil Deputy Sam Laugheed, Deputy PA Brad Goodsell, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 12:04 p.m. with no decision being called for in open session.

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

MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 5, 2021

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order (via electronic signature):

- HP, Inc., in the amount of \$1800.00 for Information Technology

There were no meetings held this day.

MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 8, 2021

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

APPROVED CLAIMS

- The Board has approved claims 572090 to 572138 in the amount of \$81,976.25

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- CXT Precast Products INC in the amount of \$47,082.00 for the Parks Department
- Pilot Rock RJ Thomas MFG. Co. INC in the amount of \$4,658.45 for the Parks Department

- Highland Products Group LLC in the amount of \$21,190.00 for the Parks Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Lea Durfee, Heavy Equipment Operator

#### CONSIDER FINAL PLAT FOR GOFF SUBDIVISION, CASE NO. SD2020-0028

The Board met today at 1:16 p.m. to consider the final plat for Goff Subdivision, Case No. SD2020-0028. Present were: Commissioners Keri Smith and Pam White, DSD Director Tricia Nilsson, DSD Planner Dan Lister, the applicant's representative, and Deputy Clerk Monica Reeves. Dan Lister reported that all conditions have been met and the required agreements have been recorded. There are no improvements for this project, and staff is recommending the Board sign the final plat. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve and sign the final plat for Goff Subdivision. The meeting concluded at 1:18 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:32 p.m. with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Keri Smith and Pam White, TCA Doug Tyler, Assistant TCA Benita Miller and Deputy Clerk Jenen Ross. The following topics were discussed with the Board:

- Judge Southworth is in court today and will not make today's meeting.
- Jury trials are set to begin next week
- Commissioner Smith asked about signs requiring masks in the courthouse. Mr. Tyler believes the signs should indicate that masks are required in courtrooms and any court offices. He indicated that they are required by the Supreme Court to have them at the entrance of the courthouse because they are not allowed to enter the courthouse for purposes of going to courtrooms or court offices if they meet any of the requirements. Additionally, they have signs outside each courtroom and each court office. He thinks that they have 2 at the Juvenile Justice Center and 2 at the front door. Mr. Tyler said he would look at them again to make sure they indicate they are for the courts. Front door security should be letting patrons know that masks are necessary for court and they try to have a marshal in each courtroom to enforce the rule. Ms. Miller will provide a copy of the most recent Supreme Court order to the Board.

- Jury trials are consuming most of their time. They are working to get a pool of qualified jurors. Jurors will be required to wear masks and temperature checks will be done.
- The Senate approved 1 District and 2 Magistrate judges. It will now go back to the House.
- Discussion was had regarding the 'Run, Hide, Fight training'. Mr. Tyler said that when he spoke with Judge Southworth today it was indicated that the training was originally meant for court personnel but they will welcome anyone else who wants to attend.
- TCA employees started transitioning back to work February 1<sup>st</sup> and all have returned as of March 1<sup>st</sup>. They are working to create a telecommute policy but it has to have support of the court before it can be implemented.
- A brief discussion ensued regarding funding in regard to COVID evictions.

The meeting concluded at 1:55 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:01 p.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- 3 purchase orders were presented for the East End RV improvements. A spreadsheet and additional supporting documentation were provided to the Board.
- Crossroads magazine was provided to the Board.
- Booklet showcasing The Five Tribes of the Boise Valley was provided to the Board. This booklet will be used for 4<sup>th</sup> grade curriculum.
- There have been a couple adjustments to positions and they are working to get positions filled. They are having a hard time filling interpretive specialist positions.
- Director Schwend will be on vacation March 20<sup>th</sup>-26<sup>th</sup>.
- Director Schwend addressed questions Commissioner Smith had earlier in the week regarding a claim for SWID RC&D. She provided an overview of what SWID RC&D does and spoke about where funds come from. Currently the Parks department is the only one using the RC&D although it's available to anyone. Commissioner Smith thinks this might be a better fit for the Parks budget vs. the BOCC budget. Commissioner White said she will contact Controller Wagoner about how this came to be taken from the BOCC budget.
- The field trip schedule is full but she is not sure what the fall will look like as far as in-person and/or virtual or a combination of both.

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

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

The Board met today at 3:02 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Director of DSD Tricia Nilsson and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Director Nilsson would like to get her position posted ASAP and provided a red-lined version of the job description to the Board (a copy of this version is on file with day's minutes). Discussion ensued regarding adding economic development as a job responsibility to the position. Director Nilsson suggested also putting it on the APA national job board along with the local job boards. Brief discussion ensued as to who should be on the interview committee – initial thoughts include the Board, Assessor, Deputy P.A. Zach Wesley and 1-2 outside people.
- Discussion was had regarding INFRA Grants and necessary clarification as to which fiscal year it is for. Director Nilsson will draft a letter to Matt Stoll at COMPASS.
- A Permit Tech recently gave notice and Kellie George would like to move into that position which everyone is good with. That would then leave the Sr. Administrative Specialist position to be filled. Jennifer Allen will continue working on creation of the part-time admin position.
- Director Nilsson asked what kind of cases the Board would like to see taken by a hearing examiner. How much does the Board want planners involved in reviewing plats? The Board suggested it might be a good idea to consider bringing a surveyor in-house for the next budget year. Director Nilsson will work on a job description.
- Dave Curl is working with Director Navarro on a new layout/floorplan for the office.
- Jennifer Allen is working on the job description for the Planner I position.
- Director Nilsson said the subdivision ordinance needs some work which she is trying to work on. She said it may need some companion comp. plan policies to go with it.
- Commissioner White asked Director Nilsson to put together any information she may have about land trusts. Commissioner White is concerned with the conflict between personal property rights and preservation of ag land there will need to be something that works and is justifiable and transparent. Director Nilsson thinks it might be beneficial to have a meeting with a representative from American Farmland Trust and the director of the land trust for the Treasure Valley.
- Director Nilsson will be coordinating a meeting with impact fee committee to discuss Canyon Highway District no. 4.

The meeting concluded at 3:50 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 9, 2021

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

APPROVED CLAIMS

- The Board has approved claims 571957 to 571993 in the amount of \$298,012.60
- The Board has approved claims 571994 to 572041 in the amount of \$87,700.37
- The Board has approved claims 571822 to 571872 in the amount of \$80,431.13

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, HR Benefits & Training Coordinator Nichole Ahlstrom (left at 9:57 a.m.), Deputy P.A. Mike Porter (left at 9:40 a.m.), Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

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

*Note for the record: As properly noticed the Board met today at 9:01 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner White made a motion to go into Executive Session at 9:03 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Benefits & Training Coordinator Nicole Ahlstrom, Deputy P.A. Mike Porter,



Deputy P.A. Zach Wesley and Deputy P.A. Brad Goodsell. The Executive Session concluded at 9:57 a.m. with no decision being called for in open session.

At the conclusion of the executive session the following action item was considered:

***Consider signing settlement agreement between City Development, Inc., U-Save Storage, LLC, the Canyon County Assessor, and the Canyon County Board of County Commissioners:*** Assessor Stender said there has been several years of value disagreements but everyone has now come to an agreed value for 2018, 2019 and 2020. There will be a refund and some interest to be repaid but it will close out the years of 2018, 2019 and 2020. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the settlement agreement between City Development, Inc. U-Save Storage, LLC the Canyon County Assessor, and the Canyon County Board of County Commissioners (see agreement no. 21-008).

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

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

The Board met today at 10:32 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, IT Director Greg Rast, Assistant IT Director Eric Jensen and Deputy Clerk Jenen Ross. Director Rast discussed the following with the Board:

- Commissioner Smith said there was a question about being able to livestream the P&Z meetings. Director Rast explained that the hearings can be livestreamed but that someone will need to attend the meeting to set up and run the equipment. IT can work with either Mr. Decker or the DSD staff to get something set up. Livestream would provided as a courtesy service. The Board suggested that Mr. Decker work with Director Nilsson and she could decide if she wanted to move forward with it.
- This Thursday Director Rast will be meeting with CCMAD regarding county IT services; the Board is supportive of this. Director Rast will work with Mr. Lunders to determine what they're looking for exactly.
- Commissioner Smith would like to standardize the style of the website and printed documents. At this time there are over 20 different business cards styles and the print shop is having to manage a lot of different style forms. In order to keep upfront costs down, cards and forms there would be continued use of the current cards and forms and would just be replaced with the new style as they run out.
- Director Rast would like to move away from the current county email address with the .org domain and move over to a .gov domain. Additionally, he has also suggested changing the format of the address from a fist initial last name format to a first and last name format.

He said much of this change can be done behind the scenes to slowly phase out the .org addresses. He indicated that there is a nominal fee for the .gov domain but with that come some additional protections.

- The Board and Director Rast feel it would be a good idea to have further discussion regarding the standardized style and domain change with the other elected officials. The Board would like to see these changes made simultaneously.
- An MOU with the City of Nampa will be brought before the Board next week for the fiber optics that run down I-84.
- Directors Navarro and Rast met with Brent Orton with the City of Caldwell last week regarding a sewer project. The city will be putting down some conduit while the trench is up so that fiber optics can be run from the courthouse to the fairgrounds. This is a project that will be included in the FY2022 budget. The county is responsible for the fiber optic material and the city will be responsible for the digging and putting in the conduits.
- There was an MOU signed in 2017 to connect the Caldwell Airport to the county data center for connectivity. The project has been held up due to construction on I-84 but it is starting to move forward.
- In regard to the Nemo-Q queuing system at the DMV, the Sheriff's side went live with appointments on February 15<sup>th</sup> and it is working well so far. The Assessor side will go live on March 15<sup>th</sup>. He is also working with the Assessor to for 3 additional workstations to accommodate new staff.
- A review of active projects throughout the county was provided. A copy of Director Rast's discussion topics and list of active projects is on file with this day's minutes.

The meeting concluded at 11:09 a.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 10, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Hailey McLane Peterson, Interpretive Specialist

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for David Krawczyk

#### PUBLIC HEARING - MATT WILKE OF WHITE BARN REAL ESTATE, REPRESENTING L & J INVESTMENTS IDAHO, LLC, FOR A CONDITIONAL REZONE AND DEVELOPMENT AGREEMENT, CASE NO. RZ2020-0015

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by Matt Wilke of White Barn Real Estate, representing L&J Investments Idaho, LLC, for a conditional rezone from an "A" (Agricultural) Zone to an "M-1" (Light Industrial) zone, Case No. RZ2020-0015. The request includes a development agreement. Present were: Commissioners Keri Smith and Pam White, DSD Planner Dan Lister, DSD Director Tricia Nilsson, Deputy PA Zach Wesley, Matt Wilke, Alan Mills, April Wilke, Justin Parker, Lowell Fritz, Chanda Rodriguez, Jake Fillmore, Marnie Fillmore, Sandra Kershner, Kassi Chadwick, Marisa Borg, Glenda Lewis, Dan Chadwick, Vivian Ferkin, Sonya House, and Deputy Clerk Monica Reeves. Present via Webex: Joe Jones, Kerri and William Wells, Kayla Lemrick, and Candace Camin. Commissioner Smith disclosed she lives in the area and is familiar with the property, and she has received mailers regarding the request but it will not preclude her from making a decision on this case. She asked staff whether the legal notice for today's hearing clearly stated the P&Z Commission denied the request. The P&Z Commission had two motions: one to approve and one to deny, and there was a tie vote on both motions which is essentially a denial. Deputy PA Zach Wesley does not believe the local land use and planning act requires the specific language of denial and so he thinks the notice is sufficient for the purposes of today's hearing. The term *undecided* is in effect a denial and so for the purposes of this hearing if the Board makes a substantial change to the P&Z Commission decision, meaning if the Board approves the rezone, then a second hearing will be required. Commissioner Smith informed the audience members that unfortunately the Board has very limited time today because of a very important meeting Commissioner White has to get to and she needs to leave at 10:45 a.m. so the hearing will have to conclude by then and will possibly be continued to a later date.

Dan Lister gave the oral staff report. The request originally came before the Board on December 10, 2020 as a full rezone and the request was subsequently tabled to allow time for the applicant to add a development agreement as part of the application. The applicant agreed to prohibit the following uses:

- Transit or trucking terminal and/or service facility
- Mineral extraction
- Batch plant
- Impound yard
- Food processing facility
- Fertilizer processing plant

They also agreed to keeping noise-generating equipment substantially indoors. The equipment outdoors will be measured by a decibel reading of 80 decibels between the hours of 8:00 p.m. and 6:00 a.m. They agreed to have exterior lighting fixtures that are shielded and downward facing to minimize light pollution. Irrigation drains, ditches, and laterals will be maintained and protected. They added a clause within the development agreement stating once the adjacent properties turn into a similar zone the development agreement will become null and void. Upon review staff presented a more restrictive development agreement based on the comments by the public. It has the same restricted uses except for the addition of the sale of salvage goods, which is very similar to an impound yard. Staff recommends:

- An operations plan be provided for allowed uses.
- A noise management plan demonstrating noise-generating equipment will be mostly located within the enclosed structure and after 7:00 p.m. Noises cannot exceed 65 decibels at the perimeter of the property.
- A dust management plan.
- Approval from DEQ and Canyon Highway District.
- A landscaping plan to include trees, berms, and fencing around the perimeter. This is generated by previous approvals in that area for mineral extraction and contractor's shop. In the past we have allowed easements/buffer to remain 300-500 feet of the perimeter to ensure it does not impact agricultural uses.
- Staff does not agree with the clause to allow the agreement to be voided when adjacent zoning is nearby as it should be something that comes back through a development agreement modification process.

This property is zoned agriculture and is in an area that shows industrial zoning is designated for that area. It is a transition area from agriculture to industrial so there's a transition between two uses, however, there are plenty of existing uses in that area. Previous approvals for industrial zones and the TAZ forecast shows this is an area of increasing jobs. A lot of uses approved in that area are up against Simplot Blvd., not Lower Pleasant Ridge Road. The property is surrounded by agriculture and rural residential housing. The property consists of best suited soils and moderate to least suited soils. Mr. Lister gave a review of agency comments. Letters of support have been received as well as letters in opposition. Concerns include: noise pollution, impact to families, animals, agricultural uses, safety issues, impacts to property values, increased traffic impacts, air pollution, and the disruption to the agricultural setting and character. The P&Z Commission decision resulted in a tie vote which resulted in a denial. Staff is recommending approval of the conditional rezone subject to conditions.

Matt Wilke represents L&J Investments Idaho and they are seeking to rezone the site at the northwest corner of Lower Pleasant and Weitz Road. They chose the site in consideration of the accessibility to major traffic arterial on Highway 19 and because it has three-phase power. A cabinet company as well Parker Tree Service are interested in locating on the site. It's rare to find an industrial property ready to go, especially on a smaller parcel. There are very large properties but they are too big and too expensive for most small businesses. The property is shown as industrial on the future land use map and it is within the Greenleaf impact area. The soils map

shows it's not as well suited for farming as class 1 soils would be. The majority of the property is class 4 & 6 soils which is not best suited for farming. South of Lower Pleasant Ridge Road there are number class 1 soils and beautiful farm ground which they will not disturb with this rezone. The current landowner has a \$400 an acre lease on 3,600 acres for a mint crop that grosses \$14,400 per year. The lease ends in December. The wages the site currently creates for farming does not come close to the wages that will be created from the new businesses coming in. With the two proposed businesses they will create 70 direct jobs and 32 indirect jobs generating \$3.7 million in wages. The tree service and cabinet maker businesses will take five acres apiece, leaving 32 acres that could be developed for other small businesses. After hearing feedback from concerned citizens, they consulted with their clients and decided to limit some of the uses staff presented. They amended a letter of intent, but staff sent back a development agreement that did not follow their letter of intent and they added salvage goods, which the applicant disagrees with because if you're recycling and grinding trees for bark that is a salvaged good. Mr. Wilke does not agree with staff's recommendation of 65 decibels which is a normal speaking level. He recently performed a decibel reading at the site and nearly every vehicle that drove by hit 84/85 decibels. There is a lot of noise from outside the site already that's hitting 85 decibels and there's nothing in staff's recommendation that signifies that the noise is coming from onsite versus offsite. Staff's recommendation for the other change on item 1 in the conditions of approval states the development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property. Mr. Wilke said staff does not need to put in anything about DEQ as that is not their jurisdiction. He said they will be good neighbors as will their clients and future businesses. This project will be a great asset to the state, county and the neighborhood with the increased wages and the benefits of bringing in business to canyon county. Mr. Wilke presented an additional five letters of support.

Commissioner Smith asked for clarification on the decibel level. Mr. Wilke said they moved that number to 80. Commissioner Smith asked staff about the applicant's disagreement with the salvage goods definition. Dan Lister said there isn't a definition for it. When looking up the uses it had similar requirements for an impound yard including site obscuring fencing because of the type of storage that would be allowed for that type of use. She asked where the example of tree materials would meet a definition. Mr. Lister said it's a mix of landscaping business which is an allowed use in the agricultural zone right now as well as in the industrial zone. There is no definition for landscaping business. It used to be in the county code around 2009 but it went away. We have that use allowed but there is no definition at this time. A landscaping business and nursery are allowed uses in the agricultural zone. The retail part is a conditional use permit in an agricultural zone. Mr. Wilke testified he did not submit a landscaping plan with the letter of intent and they were not going to put that in the development agreement; that was staff's recommendation and the applicant does not agree with it because it will put too much burden on the current landowners. That is something you could do when permits get pulled for future businesses. They do not know what future businesses will come to the site. They are looking to rezone to industrial with the allowed uses that already exist under M-1 zoning. He doesn't understand why salvage goods was put on staff's recommendation. He said this property is a great transition from agriculture to Simplot Blvd., and they are conceding and doing the development agreement after listening to the neighbors and the concerned citizens. Commissioner White said

the unknown is the source of fear and she suggested the applicant keep their mind open to landscaping and fencing which is what would be expected in a transition area between residential and M-1. Commissioner Smith referenced the letters received from local farmers and she noted that last week the Board met with a group of farmers that talked about the impacts to farming specifically related to aerial spraying and spray requirements. She agrees with staff that any changes to the development agreement need to come back through a development agreement modification process. She wants additional clarification on the setbacks and the height specifically related to farming practices. She also wants additional information on the real need for salvaged goods, as well as more information on the decibel level recommendations and what the impacts of that looks like. Mr. Wilke's testimony will remain open so the Board can continue its discussion with him. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to continue the hearing to Monday, March 15, 2021 at 1:30 p.m. The hearing concluded at 10:50 a.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 11, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Annette Taylor, Interpretive Specialist
- The Board approved an employee status change form for Brenda Stone, Interpretive Specialist

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Right Systems INC in the amount of \$2,050.00 for Information Technology Department
- Right Systems INC in the amount of \$24,978.05 for Information Technology Department
- HP INC in the amount of \$21,960.00 for Information Technology Department

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-217

The Board met today at 9:20 a.m. to conduct a medical indigency hearing for case no. 2021-217. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Case Manager Jennifer Odom, Applicant and Deputy Clerk Jenen Ross. Timothy Ryan for St. Alphonsus and Interpreter Mercedes Lupercio participated via teleconference. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to continue the case to May 6, 2021. The hearing concluded at 9:43 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-216

The Board met today at 9:52 a.m. to conduct a medical indigency hearing for case no. 2021-216. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Case Manager Jennifer Odom, Michelle Davis for St. Luke's, Attorney Mark Peterson for St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to continue the case to May 6, 2021. The hearing concluded at 10:59 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NOS. 2020-1081 AND 2021-207

The Board met today at 11:04 a.m. to conduct a medical indigency hearing for case nos. 2020-1081 and 2021-207. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Case Manager Jennifer Odom, Michelle Davis for St. Luke's, Attorney Mark Peterson for St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to deny case no. 2021-1081 with a written decision to be issued within 30 days. Commissioner White made a second motion to approve case no. 2021-207. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 11:11 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director Indigent Services Yvonne Baker, Case Manager Jennifer Odom, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

Case nos. 2020-1158 and 2021-212 have been withdrawn by the hospital and do not meet the eligibility criteria for county assistance. Commissioner White made a motion to issue a final denial

with written decision within 30 days on case no. 2020-1158. The motion was seconded by Commissioner Smith and carried unanimously. Commissioner White made a motion to issue a final denial with written decision within 30 days on case no. 2021-212. The motion was seconded by Commissioner Smith and carried unanimously.

The following cases do not meet the eligibility criteria for county assistance: 2021-380, 2021-365, 2021-391, 2021-383, 2021-491, 2021-381, 2121-389 and 2021-390. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days.

Director Baker spoke about case no. 2014-485 which was discussed a few weeks ago. The applicant has agreed to reimburse the county 1/3 of the amount he is receiving as a result of a loan refinance. He will be making payment of \$17,070. A subordination agreement was presented for Board signatures.

There has been a request on case no. 2011-1171 for a subordination agreement. Director Baker provided the following history on the case: the case was approved on 12/28/11 for the amount of \$37,809.84. The applicants have paid \$7,205 leaving an outstanding balance of a \$30,604.84. The last payment was received on 2/13/14 and since that time the applicant and her husband (Mr. Taggart) have divorced. Mr. Taggart filed bankruptcy in 2013. The case was turned over to collections on 5/31/2018. Mr. Taggart and his new wife would like to refinance a home where several creditors will be paid off although the county lien does not appear to be included.

They will not be receiving any funds as part of this refinance. Divorce does not have any affect on the obligation still due the county, both parties are still responsible for the debt. Due to the bankruptcy the county cannot actively pursue payment from Mr. Taggart. Director Baker feels that if there is other debt being paid off she would like to see the county be a part of those payments although she is not sure how the bankruptcy plays into the county receiving payment. Liens were filed in both Canyon County and in Madison County where they also had a home. There is also a UCC filing with the Secretary of State. The Taggart's were attempting to sell their home in Canyon County so in an agreement for a \$6000 payment the Canyon County liens would be released but the Madison County lien and UCC lien remain. The bank is seeing these liens and requesting they be subordinated. Director Baker asked whether in exchange for the subordination agreement that Mr. Taggart may agree to start making payments. Director Baker said she believes they still own the home in Madison County but the home in Canyon County has been sold. Due to the large volume of information on this case and unusual circumstances surrounding it Mr. Wesley will review and present information to the Board at a later time.

The meeting concluded at 11:25 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE



The Board met today at 11:30 a.m. for a properly noticed legal staff update at which time there was a request to enter into executive session as follows:

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

Commissioner White made a motion to go into Executive Session at 11:32 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed and Deputy P.A. Zach Wesley. The Executive Session concluded at 12:31 p.m. with no decision being called for in open session.

MARCH 2021 TERM

CALDWELL, IDAHO MARCH 12, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Kip Wiemers, Hazardous Waste Screener

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Intermountain Forensics in the amount of \$1,530.00 for Canyon County Sheriff
- Hess Construction INC in the amount of \$6,860.00 for Facilities Department

CONSIDER SIGNING RESOLUTION REAPPOINTING ELIZABETH MAMER TO THE CANYON COUNTY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES

The Board met today at 8:50 a.m. to consider signing a resolution reappointing Elizabeth Mamer to the Canyon County Mosquito Abatement District Board of Trustees. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. Commissioner Smith said that Ms. Mamer has been a Board member for quite some time and the Mosquito Abatement Board has requested that she be reappointed. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution reappointing Elizabeth Mamer to the Canyon County Mosquito Abatement District Board of Trustees (see resolution no. 21-027). The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - CONSIDER THE APPEAL BY JOHN CARPENTER OF THE CANYON COUNTY DSD DIRECTOR'S DECISION REGARDING THE APRIL 17, 2020 CONDITIONED APPROVAL FOR A HOME BUSINESS: CASE NO. AD2020-0029APL

The Board met today at 9:01 a.m. to conduct a public hearing in the matter of an appeal by John Carpenter of the Canyon County DSD Director's decision regarding the April 17, 2020 conditioned approval for a home business, Case No. AD2020-0029APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Julianne Shaw, James Jolly, Holly Reising, and Deputy Clerk Monica Reeves. Today's hearing was continued from February 26, 2021. As the hearing got underway there was discussion about whether the hearing could proceed since the appellant, John Carpenter, was not present and the burden of presenting information falls on him. The Board took a brief recess at 9:06 a.m. and went back on the record at 9:17 a.m., at which time staff informed the Board that appellant was on his way and would arrive momentarily. John Carpenter arrived at 9:22 a.m. Julianne Shaw gave the oral staff report. At a previous hearing the Board requested the parties mediate, and they did so and came forward with an agreement for a new road. Staff's recommendation brings in some of the criteria and outlines conditions recommending denial of the appeal. Ms. Shaw reviewed the conditions agreed to by the participants and following her report she responded to questions from the Board. John Carpenter testified that the parties went through mediation and reached a conclusion, and the point of today's hearing is to pull the appeal because they have come to an agreement. There will be a 12-foot-wide driveway. He said James Jolly would prefer a road just to name it but Mr. Carpenter doesn't care if it has not a name or not. He said in the documents where it references a 30-foot wide easement it should state 28 feet and that is something they can address with the fire department. The parties have already executed an agreement and have always referred to it as 28 feet. Ms. Shaw said the applicants of the home business will need to request a reduction in easement from DSD. Mr. Carpenter said the improvements consist of the road, irrigation work, and fencing. Both parties are paying for a portion of it which is roughly \$22,500 each. He explained where Wingsetter Lane will terminate, and where the driveway is located and stated both parties will have their own access which is the point of building a separate road. Following Mr. Carpenter's

testimony, he responded to questions from the Board. Ms. Shaw said the Parma Rural Fire Protection District and the parties involved agreed to a 12-foot drive on the west side of the property that is accessed off French Road. The fire district is requiring two 10-foot by 30-foot turnouts that are shown on a plan and a minimum of a 12-foot approved driving surface. They also required the Wingsetter Lane access to still be accessible for emergency vehicles, and they require that neither access be blocked or create delays for emergency vehicles to access all homes on Wingsetter Lane. James Jolly testified it is important that the fire district is on board with whatever happens, that's a deal-breaker for him if they don't want to have it terminated. He stated he will agree to anything the fire district requires. Director Nilsson recommended the wording of Condition No. 6 be amended to state: *The driveway shall meet county standards and be approved by the Parma RF Protection District.* Holly Reising asked what the definition of *interim period* is because that changes when she can teach classes. She currently does not teach classes on the weekends, but she understands that now she can hold two sessions each day on the weekend (Saturday/Sunday) between 9 a.m. and 2 p.m. Director Nilsson said read Condition No. 7 which states: *"Use of the Wingsetter access is permitted while the new access is being constructed in the interim period."* It is the period that the new access is being constructed. Commissioner Smith clarified that the interim period is until they switch to the new driveway, starting today until they complete the new driveway. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. The Board reviewed the proposed conditions of approval with staff. Commissioner Smith said the conditions that are outlined in the staff report are clearer than what staff showing on the screen at the hearing. Director Nilsson offered to finalize the conditions and bring back the final document for the Board's signature at a later time. Commissioner Van Beek made a motion to uphold the Director's decision and deny the appeal of with the modified conditions as presented for final review by the Board for Case No. AD2020-0029APL. The motion was seconded by Commissioner White. Condition #7 will remain in place and Condition #6 will state: *"Meet county standards approved by the Parma Rural Fire Protection District."* The written decision will be signed on March 15, 2021 at 10:15 a.m. The hearing concluded at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH ALL DEPARTMENT HEADS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:05 a.m. with all department heads to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, DSD Director Tricia Nilsson, Chief Public Defender Aaron Bazzoli, Fair Director Diana Sinner, Director of CCAD Michael Stowell, Parks Director Nicki Schwend, IT Director Greg Rast, Fleet Director Mark Tolman, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Detention Sean Brown, Landfill Director David Loper, PIO Joe Decker and Deputy Clerk Jenen Ross.

Return to Work and Telecommuting Policies were handed out to each Department Administrator which will also be posted on the intranet for reference. Requests to telecommute on an ad hoc basis should be documented within the department. Each Department Administrator can establish within their team how they'd like written notification. It is not necessary for the DAs to notify the Board every time they are telecommuting. Director Rast spoke about VPN and device guidelines. PDF versions of the documents will be forwarded to each DA to be forwarded to employees. Both documents are on file with this day's minutes.

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

#### MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 15, 2021

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

#### APPROVED CLAIMS ORDER NO. 2112

The Board of Commissioners approved payment of County claims in the amount of \$1,750,256.63 for a County payroll.

#### APPROVED CLAIMS

- The Board has approved claims 572386 to 572439 in the amount of \$53,491.63

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Kellie George, Permit Tech 1

#### CANVASS MARCH 9, 2021 ELECTION - CANYON COUNTY ELECTIONS OFFICE

The Board canvassed election results for the March 9, 2021 General Election. The official documents were presented by Elections staff and were signed in the Elections Office.

CONSIDER FINAL PLAT FOR KIMBER RIDGE SUBDIVISION NO. 1, CASE NO. SD2020-0037

The Board met today at 10:18 a.m. to consider the final plat for Kimber Ridge Subdivision No. 1, Case No. SD2020-0037. Present were: Commissioners Keri Smith, Pam Smith, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, DSD Planner Julianne Shaw, Dennis Jones, and Deputy Clerk Monica Reeves. Dan Lister said the plat was approved in September 2020; this is the first phase of the project and it has five lots. All conditions have been met and staff recommends the Board sign the final plat. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the final plat for Kimber Ridge Subdivision No. 1, Case No. SD2020-0037. The meeting concluded at 10:21 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, CASE NO. AD2020-0029APL

The Board met today at 10:25 a.m. to consider the findings of fact, conclusions of law and order for Case No. AD2020-0029APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Julianne Shaw, and Deputy Clerk Monica Reeves. The Board held the hearing on this case last week and today will verify that the conditions are what they asked for. In reviewing the findings of fact, conclusions of law and order, Commissioner Smith said the conditions adequately reflect what has discussed last week. Commissioner Van Beek said there will be an address change for the yoga studio, but it's not indicated in the document and she asked if it should be since it's going from Wingsetter Lane to French Road. Commissioner Smith feels like Condition No. 3 meets the intent, and in Condition No. 7 it's important to mention Wingsetter because they are still allowed to use Wingsetter for the interim and once they move to the new driveway Condition No. 7 will no longer be applicable. Director Nilsson said she spoke to the owner and he understood. DSD will work with the parties to give them lead time to change the address. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the findings of fact, conclusions of law and order for Case No. AD2020-0029APL. The meeting concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:32 a.m. for a monthly meeting with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. The following items were discussed:

- PREA classes were completed Friday
- Starting auction advertising
- Evaluations are complete
- Continuing to work on vehicle upfitting

At the request of Commissioner Van Beek, Director Tolman spoke about budgeting in regard to auctioning of a vehicle vs. trade-in.

The meeting concluded at 10:52 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:01 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

Commissioner Smith said that in preparation for a joint meeting with Canyon County Fair and the University of Idaho, which manages the Extension office thru the 4-H program, she would like some background information on the relationship between the Fair, 4-H and the Extension office. Currently there is an MOU between the Fair and Extension/4-H but there seems to be a lack of movement in updating that MOU, the one in place was established in 1999 and updated in 2002. Director Sinner said in 2015 they started the process of getting an updated MOU but haven't had any success.

Director Sinner provided the following 3 documents:

1. Current MOU between the University of Idaho, Canyon County Cooperative Extension System and the Canyon County Fair Board
2. Optional MOU prepared in 2017 by Extension office staff which has had several revisions over the years
3. Outline of some of the changes to the 2017 proposal since the last time the Board saw it in July

Director Sinner explained the point of the MOU is to outline the responsibilities of the two entities since they work together to put on this event. Mr. Wesley said the overarching principles are that the County puts on the Fair which has many different components, one of which is the participation of youth in the agricultural events. Throughout the year youth will work on their projects and conclude with their annual event being held at the county fair. Essentially, the Fair hosts the event but doesn't actually run the 4-H program thru the year.

At this point the MOU is so old that it is unknown who initiated it. Commissioner Van Beek asked if it is still necessary since it's not being followed. Her understanding is that Director Sinner is picking up a lot of the responsibilities that are outlined as Extension office responsibilities which is creating a certain amount of hardship on Fair staff. Commissioner Smith said that is why we need an updated MOU, one that the County Fair Director can manage, execute and follow.

Director Sinner said the 2017 version (document no. 2) was done by Carrie Johnson at the Extension office. Her understanding is that Ms. Johnson took a version from another fair and tailored it to fit Canyon County and the Extension office. However, in the past 4 years there have been several revisions, mainly done by Director Sinner, which reflect what the most current relationship looks like. Director Sinner said that if it's the wish of the Board to continue with the current structure then she likes the 2017 version better than what's been used in the past. In July, when there was similar meeting Director Sinner presented 3 options in regard to how to continue this relationship with Extension or what the youth events at the Canyon County Fair should look like. One option is to continue with the Canyon County 4-H/FFA Expo where it is essentially an event run by Extension but held at the Canyon County Fair during fair dates. Extension would be responsible for managing all aspects of their event. In response to a question from Commissioner White, Director Sinner said this is not the way it is happening now. Currently Director Sinner meets monthly with the Extension office, they work together on the exhibitor guide which is about 75 pages of rules and regulations, Ms. Sinner does the edits to this along with getting it printed and posted to the website. The Extension office handles weigh-ins or declarations for market animals, they also handle the entries. Right now, they have the authority over superintendents but the County provides the funding to pay the superintendents. The superintendents work with the Fair in regard to the facility, anything concerning penning, showrings or bedding and is coordinated thru the Fair and the Facilities department.

At the request of Commissioner Smith, Director Sinner gave her background in showing livestock (from an exhibitor standpoint at the local level to a national level), working in the entry department at the Iowa State Fair and her years of experience in fair management.

Director Sinner spoke about the importance of entry information. She said right now all that information is collected by the Extension office and she is provided a summary about a week before the Fair. In their facility, which is extremely tight on space, they are having to adjust very quickly. There is a lot that goes into entry information and she just doesn't think it's being done as well as it could be. She doesn't believe they are allowing themselves enough time to double check everything and really look at the information received. In response to a question from

Commissioner White, Director Sinner said that if there is an issue with entry info the Extension office has to own it but it often falls to Director Sinner to solve.

Commissioner Smith feels that with the experience Director Sinner has and in the outline she provided (document 3) she identifies the current structure and a new plan for a Canyon County Fair Youth Livestock Show which puts the expertise back in the expert's hands to run a professional fair. By having it under the Fair, organizations such as 4-H, FFA, or Optimist could still request to participate. Commissioner Smith stated she also has concerns about how the superintendents have been managed recently and wondered if the relationship could be better. She would like to see more clearly defined roles for this year and a plan for how to move forward with the 2022 Fair.

Director Sinner said she prepared a document for the Canyon County Fair to have a Youth Livestock show which is something that she has worked on since she was hired by Canyon County if it ever transitioned to being under the umbrella of the Fair. She has a document that outlines Canyon County Fair youth competition guidelines, it's not necessarily an MOU because at that point it's unknown if an MOU would be necessary, however it does outline how 4-H and FFA are involved. The Fair would be responsible for determining rules and regulations, currently Extension does that. The Fair would want 4-H and FFA to be a part of that discussion because it's important for that relationship to work. They would also like youth who are not a part of 4-H and FFA to have the opportunity to participate.

Verifying eligibility of participants would be the responsibility of 4-H and FFA. In regard to the rest of the responsibilities, the Fair is really doing a lot of it anyway but they would now have authority which they really don't have currently. Additionally, the Fair would have responsibility for the superintendents, however, Director Sinner would do it slightly different than it's done now. She said her plan would have a superintendent and maybe an assistant superintendent but they would have committees or teams (ex: sheep team, beef team, swine team, etc.). Director Sinner has seen it done this way at other fairs and it has worked well.

Commissioner Smith asked if there is still a portion outside of the livestock show that the Extension office would still be asked to manage. Director Sinner said they have their static exhibits and she would like for that to continue. There are two ways of doing that, they can either continue in the way they do it now where they accept the entries and do the display or there is already an entry software program in place so there could a 4-H division and an FFA division where the Fair could accept the entries. Director Sinner is open to however the Extension office wants to manage that. Currently they manage the back third of the O'Connor Fieldhouse for 4-H specific projects. The proposed MOU (document no. 3) would need to be updated to indicate what it would look like to have the Extension office managing that area. In response to a question from Commissioner White, Director Sinner said that the plan for the 2022 Fair is for 4-H to have full use of the O'Connor Fieldhouse which she hopes they would share with FFA in order for them to showcase their static exhibits.

Discussion ensued regarding how ribbons are awarded and the potential of Canyon County being a bigger player in national competitions and increasing the level of competition. The Board and



Director Sinner would like to see more recognition of youth really putting in the effort vs. the ribbon for everyone system. Purchase of all ribbons and awards are made from the Fair budget, the Extension office does not participate in those costs.

Director Sinner said her heart is the livestock show and feels Canyon County has something really special. Canyon County is one of the most diverse agricultural counties anywhere in the world and it's something to be highlighted and celebrated. She feels Canyon County has one of the best livestock shows in the state if not the Pacific NW. Both the participation and quality are high.

Commissioner White asked if this could become a destination livestock show. Director Sinner said it could evolve into that if the county ever wanted to extend the fair dates and have a statewide livestock show, which she would love.

In response to a question from Commissioner Van Beek, Director Sinner said that if the county either wanted to have a separate event or extend the fair there could be an open livestock show which could include adults or an open junior livestock show and could potentially be opened up to the state of Idaho, Pacific NW and/or regionally.

Commissioner Smith asked Mr. Wesley about moving forward with the joint meeting with the Extension office later this week. Mr. Wesley said the county funds the Extension office separately from the Fair and provides their office space, administrative assistant staff and compensation for the person running the 4-H program. He asked if the Board is talking about changing that relationship because that's a different relationship than the 2002 MOU. Commissioner Smith feels that if Fair staff is asked to take on additional roles and certain responsibilities are taken away from 4-H then the money is shifting from one to the other, Commissioner Van Beek concurs.

The intention is not for the Fair to run the 4-H program, it is for the Fair to run the livestock show only and 4-H would continue with their programming, manage their livestock directors who then will apply thru Canyon County Fair for the livestock show. Essentially, they would be invited to participate in the Canyon County Fair just like FFA.

In response to a question from Commissioner Van Beek, Director Sinner said the Fair can run a livestock show and can run it well, the hesitancy has always been that it requires additional resources and additional staff. She feels that if 4-H is no longer accepting all the livestock entries the money contributed to the Fair Aide position should be put back to the Fair with the additional responsibilities.

Ultimately Director Sinner is always really conservative, they do a lot with a small staff and she is conservative with county resources but feels if they're going to be tasked to do more they're going to need more. Although she has concerns about logistics for the livestock sale and the optics of change the end-goal is to put on the best event possible for the youth.

Further discussion ensued regarding additional staffing, structure and leadership between 4-H, University of Idaho, Fair Board, Fair Director, BOCC and Superintendents. Commissioner Smith said

her goal is to come up with something that very clearly defines roles, responsibilities and leadership that allows the fair to grow and promote Canyon County agriculture. Director Sinner said she works very closely with the Extension office and wants to preserve that relationship but noted her biggest concern is accountability.

Mr. Wesley thinks there may need to be a series of meetings with the Extension office so that ideas can be presented with discussion and a possible counter proposal. It would be beneficial to let them know the Board is serious about changing the direction of this and giving them the opportunity to respond. With some of the responsibility pulled back the county will have more unilateral control over the Fair therefor an MOU wouldn't be necessary because rule would be in place.

Between the two budgets the county gives the extension office approximately \$274K each year and employs several county employees. Commissioner Smith doesn't feel that the Board has the level of accountability with funding of a department when it's managed by a completely different organization.

At the meeting Thursday with the Extension office/University of Idaho the Board would like to receive feedback on how county staff is utilized throughout the year, what has happened with executing a new MOU and a recent issue with a superintendent.

The meeting concluded at 11:56 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY MATT WILKE OF WHITE BARN REAL ESTATE, REPRESENTING L & J INVESTMENTS IDAHO, LLC, FOR A CONDITIONAL REZONE AND DEVELOPMENT AGREEMENT, CASE NO. RZ2020-0015

The Board met today at 1:33 p.m. for a continued public hearing in the matter of a request by Matt Wilke of White Barn Real Estate, representing L&J Investments Idaho, LLC, for a conditional rezone from an "A" (Agricultural) Zone to an "M-1" (Light Industrial) zone, Case No. RZ2020-0015. The request includes a development agreement. Present were: DSD Director Tricia Nilsson, DSD Planner Dan Lister, Deputy PA Zach Wesley, Justin Parker, Sean Haire, Matt Wilke, Jake Rodriguez, Alan Mills, Jim Reames, Blake Rodriguez, April Wilke, Tina Wilson, David Ferdinand, Pam Bower, Joseph Bower, Wilma Jean Parker, Kiel Kopensk, Karl Kopensk, Chanda Rodriguez, Kristy Fritz, Lowell Fritz, Jake Fillmore, Marnie Fillmore, Kassi Chadwick, Vivian Ferkin, Sandra Kershner, Carrie Smith, Dan Chadwick, Michelle Van Lith, Sonnie House, Diana Trout, and Deputy Clerk Monica Reeves. Present via Webex: Joe Jones, Kayla Lemrick, and Candace Camin. Commissioner Van Beek disclosed that she used to be neighbors with Jake and Marni Fillmore as well as the Hungates, who she has done business with, but that will not impugn her ability to make an objective decision. Commissioner Smith disclosed that she lives in close proximity to this property but does not believe that's a conflict of interest nor will it deter her from making a fair decision. She had a short message from a friend, Shelly Van Lith, who was asking about the hearing procedure (not the case

itself) so she disclosed hearing procedures to Ms. Van Lith that she could share with others. Today's hearing was continued from March 10, 2021 and at the conclusion of the hearing Matt Wilke's testimony was left open for further Board discussion. Commissioner Van Beek did not participate in the previous hearing but she did review the audio and is ready to participate in today's hearing.

Dan Lister summarized Exhibit #30, which addressed setbacks, the sale of salvaged goods, noise regulations/decibel levels, and an operations plan. Staff recommends the Board consider its recommended conditions. Discussion ensued with the Board asking additional questions of staff.

Testimony in support of the request was as follows:

Matt Wilke resumed his testimony and addressed the following topics: sound readings/decibel levels and noise-generating activities; a map that shows the ownership and what the land in the area is being used for; an exhibit referencing the history of Weitz Road; additional letters of support from community members as well as businesses who are looking to relocate to Canyon County; the proposal will help support ag-based business if they had a contractor shop that could work on ag equipment and trucks; he spoke about setbacks and height restrictions, and zoning in the area. Following his testimony, Mr. Wilke responded to questions from the Board.

Tina Wilson disclosed that she is as representative of the Western Alliance for Economic Development which is a nonprofit organization that's a collaborative effort between the Idaho Department of Commerce, Canyon County and Gem County and she serves six cities, one of which is the City of the Greenleaf. Funding for her organization comes from the entities involved in this conversation. She talked about this project with the Greenleaf City Clerk and his point was that if they have someone with high demand the hope is they will pay to connect to city services. Ms. Wilson referenced two businesses who wanted to locate in western Canyon County but they were not able to because she couldn't find a 5 to 10-acre parcel. One is a small metal fabricator that supports food processors and the other is a freeze-dried food processing company, both businesses ended up in Gem County. It's very difficult to find property that is already zoned light industrial. Following her testimony Ms. Wilson responded to questions from the Board.

David Ferdinand, who works in the commercial real estate industry, gave a historic perspective of the area including the Highway 19 corridor and the plans for industrial zoning. Additionally, he spoke of his time serving on the transportation committee in 1999 and on the Canyon County Economic Development Corporation Board. There is a need for more properties in the industrial zone.

Pam Bowers testified about the need for industrial zoned properties, especially for the smaller business owners.

Lowell Fritz and Kristy Fritz deferred their time to Alan Mills.

Alan Mills testified that the comprehensive plan map is very misleading as to the availability of industrial property. The plan shows this area as future industrial. One way to get the tax base

down for the residential and ag communities is to encourage residential commercial. The developer has setbacks of 70 feet on all four sides to allow for tree plantings, and has shown he is willing to work with any reasonable conditions. Mr. Mills responded to questions from the Board following his testimony.

Justin Parker testified that he cares about the neighborhood and wants to grow his business. Besides himself, Mr. Parker does not know who else will be on the property but he has friends who own small businesses who are looking for property. His friend owns a restoration business for older vehicles and he wants to have a 40x60 shop to build/repair classic vehicles. Mr. Parker would like to come to the property at night and work in the shop or work in the office. There are a lot of businesses who could use this type of property as long as there aren't too many restrictions. He is a 24-hour service company but he's not planning to work continuously at night, it will mainly be during the day and occasionally on weekends, however, there are times they get calls and the employees have to get the equipment ready and that could be at 1:00 a.m. He is not planning to have a wrecking yard or a jalopy jungle but he doesn't want to be restricted. Following his testimony Mr. Parker responded to questions from Commissioner Van Beek.

Sean Haire shared that he is a certified public accountant and he sees lot of people burdened by property taxes.

Jake Rodriguez gave testimony regarding his experiences with rezoning residential property to commercial so he could operate a diesel repair facility. His property is surrounded by residential use and he has been able to coexist with his neighbors for many years and he believes some common ground can be found in this case as well. He understands both sides, but as far as restrictions and the noise decibel he said that's a huge issue.

Joe Jones owns Classic Kitchens and he has been working with Matt Wilke for a year now. They have been in business in Meridian for 36 years and their facility is across the street from residential property and they have not had any issues with coexisting with their neighbors and they don't believe they have problems on this site either. They primarily run one shift but due to high demand they are looking at a second shift. We will be sensitive to the area and will build a nice facility; Their business has an extremely low traffic impact and it will not create more dust than farming does in the area. They want to have a conversation with their neighbors about what they plan to bring to the area.

Testimony in opposition was as follows:

Sandra Kershner lives in the area and she disagrees with the claims that the land is not good for farming because she grew up in the area and it has gardens, orchards, fields, and pastures. She is opposed to paving away agriculture for industries that are not owned or operated by people in the community.

Jake Fillmore is an adjacent property owner and he testified about the loud noises coming from the nearby Gayle Manufacturing facility. He said the P&Z Commission made a bad decision letting Gayle Manufacturing move in and operate for 24 hours, for approximately six days a week, and he

asked the Board not to allow someone else to come and make it less desirable to live there. He disagrees that property values will increase because of this proposed project and he is concerned about the negative impact on his property.

Kassi Chadwick testified the noise generated from the Gayle Manufacturing facility is so loud she is getting new windows in her home. She understands Parker Tree Service and the cabinet maker don't plan to run all night, but it's the fact that other businesses could be coming in and the neighbors don't know what that will look/sound like. She is also concerned about the increased traffic on rural roads as well as the negative impacts an industrial park would bring to their agricultural neighborhood.

Vivian Ferkin was opposed to the request and she gave her time to Kassi Chadwick.

Commissioner Smith asked if the following uses were not allowed in the zone would Ms. Chadwick still be opposed: batch plants, fertilizer processing facility, food processing facility, impound yard, kennel, mineral extraction, mini-storage, and RV storage, mobile or manufactured home sales, mortuaries, cremation and funeral home, rehabilitation of manufactured and mobile homes, rendering plant, banks, hotels, motels, restaurants, the sale of salvaged goods, slaughterhouse, transit or trucking terminal and/or service facility, vehicle fueling station with convenience store and vehicle sales lot. Ms. Chadwick said she appreciates that those things cannot go on the property but she would still oppose the proposal because of the noise and traffic issues in the area. Commissioner Smith said in 2008 this area was identified for industrial growth.

(The Board took a break from 3:39 p.m. to 3:48 p.m.)

Marnie Fillmore lives adjacent to the subject property and is very appreciative of the discussion about setbacks. She's concerned the developer just wants what they can get, not what is best for the neighborhood. Additional concerns include: how many people will be onsite; increased traffic; the high-water table; the unknown of what could come to the property; and the noise level that will be generated. If the request is approved the neighbors want to have a voice in what gets agreed upon such as the regulations and things that may be imposed on the property. Ms. Fillmore testified about the loud noises coming from the Gayle Manufacturing plant her concern about bringing something next to her property. She does not want to see farm ground disappear and replaced with industry.

Candace Camin testified that agriculture is the most important industry in the world. If it's such a valid idea of changing the zoning for tax purposes we are eventually going to run out of agricultural ground because everyone will want the tax base from manufacturing.

Rebuttal testimony was offered by Matt Wilke. They do not want to be a like the steel plant (Gayle Manufacturing) and they addressed that with their uses. The development agreement references north or west, and they want it changed to north and west so if any properties adjacent to them rezone to industrial to the north and west the development would go away. He said the noise and dust from farming use far exceed what they intend to do on the site. They've had a very large

supportive ag user, Western Farms, Inc., state that the land is not as suitable for farming as other farm ground. According to Mr. Wilke any businesses with significant traffic will be required to do a traffic impact study to mitigate issues. Although they intend for their access to be on Weitz Road if the fire department or highway district request a secondary access they may need to have access on Lower Pleasant Ridge Road, but that will be out of their control. The comprehensive plan has shown this area as industrial since 1999 and that's why they are here today and they do not want to be penalized because they have to deal with the steel plant. Commissioner Smith questioned the reference to the area being industrial since 1999 and said it was not labeled industrial until the comprehensive plan was later updated. Mr. Lister said in 1999 it did not say industrial zone it referred to a growth area but it did not dictate a use. Mr. Wilke said his clients are fine with the removal of the uses that were referenced earlier, but they feel some uses can work on site like RV storage. Commissioner Smith requests 100-foot setbacks so that agricultural operators can exist without being impacted by the development. Mr. Wilke wants to stick with the 70-foot setbacks instead. He then responded to additional questions from the Board.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the late exhibits into the record (Exhibit Nos. 5-35). Commissioner Van Beek disclosed that she drove by the property on Sunday with her husband, who works in that area.

Commissioner White said she is an advocate for personal property rights and she spoke about the generational landowners who live in the area. The property is zoned agricultural, and there is M-1 zoning along the Simplot corridor, but the roads are not built for dump trucks or other heavy trucks. There is a fear of the unknown and it is hard to rezone something having no idea what will go on the property except the tree business. She is not worried about Parker Tree Service but she will not support the rezone to M-1. It's agricultural land and she is struggling with the compatibility issue with the neighbors.

Commissioner Van Beek spoke of the area being agriculture and its proximity to the Simplot property. There are landowners who bought property based on the County's comprehensive plan and to her it feels like a "bait and switch" if someone purchased something and was not able to develop the property that way. Even though it's not looked at as palatable by the applicant, there will have to be limitations on the days and hours of operation. She said Parker Tree Service can be looked at as an extension of agriculture in supporting local businesses. She agrees with having setbacks of 100 feet, landscaping, and potential noise buffers to help mitigate the sounds of Gayle Manufacturing as a way to meet in the middle. She believes the applicant has a desire to be a good neighbor.

Commissioner Smith said she ran for office on a platform to protect agriculture; she supports agriculture and she understands the benefit from economic development. One thing that is key for Canyon County's ongoing agricultural success is supporting ag-related businesses. The M-1 zone supports 33 different agriculture-related uses in that zone. She then reviewed the various uses allowed in an M-1 zone and noted that we are sending agricultural commodities outside of

Canyon County for processing because we do not have areas designated for those facilities. Processing is part of the backbone for agriculture. If the applicants were seeking a straight rezone she would deny it hands down. This is an agricultural area, we can barely say its transitioning because of its proximity to Simplot Blvd. She asked if the Board is supportive in treating it as transition area and limiting those uses so that we can support agriculture through growth and finding a balance by imposing landscaping on the perimeter so there are adequate buffers, and imposing 100-foot setbacks, and limiting the scope to remove those uses that are not agriculturally related that could change the character of the area. Commissioner Van Beek said Mr. Wilke recommended the development agreement go away if the adjacent properties rezoned to light industrial, but the mitigation still needs to happen, it still needs that gentle transition where they can coexist so she is not in favor of the development agreement being nullified. In the attempt to grow together to look at what would support agriculture in that area that would soften the impacts of growth she is in favor of looking at the land use matrix and excluding a slaughterhouse and a rendering plant as they do not belong in that area. The Board needs the opportunity to look at and discuss what is the best fit. There is a lot to consider on the table.

Zach Wesley said the Board needs to have a full motion and reach a conclusion to close the hearing and then a second hearing will have to be held, but everything should be resolved and tied up today. We cannot just have a second hearing to look at the development agreement conditions, although that's not saying the Board couldn't change its mind or alter those conditions at the second hearing, but the sole purpose of that hearing has to be for a full public hearing.

Director Nilsson reviewed staff's conditions of approval, as well as what the applicant already agreed to:

1. Apply with all applicable standards.
2. The following will be added to the list of prohibitive uses: RV ministorage, mobile home sales, mortuaries, crematoriums, manufactured home rehabilitation, rendering plant, banks, offices, slaughterhouse, vehicle fueling with a shop, vehicle sales lot, a kennel, an ethanol plant, and bulk storage.

Commissioner Smith said we need areas for food processing facilities and asked if there is a way to craft it so that it's indoor. Director Nilsson said the development agreement will be more restrictive than the zoning so where it may be an allowed use you might be able to have it be a conditional use in the development agreement. Commissioner Smith said that's a great idea. A food processing facility will be a conditional use versus an allowed use under the development agreement. The decibel level will remain and 65, as recommended by staff. There was a request to remove the conditions from Canyon Highway District and the irrigation district as they felt like it was already covered. Mr. Lister said it provides proof that they got the review that way staff doesn't have to go out and look for it. Commissioner Smith said this condition will help when the use is identified then the highway district could help run the traffic generation models and determine if any mitigation measures are necessary. Commissioner Van Beek agrees. The Board wants to add a condition requiring a 100-foot setback for structures from all property lines, and establish a 30-foot landscaping area so there is a use buffer on the west, north, and south. (Use photo 2016-57 as a guide.) A landscaping plan shall be submitted to staff. Landscaping can allow

for site-obscuring fence. Commissioner Van Beek made a motion to approve the conditional rezone with the modifications the Board stipulated in its deliberation and with modified findings of fact and conclusions of law, as well as modifications to the development agreement which will be reviewed on March 17, 2021 at 9:00 a.m. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion. The motion carried by a two-to-one split vote. The hearing concluded at 5:08 p.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER RESOLUTION CHANGING THE JOB DESCRIPTION FOR THE POSITION OF DEVELOPMENT SERVICES DEPARTMENT DIRECTOR

The Board met today at 5:08 p.m. to consider a resolution changing the job description for the Development Services Director position. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. The action item was originally scheduled for 3:00 p.m. but because of the length of the prior hearing this item was started late. Following review of the documents, Commissioner Van Beek made a motion to approve the job description for the Director of the Development Services Department. The motion was seconded by Commissioner White and carried unanimously. (See Resolution No. 21-066.) The Director's weekly meeting that was also scheduled for today at 3:00 p.m. will be held at a later date. The meeting concluded at 5:09 p.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 16, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell INC in the amount of \$16,097.04 for Canyon County Sheriff
- ACCO Engineered Systems in the amount of \$2,569.00 for Facilities Department
- Skyline Silversmiths, LLC in the amount of \$6,179.00 for County Fair Department



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

The Board met today at 10:01 a.m. for a monthly meeting with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Director of Juvenile Probation Elda Catalano (arrived at 10:05 a.m.), Director of Misdemeanor Probation Jeff Breach (arrived at 10:07 a.m.) and

Deputy Clerk Jenen Ross. The following items were discussed:

- Numbers have fluctuated between 15-27 kids in custody this month; today they are at 23 – 14 from Canyon County, 2 from Payette County, 1 Ada County hold, 2 from Malheur County and 4 from the Department of Juvenile Corrections.
- Last month there was an incident that had to be reported to PREA where one juvenile touched the buttocks of another juvenile. CPD did an investigation and will not be moving forward with any action.
- GED testing is happening now; 2 students are testing on language arts.
- 5 staff members are currently on light duty which is making coverage a little more difficult.
- Open positions include some part-time positions and the Training Coordinator position which Director Brown thinks could be filled by someone within the department. He would also like to hire a part time admin. assistant – the Board would like to see the job description and budget for the position.
- Garden is seeds to plant under the lights.
- Caldwell Fine Arts has been in contact to bring in a master storyteller to speak about resilience; possibly looking at April 1<sup>st</sup> or 2<sup>nd</sup> for that to happen. They would also like to have someone come in for drawing or painting class.
- Wise Guys program will be starting this week. This is a program to teach health and equality for young men, provides instruction on skills and behavior for young men to create healthy relationships.
- Looking into woodworking for the kids. Ross Garven from Juvenile Probation has provided contact information of a person in the area who makes toys to be donated.
- Part-time/on-call employees continue to be worked on. Currently there are 4 on-call/part-time employees, 3 are on-call and 1 is part-time to cover busy times. All four employees have worked fulltime in Juvenile Detention previously so they are familiar with the operation and have all certifications in place. Director Brown is still working to find numbers in order to offer some kind of increased pay in order to create incentive to maintain these employees.
- The state inspection will take place on April 21<sup>st</sup> so he will be able to report back to the Board in May.

The meeting concluded at 10:19 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:19 a.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach (left at 10:25 a.m.), Joe Langan liaison with the Idaho Department of Juvenile Corrections and Deputy Clerk Jenen Ross.

Director Breach discussed the following with the Board:

- Review of the stats for last month: 1045 on supervised probation, 515 on bench warrant; numbers are continuing on a downward trend but will continue to monitor now that court trials are starting or if it is a more permanent trend. Community service has remained static.
- He has spoken with the Assistant TCA Benita Miller regarding the new magistrate judges that will be coming on. One of them will be carrying a general caseload which will affect the Misdemeanor Probation department. There has been a re-working of staff in order to cover that court. It is unknown at this time how the second magistrate judge will be used – tentatively it looks like they may spend ½ their time with child protection cases and mental holds but the remaining time is unknown. Director Breach believes more of these decisions will be finalized in July. He is also hoping to get an invite to the June calendaring meeting where scheduling is discussed so that he may have some input on which day of the week the new judge will hold court in hopes of it not landing on a day that his department can't absorb the workload.

Mr. Langan and Director Catalano reviewed the following information with the Board:

- Juvenile Arrests: Arrests, detention admissions, juvenile petitions and breakdown of felony, misdemeanor and status offenses.
- Probation and Diversion: Probation releases vs. intakes, diversion releases vs. intakes and success rates of each.
- Intake: Breakdown of age race and gender.
- One day snapshot (taken on September 30<sup>th</sup>): Juveniles on probation, juveniles on diversion, juveniles in IDJC custody, hours of community service completed, restitution paid, recidivation rates at 6,12 and 24 months.
- State funds: Legislative pass through funds, state behavioral health funds spent on juvenile treatment in the community and juvenile justice budget (% of state funding).

Director Catalano spoke about the following items:

- DocuSign contract is still being worked on by legal. The previous quote was voided as the timeframe had expired but she will see about getting an updated one.
- Juvenile court is preparing to resume in-person hearings.
- Provided accolades to Sean Brown, since he has taken over the department there has been a willingness to work with Director Catalano in coordinating services and trainings since both departments work with the same population of juveniles. Last week they came together to meet with the vendor who provides the case management system to discuss necessary improvements to the database in an effort to prepare for budget discussions.
- The department currently has an open admin. specialist position and Director Catalano would like to move forward to fill that position. She will work with HR to get the position posted.

The meeting concluded at 10:51 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 2:01 p.m. with county attorneys for a legal staff update. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, Chief Deputy P.A. Sam Laugheed, EOM Christine Wendelsdorf, Clerk Chris Yamamoto, PIO Joe Decker, Deputy P.A. Zach Wesley, Rachel Spacek with the Idaho Press and Deputy Clerk Jenen Ross.

Commissioner Smith spoke about the Health Board meeting she attended earlier today. She said there was a lot of discussion regarding health alert color levels and that change to those levels was passed by the Board. A couple of the changes made include using a cumulative hospitalization rate vs. just a hospitalization rate. In regard to the preliminary case fatality ratio attributed to COVID 19, the word 'cumulative' has been added in. They are removing elected officials input from the health alert levels, Commissioner Smith stated during the meeting that many elected officials she's spoken with had no idea they could contribute their opinion which they recognized and is one of the reasons it's being removed. Generally, the recommendations have been coming from the county emergency managers. A special meeting will be held next week to consider additional changes to the health alert levels. Further discussion ensued regarding health alert levels and pandemic vs. endemic and what those numbers look like. Commissioner Van Beek asked Commissioner Smith if the topics of the President's statement regarding the goal of July 4<sup>th</sup> to have everyone vaccinated, if the Health District has ever addressed the OSHA standards for wearing masks, the particulate levels and what they do or don't filter and the concept of social engineering. Commissioner Smith said none of those topics were discussed today or in any meeting she has attended.

Commissioner Van Beek said that since the public was in attendance due to an incorrectly reported news report that a decision regarding the emergency declaration would be made today she

wanted to take the opportunity to provide comment in response to Sheriff Donahue's argument for keeping the declaration in place. It is her understanding that the county has always had PPE, although at a different level, the county invested \$1M in federal funding in purchasing PPE that we are now storing. There has been a request from the Sheriff for a building to store the PPE. The county appears to be adequately prepared with PPE at the current time but it is her understanding that there may be times when it is more difficult than others but that has existed whether there is a declaration, it is still a question in her mind that she has some uncertainty on and appears to be a weak argument from her perspective. The other argument the Sheriff has is the ability to sanitize the jail facility, as a health major she feels that the country as a whole could have upgraded their level of hygiene and exercise or any of those precautionary measures that are just good standard practices to circumvent disease process. She asked of legal, it has been suggested that there doesn't necessarily need to be an emergency declaration in place in order to receive federal funding, she asked if that is true or untrue or if legal has had an opportunity to vet that. Mr. Laugheed said that in regard to that particular question, that is a response he owes the Board an answer on but whether or not to provide legal advice in public is up to a Board majority. He is reluctant without Board direction to get into the legalities of what has previously been discussed or anticipated discussion. He said it is Board preference as to how much legal advice to take on the record and/or how they would like to receive the information.

Commissioner Van Beek referenced an email dated March 12, 2021 from the Idaho Association of Counties referencing revenue sharing as it relates to the latest stimulus package. To her revenue sharing translates to redistribution of wealth, this is not free money. There has been a lot of email traffic today, some in favor, some opposed to the renewal of the emergency declaration. She stated that revenue sharing is not a concept of a capitalistic government, it is a concept of socialism. Mr. Laugheed stated that legal staff has never been used in this fashion and he is not comfortable with it being used as a platform for statements. There is no action item, there is potential for legal discussion. He feels that if this is the discussion it would need to be suspended and moved to a different date with notice.

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

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

Commissioner White made a motion to go into Executive Session at 2:16 p.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A Sam Laugheed, Deputy P.A. Zach Wesley, PIO Joe Decker, EOM Christine Wendelsdorf, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Assessor Brian Stender and Chief Deputy Sheriff Marv Dashiell. The Executive Session concluded at 3:15 p.m. with no decision being called for in open session.

The meeting concluded at 3:15 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 17, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 572319 to 572344 in the amount of \$19,265.27

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Bi-Mart Corp dba: Bi-Mart #614 (See resolution no. 21-028.)

#### PUBLIC HEARING – SHORT PLAT FOR KESTREL ESTATES #2, CASE NO. SD2019-0048

The Board met today at 9:03 a.m. to consider a short plat for Kestrel Estates #2, Case No. SD2019-0048. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planner Dan Lister, Mr. and Mrs. Joseph Tague, and Deputy Clerk Monica Reeves. Commissioner Keri Smith arrived at 9:07 a.m. Dan Lister gave the oral staff report. This is a short plat to allow for a one-acre, one-lot subdivision within the existing Kestrel Estates. It was split without approval in 2007 from the original Kestrel Estates without going through the process. In 2019 Mr. Tague came back with a comprehensive plan map amendment and rezone to make it a legal parcel. A review of agency comments was given. The final plat is not ready to be signed, but it will be brought back at a later date. Staff recommends approval with the following conditions: 1) if there are any improvements they must be done before the Board's signature, and 2) they must have all required agency signatures. Joseph Tague testified that the lot is a break-off of the original Kestrel Estates. They had a lot of problems for two years because their surveyor had health problems and they had to replace him on the project. Mr. Tague thanked Dan Lister for all the help he has provided on this project. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to approve the short plat, including the preliminary plat for Kestrel

Estates No. 2, Case No. SD2019-0048 including the findings of fact, conclusions of law and order as written. The hearing concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER THE FCO'S, ORDINANCE, AND DEVELOPMENT AGREEMENT ASSOCIATED WITH CASE NO. RZ2020-0015

The Board met today at 9:15 a.m. to consider the findings of fact, conclusions of law and order (FCO's), an ordinance, and a development agreement associated with the conditional rezone request by Matt Wilke on behalf of White Barn Real Estate, representing L&J Investments Idaho, LLC, Case No. RZ2020-0015. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. The request was approved by the Board on March 15, 2021 for a conditional rezone to M-1 (Light Industrial). Staff presented the Board with amended FCO's with the updates requested by the Board on March 15 where quite a few uses were listed in addition to what was proposed as well as some setbacks. Dan Lister reviewed the changes to the FCO's including the conditions of approval. In finding no. 4 the Board asked to make sure it states the request was denied. He changed the findings to note that this is a conditional rezone. In finding no. 6 he added the history in the sense that this first came before the Board on December 10, and came back March 10, and March 15 with late exhibits being submitted. In Finding B, he added "the list of 13". Item D has been changed to show all the uses. He added *the Board finds that these uses have the potential to impact this area and therefore as a condition these uses will be prohibited, however a food processing facility may be allowed subject to a conditional use permit.* The conditions the Board required to be amended were shown, which mirrors what the development agreement will show and basically the first change is: *a site plan demonstrating all structures to maintain a 100-foot setback from the east, south, north and west property boundary lines.* He provided a site plan of what the perimeter is, but he doesn't think we care about the interior boundaries because they could split it in the future. There is no lot size – it will be SWDH who determines the lot size or what can be put there so it was important to consider the boundaries of that. They could split this for a land division to a total of four parcels altogether and anything after that would come before the Board as platting so staff added to the development agreement the information on the operation plan has to come back prior to commencement use, platting, or private building permit issuance. They must demonstrate noise reduction through hours of operation, restricting noise-generating equipment within a structure/building and minimizing outdoor operations to not exceed 65 decibels measured from the east, south, north, west property boundary lines after 7:00 p.m. Discussion ensued between the Board and staff regarding sound levels associated with agricultural operations. There shall be an exterior lighting plan demonstrating all exterior lighting fixtures will be downward facing and shielded to reduce offsite glare to ensure light pollution is minimized. It's not only important that the light is shining downward, but that it's shielded so as not to cause light pollution. There shall be review/approval by DEQ to make sure they have the proper permits for air quality, waste water and public drinking water requirements. A dust management plan is also a standard condition showing how they are going to water the dirt area. There shall be review/approval by Canyon

Highway District who wants to see trip generations, and see if they need to do traffic impact study for the applicable use. The landscaping plan shall be submitted to ensure a visual buffer is provided along the east, west, north, and south property boundaries. Landscaping shall consist of trees, bushes, and other native plants and shall be in substantial compliance with examples provided in Exhibit C. Bushes and other native plants shall be located within a 30-foot buffer maintained along the property boundaries. Landscaping shall be in consistent compliance with examples in Exhibit C. The plan shall include maintenance measures to ensure landscaping and 30-foot buffer are maintained and do not become a public nuisance as defined in County code. Commissioner Smith said the only thing that was missed is identifying the morning hours from 7:00 p.m. to 6:00 a.m. Mr. Lister will add that language. Commissioner Van Beek made a motion to sign the FCO's, the ordinance, and the development agreement associated with Case No. RZ2020-0015. Mr. Lister said we have to re-notice and have another hearing, but the Board can make a decision on the changes it made to the development agreement. Commissioner Van Beek withdrew her original motion, and made a new motion to sign the FCO's, and the development agreement associated with Case No. RZ2020-0015 (the Wilke case), with the addition of a time constraint under Section 2C II. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion. The motion carried by a two-to-one split vote. Mr. Lister will re-notice this item and get a new hearing date and come back for a signature. Commissioner Smith said we should withdraw the portion pertaining to the development but the Board should sign the FCO's today. Mr. Lister said the purpose of today's meeting was to have the Board review conditions and the final decision will be signed at the next hearing. Commissioner Smith said there are two public hearings and so this hearing has a set of FCO's and the second public hearing would need to have its own FCO's. Commissioner Van Beek said the applicant made a proposal that the development agreement be null and void once additional zoning came to that area but she does not necessarily agree with that. Mr. Lister said staff still recommends that not be included, and legal counsel agrees. If they want to remove that they would have to come back through a development agreement modification. Commissioner Smith said because legal counsel said not to sign anything we need to rescind the motion. Commissioner Van Beek rescinded her motion to sign the FCO's and the development agreement. The motion was seconded by Commissioner Smith. The motion carried. The Board did not sign the FCO's. The meeting concluded at 9:32 a.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 18, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Dave Larson, Computer Network Technician
- The Board approved an employee status change form for David Kojima, Systems Administrator II
- The Board approved an employee status change form for Robert Fuller, Systems Administrator I

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Mountain Alarm Fire & Security in the amount of \$4,943.23 for Facilities Department

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:47 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-393; 2021-394; 2021-416.

Case no. 2021-492 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with a written decision within 30 days on the cases as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Director of Indigent Services Yvonne Baker provided an update on case no. 2011-1171 that was brought to the Board last week as a subordination case. The Board has asked Director Baker to follow up with legal before they made a decision. Legal reviewed the case, and the issue was settled. Legal suggested to remove the ex-spouse from the lien. The subordination on this case is no longer needed and has been withdrawn.

Following the discussion Ms. Odom presented liens and lien releases to the Board for signatures.

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



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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro (left at 9:21 a.m.), Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Fair Director Diana Sinner participated via teleconference (left at 9:21 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

### ***Consider signing notification of lowest bid for Canyon County's IFB for the Fair Expo Building Project:***

Zach Wesley explained this is the award letter for the Fair Expo building IFB. The proposals were reviewed and HC Company was the lowest apparent bidder. All proposals were reviewed for compliance and all met the IFB requirements. However, the cost exceeds what is currently budgeted for this fiscal year. Director Navarro said the bid documents that were received had 8 add alternates to it, a base bid and several other items. Some of those items are covered by URA funds and some are covered by county funds. Based on a meeting he and Director Sinner had with Controller Wagoner last week they went back to HC Company, knowing they were the lowest apparent bidder, to see if there are some cost saving alternatives that could be applied. A more in-depth budget conversation is scheduled to happen next week with the Board but at this point the budget number is coming in at about \$5.4M - \$5.5M short. Commissioner Van Beek feels that it's good to look at alternatives but wants to make sure the building is done right. Director Navarro explained this is not a low-level government building, this is a classy, high-dollar rental venue and cutting corners will have an effect on the ability to be rented for a rate that's reasonable for return on investment. Controller Wagoner appreciates everyone's work in making sure this project gets done correctly the first time and wants to make sure that the county is getting maximum value for taxpayer dollars. In the County Fair fund for the FY2021 budget \$1.6M was budgeted for construction, there was also \$2.3M budgeted for the site improvement project which utilized Caldwell Urban Renewal monies. Bids for construction of the building came in at \$7.2M. In response to a question about budgeting this project over several years, Controller Wagoner said that could happen and that this project could be a part of the FY2022 budget. He also confirmed that the county's fund balance is in good shape. It would be an option to use a portion of current funds from the fund balance to support this project. Director Sinner said that she anticipates, based on feedback from community partners, that this will be a highly sought-after facility in regard to rental revenue. The size of the building is larger than the Boise Center on the Grove and O'Connor Fieldhouse but significantly smaller than the Idaho Center and Expo Idaho leaving it right in the middle which is a good place to be. She believes that it will be rented frequently and the point of the building is to give the fair another revenue option so that it can become self-sufficient. Zach Wesley pointed out that the letter today is not the contract, it's just to make the award and initiate the contract process. Once we enter the contract the county will be required to commit that the funds are available in this fiscal year, in the current budget. Additionally, in speaking of this project as income or profit generating, rental rates for this building cannot exceed actual costs so it will never truly be a "money maker", although when rental fees are determined the cost of the building could be considered. Commissioner White asked about the capital improvements line

item, Controller Wagoner said there is \$1M in that line item. There is another meeting scheduled for next week to have a more in-depth conversation regarding funding. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notification of lowest bid for Canyon County's IFB for the Fair Expo Building Project.

***Consider signing Canyon County's Administrative Services agreement with GemPlan:***

Mr. Wesley explained that the county has a joint powers agreement with the GemPlan and in places within the contract where GemPlan's self-insurance fund is referenced it will reference the county instead so that it's clear that those funds for county employees are coming out of the county's self-insurance fund and not GemPlan's self-insurance fund. Commissioner Van Beek made a motion to sign Canyon County's Administrative Services agreement with GemPlan. The motion was seconded by Commissioner White and carried unanimously (see agreement no. 21-009).

***Consider signing GemPlan and Canyon County acknowledgement agreement for CARES reimbursement:*** Mr. Wesley said that thru the State of Idaho the GemPlan received some monies for reimbursement of COVID related expenses for both the state and county health plans. About \$540,000 was received which is a number based on the county's actual expenses. Blue Cross reviewed claims from March 31<sup>st</sup> thru September, for testing and care, and this was the approximate amount that had been expended by the county. This acknowledgment will allow them to transfer funds back to county to reimburse those costs. The agreement indicates that the county will repay the funds to the GemPlan if they are ever called back from the state or the federal government. At the request of Commissioner Van Beek, Controller Wagoner spoke about the fund balance in the health insurance fund stating that it's in very good condition. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the GemPlan and Canyon County acknowledgement agreement for CARES reimbursement (see agreement no. 21-010)

***Consider signing resolution classifying certain records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain juvenile case files/records and criminal case files/records:*** Mr. Laugheed explained that these two resolutions allow the Prosecuting Attorney's office to destroy certain records that are of a certain age and have had no action 2 years after case activity. It is the same situation for the criminal case files. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolutions classifying certain records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain juvenile casefiles/records (see resolution no. 21-029) and criminal case files/records (see resolution no. 21-030).

**EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION**

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

Commissioner Van Beek made a motion to go into Executive Session at 9:33 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters concerning named personnel, records exempt from public disclosure and attorney-client communication. The motion was

seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed and Deputy P.A. Zach Wesley. The Executive Session concluded at 10:05 a.m. with no decision being called for in open session.

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

#### PUBLIC HEARING – REZONE REQUEST FOR HANS AND CONNIE HILL BRUIJN, CASE NO. RZ2020-0018

The Board met today at 10:10 a.m. to consider a rezone request by Hans and Connie Hill Bruijn, Case No. RZ2020-0018. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Mitch Kiester, Charlie Kiester, and Deputy Clerk Monica Reeves. Via Webex: Connie and Hans Hill Bruijn, and Mike Carter. Jennifer Almeida gave the oral staff report. Since 1979 there have been numerous divisions, subdivision plats which have occurred and if this request is approved the parcel will have to be platted. Old plat maps show a connector bar which connects the subject property to the north parcel that the applicants also own and that was shown in the 1950s. In staff's research they refer to the middle maps that are from the time period after the old plat books which depicts the 1977 timeframe which shows the north parcel, not the subject property, being its own parcel in 1977 so this parcel would not have to be included in any subsequent plats. It is a legal parcel on its own right. In 2003 the applicant had ownership of the north parcel and the subject property. They created the subject property by recording of a deed, but that division was illegal so they are trying to remedy this and get a building permit through the process of a rezone and subsequent plat of the subject property. She showed the maps to clarify that the north parcel does not need to be part of the subdivision plat. The applicant is requesting to rezone the property to rural residential. The future land use map shows the area as residential and is located within the Nampa impact area and the city designates it as low-density residential. There was a review of agency comments. Platting will be required for development of the property as part of any subsequent plat approvals staff will require a road users' maintenance agreement be prepared and recorded. Some of the issues noted in the exhibits are primarily civil in nature and do not pertain to the Airport Road access. Adjoining property owners raised issues about the Airport Road access. It shows on our maps as a right-of-way that is most likely unmaintained by the Nampa Highway District so that will necessitate a variance when we get to the platting phase. The applicant has done an extensive title history. The P&Z Commission recommended approval on December 3, 2020 and staff is recommending approval as well. Following her report Ms. Almeida responded to questions from the Board. Connie Hill Bruijn testified in support of the request. The proposal is so their daughter and son-in-law can build a home on the back parcel of the property. They have invested significantly in getting the required property lines changed and are currently in contract for over \$10,000 with Skinner Land Surveying to do the plat to build one

house. She has submitted property descriptions, current and historical, describing the right of the use of the 50-foot right of way easement that has existed since the 1920s. A large portion of the gravel road in question is on her property, only a portion is on the Kiester property. She understands she cannot interfere or dictate how people use it. Through the 1980s and 1990s they had large trucks up and down that road many times a week and there were no complaints associated with it. The right-of-way access from Airport Road on that 50-foot easement is in place on every deed and it is mentioned on the property description and the deed to the property in question. It is legally documented that that piece of property has a right to the easement and right-of-way as described or implied. They have the right and the responsibility to maintain the road even if the Kiesters use it too. As of today, Carolyn Kiester has not contacted the Bruijns to express comments or concerns about their daughter building on the property. She said Mrs. Kiester purchased the strip of road adjacent to her property in 2006, prior to that it was the little strip that the road was on, it was owned by someone else. According to Mrs. Bruijn there is farm equipment that has been sitting there for 30 years but now complaints are being brought up. She said they are within their rights to grade the road and fill in potholes as needed to make it more passable. She said they were told there was no access to a building permit on the property so that's why they invested the money in this process. The homeowners' association of Lexington Meadows has been very adamant that they not use that road – they have put a fence on the Bruijns property to block anyone from accessing it. She said her only access is Airport Road and it's her deeded legal access. If they are able to access city water and sewer that is the route they want to go, but if the cost is too exorbitant they will do their own septic. She thinks they may be able to connect to her well and so they will do a water right through that. A second well may not be necessary and they may not even do a septic tank. Following her testimony, Mrs. Bruijn responded to questions from the Board. Mitch Kiester testified in opposition to the request and disclosed that he is here as a private citizen not as a representative of Southwest District Health. He offered comments on behalf of his mother who resides on Airport Road. He has the 1928 document referenced, however, he also has documentation from the Nampa Highway District from 2006 that states it is a private access next to his mother's property so he believes this is abandonment, it will no longer be a public right-of-way. DSD provided a letter in 2006 stating there are no maintenance agreements on file for the property his mother owns. The only agreement on file is in the Schwisow Subdivision; it does not pertain to the Bruijns or the Schwisows accessing that property. He said the County knew it made a mistake back then and although he understands mistakes happen it cannot continue from here on out. Some of the main concerns: It is his mother's private property and she owns it outright and even though somebody can access it they shouldn't be able to store property on it. Continuing to add more access can lead to environmental concerns and dust pollution. It is a non-maintained private road and they are asking his mother to gain access through it, deal with the maintenance, deal with dust and air pollution. She spent a fair amount of money updating the indoor air quality of her home dust to the amount of dust from people driving on the property. She pays taxes on the property and to take it away from her and more people crossing her property seems unjust. Commissioner Smith referred to sections of the law about vacations and abandonments. There is an easement and there is no true legal vacation so it is a civil issue and as a decisionmaker she can only look at the rezone request. Mr. Kiester said back in 2006 when they were going to do the land split they were forced by the County to do research and purchase the property. His mother bought it and that's

how they ended up with the land split. He's confused as to why the County would ask them to do that; they would not give access at the time for the land split because they didn't own it. Since then they have purchased it. Commissioner Smith said there is a lot of confusion as to whether there is legal access to the property at this point so she wants to visit with our attorneys and get more information from the Nampa Highway District. The Board is getting conflicting information so she wants to make sure we have a good record of access. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to Friday, April 2<sup>nd</sup> at 9:00 a.m. in order to give staff and legal a chance to review the information and do additional research on the issue of access. The hearing concluded at 11:18 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:02 p.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner participated via Webex, Deputy P.A. Zach Wesley, County Agent Jerry Neufeld, Carrie Clarich with University of Idaho Extension, Patrick Momont with University of Idaho and Deputy Clerk Jenen Ross.

Commissioner Smith said today's meeting is to determine a path moving forward so that everyone is on the same page. She explained some of the issues that have been brought to the Board's attention include a superintendent issue, lack of programming in 2020 and an MOU between the county and Extension office that has an extended period of inactivity.

The Board is very excited about moving forward with the 2021 Canyon County Fair and have given direction to fair staff that a full fair will be hosted this year. At this time the county intends to move forward with the fair operating under the MOU currently in place. In regard to 2022, based on conversations with Director Sinner, the Board would like to empower Director Sinner to be the true Fair Director and oversee the livestock show. A preliminary outline of the change was presented at a previous meeting with the Board; there will be some logistics to work out, specifically with the market livestock show. The Board understands that 4-H and the Fair have a long history and they want that to continue and not be misconstrued. The Board is asking that the MOU be a priority and that the Extension office work with Ms. Sinner on future changes to the fair.

Commissioner Smith spoke about a document that was provided to her by Director Sinner providing an outline of timelines. Ms. Clarich said that the timeline that was provided to Ms. Sinner was not actually a finalized version although it may have been marked as final leading to some of the confusion. Ms. Clarich said that they wanted to have face-to-face conversations with superintendents but due to COVID and other staffing issues they were not able to do that until later than they intended.

#### EXECUTIVE SESSION – PERSONNEL MATTER

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

Commissioner Van Beek made a motion to go into Executive Session at 2:18 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner via Webex, County Agent Jerry Neufeld, Pat Momont and Carrie Clarich with the University of Idaho. The Executive Session concluded at 2:49 p.m. with no decision being called for in open session.

At the conclusion of the executive session Ms. Clarich spoke about some of the virtual programming they provided during COVID. She said that the clubs did hold meetings but often in a different format – often outside and socially distanced.

The Canyon County budget includes an allocated amount to the County Agent's office for 3 customer service representatives along with various other expenses including travel, postage and copy machine among other items. Over the past year they've done most of what they've always done but just in a different way and have transitioned what they could to an online format. Discussion ensued as to what programming looked like in 2020 as compared to other years and what the plans are moving forward. Commissioner Smith expressed her concerns about funding provided by the county but the lack of control and the responsibility the Board feels to its constituents. The Board informed the Agent's office that for the 2022 Fair the market livestock show will be under Director Sinner and with that the need for funding specifically related to one fulltime staff person and some temporary staff. Direction was given for there to be a collaborative effort in getting an updated MOU in place before the 2022 Fair. Ms. Clarich said that in the past there has been some miscommunication in finalizing the MOU but she is happy to work with Director Sinner and thinks they have a pretty complete draft of the MOU in place. She thinks there are some good things in place for Canyon County youth and wants to encourage them to get involved with 4H in the future. Director Sinner and the Extension office would like to include FFA in the discussion regarding the MOU. The meeting concluded at 3:11 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 19, 2021

PRESENT:     Commissioner Keri K. Smith, Chair

Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claims 572284 to 572318 in the amount of \$19,341.14
- The Board has approved claims 572440 to 572476 in the amount of \$50,954.22
- The Board has approved claims 572202 to 572251 in the amount of \$28,469.35
- The Board has approved claims 572477 to 572503 in the amount of \$56,238.40
- The Board has approved claims 572623 to 572638 in the amount of \$11,043.00
- The Board has approved claims 572252 to 572283 in the amount of \$418,468.90

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- A-Gem Supply INC in the amount of \$2,926.00 for Parks Department
- SHI in the amount of \$3,653.89 for Information Technology Department
- Carousel Industries in the amount \$36,970.64 of Information Technology Department
- Carbon Networks LLC in the amount of \$9,555.00 for Information Technology Department

#### CONSIDER FINAL PLAT FOR HAWK'S SUBDIVISION, CASE NO. SD2020-0024

The Board met today at 9:02 a.m. to consider the final plat for Hawk's Subdivision, Case No. SD2020-0024. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, the applicant, and Deputy Clerk Monica Reeves. Jennifer Almeida reported the property is zoned "R-1" single-family residential. The development consists of two residential lots, and access to Sunshine Lane will be via a 30-foot shared ingress/egress easement. Individual wells and septic's will be used for the two lots. All conditions of approval of have been met, and a road users' maintenance agreement and a water users' maintenance agreement have been recorded. Staff is recommending the Board sign the final plat. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the final plat for Hawk's Subdivision, Case No. SD2020-0024. The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

#### ACTION ITEM - CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION

The Board met today at 9:07 a.m. to consider extending the COVID-19 emergency declaration, which is valid from March 19 through midnight on April 18, 2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, PIO Joe Decker, Christine Wendelsdorf, Chief Deputy Sheriff Marv Dashiell, Assessor Brian Stender, several interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith said the declaration does not mandate masks or order business closures, nor are there standards that ask the citizens to do something that violates any of their freedoms. The declaration is very specific about being able to address the economic impacts and the ongoing risk to life within our community. The Board has received approximately 182 emails in response to signing the declaration; 32 were in favor and 150 asked for the declaration to be removed. Most of the comments were about mask mandates and business closures so the Board sent a response clarifying that it not making any of those mandates. Commissioner Smith referenced the federal legislation for Coronavirus recovery funds and said the County has been told we do not have to apply for those funds, they will be deposited into every county account. The first deposit will be over \$20 million, and the taxpayers are paying for it no matter what. She does not feel now is the time take away the declaration when there so much to figure out. Her personal beliefs are all about opening businesses up and not taking away any control from local jurisdictions and businesses. This a hard decision but she doesn't want to take away opportunities for citizens to have some economic recovery. In reading through the federal bill that was passed there are some good opportunities to spend that money instead of letting other communities have it. Commissioner Van Beek said she has not supported a continuance of the emergency declaration or accepting the federal funding because "whatever you think you are getting for free will cost a lot." The bigger issue is the freedoms that are in jeopardy in our county and our nation and she does not want to see federally mandated vaccines. This declaration is benign but we do not know what the ramifications are. The federal aid will be on the backs of taxpayers, this is not free money. Our country was founded on hardworking people, and no government in the history of the world generates a profit – hardworking people generate profit while the government takes profit from hardworking citizens to fund their services. The debt and the potential takeover is an enemy that makes her afraid more than the Coronavirus. Commissioner White said it's been a difficult time for a lot of people and when you have to make difficult decisions you have to do it beyond the room you are in. She has to set aside her opinions and do what is best for the people – the greater good. She also spoke about how the other elected officials are in agreement with extending the declaration. Commissioner Van Beek said if the County accepts this money we have no idea what will be turned back out because there is no rubric for determining a fair standard and this is an acceptance of federal funds and a redistribution of those funds which could be called taxation without representation. The recovery rate of COVID is over 99% so if we look historically at pandemics, small pox killed 300 million people in the 20<sup>th</sup> century. It killed one-third of those infected. Polio killed 22% of the population in 1916 with an overall death rate 5%-10%. The bubonic plague killed between 75-200 million people with a one-third death rate for everyone infected. Ebola has a 60%-90% death rate. So when we say COVID poses an ongoing risk to life, a less than half percent death rate on this disease process is comparable to other disease processes that we are not hyper focused on. We could look at diabetes, cancer, and obesity, but we are not looking at those. We are so fear and control-driven that we are hyper focused on one disease process. Commissioner White made a motion to sign the extended emergency declaration until



April 18, 2021. The motion was seconded by Commissioner Smith. An audience member asked the Board to accept public input. Commissioner Smith said the Board has accepted public input via emails and when public testimony is taken the Board does not take repetitive testimony. The citizen said she lost her job and cannot work or get unemployment; she wants to work but her doctor won't allow her to. Commissioner Smith said one of the things being heard from the public is about not being able to work, and that is one reason the declaration should stand because it talks about the local impacts and the local economy effort for recovery. The motion carried by a two-to-one split vote with Commissioner Van Beek voting in opposition to the motion to extend the declaration. The meeting concluded 9:25 a.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 22, 2021

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

#### COMMISSIONERS OFFICE STAFF MEETING, AND CONSIDER ALCOHOLIC BEVERAGE LICENSE FOR O CRAB

The Board met today at 8:42 a.m. for an office staff meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerks Jenen Ross and Monica Reeves. The Board reviewed this week's schedule and administrative items with staff. The staff meeting concluded at 8:49 a.m. The Board was also scheduled at this time to consider an alcoholic beverage license for O Seafood, Inc., dba O Crab for an alcoholic beverage license. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the alcoholic beverage license for O Crab. (See Resolution No. 21-031.) The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING REQUEST BY RIDGELINE VISTA, LLC, FOR A CONDITIONAL REZONE, CASE NO. CR2020-0012

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Borton-Lahey representing Ridgeline Vista, LLC, for a conditional rezone to rezone Parcels R37368

and R37369, approximately 190 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone, Case No. CR2020-0012. Present were: DSD Planner Dan Lister, DSD Director Tricia Nilsson, Todd Lakey, Alan Mills, Don Newell, Matt Drown, Darin Taylor, Roger Craig, James Blacker, and Deputy Clerk Monica Reeves. Present via Webex: Mike Wieland, Melissa Wieland, Debra Bruner, Brent Oetken, and Kevin McCarthy.

Commissioner Van Beek disclosed that she has a working relationship with an audience member who is also a county employee but that will not prevent her from making an objective decision. Commissioner Smith disclosed that she is very familiar with the property because as the former floodplain administrator for Canyon County and she dealt with a lot of floodplain issues on the original subdivision. In her role as the state floodplain coordinator she also sat through some discussions on the floodplain. She disclosed a conversation she had with Aaron Skinner at the Idaho Department of Water Resources (IDWR) regarding the subsurface water rights and getting some background knowledge on what that looks like. Also, she used to work with Debra Bruner and she knows a lot of people in the audience but it will not affect her ability to make a decision in this case.

Dan Lister gave the oral staff report. The request includes a development agreement to restrict residential development to no more than 20 lots in accordance with the conceptual site plan. The property is located adjacent to 11509 Shalako Street in Caldwell. In 1995 there was a conditional use permit to expand dairy operations, however, in 2004 a land division occurred, and as part of this Lot 14 was divided off and the building permits for it were transferred to create more divisions. The property does not have any building permits associated with it. In 2006 there was another CUP to divide the property into 27 lots. The P&Z Commission recommended denial due to lot size and road issues. The applicant submitted an appeal and it sat for a couple of years before they eventually withdrew their application. Mr. Lister reviewed agency comments. Idaho Fish and Game stated it is within the range of slickspot peppergrass, which is a threatened species, however, they did not find it in the area but they did find hawks, curlews, and owls in the vicinity. They don’t have surveys showing if it will be affected so they provide best management practices to address that. Staff provided a condition stating they will do a biological assessment for the development and the applicant did not seem opposed to that. The fire district recommends using the firewise USA best management practices due to the high fire risk in the area and the applicant has agreed to adhere to that. The proposed development is not anticipated to require a traffic impact study. This is a flood zone A with no base flood elevation information and therefore the development will require a base flood elevation study. The conceptual plan shows the development will be located outside the floodplain so if they are able to modify the development to where it’s not impacting the floodplain they may not have to do a base flood elevation study. Staff received letters of concerns from the neighbors regarding impacts to farming activities, to protected species, the exiting roadway, flooding and hillside hazards, and concerns about the need to protect existing homeowners from development. Darin Taylor, who represents High Plains HOA, added more conditions and they want this use to be subject to their existing CC&R’s and they want the developer to pay for improvements to Shalako Road. Mr. Lister said an expansion to the road needs to meet today’s requirements which is why staff required they meet the

minimum requirements of private road standards for this existing road and whatever extension they will need. Staff recommended approval subject to certain conditions:

Condition 2A(1) – The development shall have a minimum lot size of 8.5 acres. They agreed to a minimum lot size of 8 acre.

Condition 2A(4) – There shall be a new private road to serve the development and it shall meet the minimum requirements of the zoning ordinance, and that's where the applicant is recommending that change to existing Shalako Road.

There shall be a change regarding the wildfire prevention plan. That one still shows the initial recommendation; however, the P&Z Commission did allow for the change to state on 2E that the applicant will prepare a wildfire preparation plan addressing firewise use of landscaping defensible spaces and vegetation. This plan will be submitted to the fire district for review and is subject to the approval by the County as part of the preliminary plat.

Staff wants to change item D. After talking to the Idaho Department of Fish and Game they don't want to be an approval agency so they are fine with reviewing and commenting on the assessment when done, but they don't want to be the enforcer on that.

On January 21, 2021, the Planning and Zoning Commission recommended approval of the request subject to the conditions of the development agreement. Staff recommends approval as well. Following his report Mr. Lister responded to questions from the Board including proposed changes to conditions of approval.

The following people testified in support of the request:

Todd Lakey testified they started this request with a comprehensive plan map amendment but as they discussed it with staff their request for 8-10 acre lots promoted continuing ag-related uses similar to what's out there now and it fits with the comprehensive plan so there is no need to change the map. This will be a mix of high-end homes and small scale ag-related uses. It's a continuation of the initial plan of development for the High Plains Estates development to the west which are mostly nine-acre lots. Public lands exist to the north and south, and Little Land Company is located to the east, and this is a natural extension of that development but it's extremely unlikely any further development will happen. They are not establishing a pattern or trend to expand further. The floodplain issues have been addressed and their plan is to stay out of the floodplain, and they have designed the road accordingly. They also intend to keep structures out of the floodplain. They have no problem with the 2-acre building envelope. According to Mr. Lakey, Little Land Company is supportive of this request. The High Plains CC&R's recognized that the property would be developed in the future and they have had multiple communications with the HOA and reached agreement as to how the application would go forward. They agreed to be incorporated into their CC&Rs and have the same standards and restrictions. They agree to an 8-acre minimum lot size and will pay for the road improvements associated with the development. The comprehensive plan supports the application. The ground

has been farmed but is not prime for traditional row crop production. The soils map shows 47% least suited soils and 16% moderately and 36% best suited. The 8-10 acre lots will help maintain the agricultural character. Water rights will be apportioned to each lot. The proposed use will have less of an impact on Shalako Road than the agricultural uses with heavy equipment coming and going which cause more damage than residential use will. The P&Z Commission did not want the developer to tear out the road and build a new road, but they did suggest they pull that core sample so the developer did that and the proposed condition of approval submitted was a result of the some of the initial engineering. With that said they will pull that proposed condition and they will comply with county road standards. He would like the current condition to be left as-is. They are willing to comply with the firewise plan and talk about the type of vegetation and design and landscaping but the P&Z Commission specifically excluded the access and fire flow requirements in their conditions of approval. Following his testimony Mr. Lakey responded to questions from the Board. Commissioner Smith wants a plan that can be funded that makes sure that the water rights are utilized and maintains the character of the area. She also wants an interpretation of whether this project would be exempt from access requirements, and she wants an updated site plan if the request is approved. The floodplain maps were created in the 1970s and identified areas of known flooding but we don't know where the water goes and how can we maintain a channel takes that water. We need some type of plan that can hold that water in a flooding event. Mr. Lakey said they are okay with complying with the ordinance; they have to deal with the floodplain lines as they sit. (The Board took a brief recess at 11:20 a.m. and resumed the hearing a few minutes later.)

Matt Drown testified in support of the request. His family has owned the property since 2006 and they have tried a number of different farming solutions including finding five different farm uses from dry grazing to potato use. It's very sandy soil and they had handlines and wheel lines and looked into a pivot solution but because of the topography it was very expensive and they could not figure out how to make that economically work. We went from there to working with Mike Wagoner who most recently farmed it to keep the weeds down. They had complaints from the neighbors on the road use, and complaints about hobby farms and aerial spraying. They worked with the farmers to make sure they only sprayed during certain times and to keep a certain distance away. It's a difficult location/topography for a farm. They have tried to make it complementary to what's out there, and they did not push density.

Alan Mills testified there is a big demand for this lot size and they don't have them in Canyon County and a good reason for that is administrative splits don't tend to exceed two acres. He doesn't think a farmer wants to take the liability of driving through a residential development to get to this property. Heavy equipment causes more impact to roads. This project will not affect any other farmer as there are no adjacent farmers. He spoke about plans for irrigation. They will have to file new rights for fire protection and fire storage, the well only has an irrigation right. They are willing to work with the fire department. Following his testimony Mr. Mills responded to questions from the Board.

Neutral testimony was as follows:

Darin Taylor testified on behalf of the High Plains Estates HOA. The development includes 14 parcels that were developed administratively in 2004. Parcel 14 is the subject property which the applicants are seeking to re-subdivide into additional lots. The CC&Rs included two provisions: one said no parcel shall be further subdivided and the other had language regarding re-subdivision of Parcel 14. Twelve (12) existing parcels were contemplated to not be subject to further subdivision. Two parcels were and they were called out by name: Parcel 14 and Parcel 20 and they were excluded from the restriction against further development because they were owned by the developer. The HOA requests that Shalako Street be a legal nonconforming road they want it included in the findings of facts. There are no written agreements between the HOA and the applicant. There are series of emails that use the words *we agree to this*, so please note there is nothing official other than written documents both parties are relying on. Mr. Lakey said Parcel 14 will be subject to the CC&R's including assessments, the architectural review committee, and private road maintenance proportionate to the number of lots. The HOA concurs with the statements Mr. Lakey made on that subject. The road is in good condition; however, it does not have any pit run underneath it so the HOA does agree that the best condition is one that says they will comply with the ordinance. The HOA requests a couple conditions. Some existing landowners constructed fences, have landscaping or planted trees in the Shalako Street easement and they marked their north property boundaries and even with those markings the applicants recognize they can widen the pavement of the road to the north rather than to the south, therefore there will be no disturbance of the existing fences or trees put in by the existing landowners. They would like the Board to make that a condition of approval, to widen the existing road to the north where possible. The original application included an average of 8.5 acres for the parcels, subsequent to the application there have been discussions and at the P&Z Commission hearing the HOA also confirmed let's have a minimum parcel size of 8 acres. The HOA wants both requirements: a minimum parcel size of 8 acres and an 8.5-acre minimum average. Storm water should be retained and treated on site, with natural filtration being the most likely way to treat. The IDWR allows a domestic well to be drilled to provide domestic water for a residence and that same well can have two pumps, one that would pump water for irrigation. The point of diversion would take the water rights in the one big irrigation well and divide that up into the number of lots and those water rights would be pertinent to the resulting parcel or lot. There is usually an irrigation plan that comes with the preliminary plat, and with this type of irrigation it's handled with a note. Irrigation will be supplied by a pressurized system at the time the domestic well is drilled. Following his testimony Mr. Taylor responded to questions from the Board.

Nathan Coombs provided an online comment stating: *I am neutral as long as the development is done by the book. For example, impact mitigation recommendations for the existing portion of Shalako Road from a licensed Idaho engineer with supporting geotechnical investigation, no overhead power/phone lines running from Emmett Road to the new development. I am also curious if 20 additional wells would affect the existing wells of the adjacent property owners.*

Opposition testimony was as follows:

Roger Craig stated the road is not built to standards and he doesn't know if it can handle the traffic and so it should be brought to standards. He's lived adjacent to the property 15 years and he

spoke about the flooding that's occurred on his property and neighboring properties. Barrow pit ditches don't seem to be collecting the runoff and so they deal with issues every summer and when the snow melts because the water has nowhere to go. He is concerned the development will impact the wildlife in the area. Also, he wants to make sure there is maintenance on the lots that don't sell.

James Blacker lives in High Plains Estates and spoke of the unique and special nature of the land including the wildlife in the area. He concurs with Roger Craig's testimony about flooding and he also noted the area is very dry and it's only a matter of time until they experience another fire. He asked about a proposition of creating an egress route to address emergency access. He also wants to see Shalako Road brought to standards.

Melissa Weiland lives in High Plains Estates said she appreciates that the developer intends to make the lots comparable in size to the neighborhood but she has concerns about how they will be incorporated into the neighborhood and follow the CC&R's. She does not appreciate the fact that he does not want to bring Shalako Road up to code because traffic will double so it should be improved with an appropriate road base and safe width with the sole cost being on the developer. She also has concerns about the secondary emergency access as well as will happen to the existing well that's being used for farming irrigation.

Mike Weiland stated he takes exception with Mr. Lakey saying the HOA is okay with the road. The road is not in good condition and the HOA is not okay with it.

#### Rebuttal testimony was offered by Todd Lakey

Todd Lakey said this will be a consistent extension of the existing development that was anticipated and they see it as an opportunity to maintain the agricultural character of the area and with roughly 9-acre lots which will allow for the kind of activities that have existed compatibly in the High Plains Estates Subdivision. They are willing to do the wildlife study. He envisions the residents of this development existing compatibility with wildlife just as the residents of High Plains have been able to do. According to Mr. Lakey the road will meet county road standards. They have an agreement with the HOA which is referenced in Exhibit 6 and was generated at the time in regards to some additional improvements the developer was going to pay for on the road and it talked about recognizing that Parcel 14 would be developed. They are willing to do an 8-acre minimum knowing most of the lots will be close to 9 acres. The developer will comply with the floodplain ordinance. Mr. Drown feels like the change in the rows on the ag operations affected that; he had not seen that kind of flooding previously since they've owned the property. According to Mr. Lakey, Roger Craig built his house in the floodplain which has contributed to his flood issues. The developer's responsibility is to maintain and protect that floodplain and he noted that Mr. Craig would have that same obligation. The developer has no objection to the building envelope requirement. Their plan is to stay out of the floodplain, therefore, those homes and structures on the lot would not be impacted by any of the floodplain issues. He said their individual uses will have less of an impact than the more concentrated agricultural irrigation that was going on during the season. The homes will be of higher value and will contribute more to the tax base for the

schools than the standard urban development. Mr. Lakey said the main issue they heard about was Shalako Road and they are willing to address that and be subject to that condition. Following his rebuttal testimony Mr. Lakey responded to questions from the Board. With regard to the BLM access, Mr. Lakey is not aware of existing accesses on the property, but there could be and they would respect whatever limitations/requirements there would be for BLM to access those lands. Commissioner Smith asked if he would be okay with a condition that would allow for access to public lands from the property, although she is not saying the Board should require that. Mr. Lakey said if it was required they could include a public access point off the road that wouldn't go across someone's property if that was the Board's desire. Director Nilsson said it would require a permit from BLM and if they didn't have it permitted it would be a moot point. Commissioner Smith doesn't know if the Board should do that because there could be an argument from the homeowners about the increased traffic that would cause. In reviewing the conditions of approval, Exhibit B - 2A (i), it was requested to include the average of 8.5 acres. Mr. Lakey agreed to that and said they initially proposed a minimum average lot size of 8.5 acres. Commissioner Smith said condition 2.A.(iv) states the existing private road, Shalako, will meet current requirements of the Canyon County Zoning Ordinance Section 7.10.02 & 03 and we should add the following words: *construction improvements at the developer's expense*. Mr. Lakey is agreeable to that as long as we are talking about the initial construction and not ongoing maintenance. They will agree to have the improved Shalako Road rebuilt at the time of the final plat. Commissioner Smith asked if they will include that portion of the road for the road improvements in the platting so there will be an expansion, perhaps a supplemental page on the preliminary plat and final plat that would show the details of that road construction. Director Nilsson said they would just have the engineer's certification that that segment was done, similar to what it would be for what's within the plat. Commissioner Smith asked if there is a way to keep the road narrow but provide a specific walking path. Mr. Lakey doesn't know; he said there is a 60-foot dedication and the challenge is fitting all of that within the existing right-of-way. They are okay with the concept that they will build the road and to the extent possible not disturb those improvements to the south that are built into that road lot. They will keep the road width to 24 feet. Commissioner Smith said on Condition 2.D. we will remove the words *and approved by Idaho Fish and Game*. Staff was asked to work with the applicant on including the language. It would be nice to review at the preliminary plat so perhaps there should be a timeframe that mitigation measures will be provided with the application. Director Nilsson said the requirement would be to submit it to DSD and it shall be incorporated in the construction plans. Dan Lister said it could be similar to the fire requirements that they will do best management practices. He assumes that would also be not adding to their existing CC&R's, it would be added to the agreement for each lot within that subdivision to adhere to. Staff will figure out how to word the condition. In referring to Condition No. 4, Commissioner Smith asked if it's a condition or is it pausing for more information? She wants to understand more about the amendment of transfer from IDWR from agriculture to residential. With it being transferred and the owner bearing the expense for the new well, those wells if used for dual purposes are going to cost a lot whereas in a normal subdivision situation the irrigation improvements would be bonded so we would know they are happening. If someone bought the lot they could say they are not going to put in the well and the pressurized irrigation system and leave the land dry which would become a weed nuisance and fire hazard. Mr. Lakey said they will work with staff on that. Commissioner Smith said the

developer shall work with staff on the irrigation and IDWR for the transfer. And, there should be a condition that states the subdivision will join the existing homeowner's association. Mr. Lakey said they consider themselves to be part of it. Commissioner Smith said there should be a condition that states that secondary residences and golf courses are not allowed. A condition for stormwater to be retained on site. Mr. Lister said they have to demonstrate that as part of the platting stage. A condition will not be necessary. There was discussion about a plan for mitigation for the dam. The developer shall show existing dams and how to retain the water. There was a request to include in that condition for 2.A.IV regarding the street that where possible Shalako be widened to the north. There was a request to add to the findings of fact that Shalako Road is a nonconforming road. Todd Lakey said Darin Taylor wanted it to state: *legal nonconforming road*. Once they improve it then it would simply be a conforming use. Commissioner Smith wants to correct for the record, when talking about knowing the floodplain there, that it's unknown why the floodplain stopped where it did but from testimony it flows from the east to the west so it actually starts there versus stopping there and so it's important to note that we don't really know where the limit of that floodplain actually starts, it's unknown. It's hard to establish risk with that unfortunately, but we can address that during the platting stage. They need to look at the full drainage of the full site for the floodplain versus where just the map floodplain is. Mr. Lakey said they can discuss that, but he's not sure how that equates to a condition or process other than complying with the ordinance. Commissioner Smith said it's only mapped partially and so theoretically you can argue that the rest of the area is not a floodplain but, we could argue that there is known flooding so we could consider the additional extent of the area but for the record it would just be clear since we don't know where the floodplain starts that we would consider the entire property to be looked at. Mr. Lakey said they can look at that. You have the natural drainages on the property and surrounding areas that aren't part of the floodplain that they have to maintain. Director Nilsson said staff can work on that. One edit to 2.A.(i) - shall not exceed 20 residential lots because we'll have other lots due to the private so she wants to be clear. There may be other common lots or things as they get into it. Commissioner Smith agreed. She also wants an interpretation if the 5 acres is per lot that will be finished, or if we have to use that for the entire property. Because that makes a big difference if we have to have a secondary emergency exit. Additionally, she wants to have a response from IDWR regarding the wells and the transfers as well as a response from the school district to respond to the issue of the school bus and if a bus route could be added and what the impacts of that will be. If the applicant was willing to consider a path what that would look like to help with the safety concerns of people driving through that. It's not a requirement at this point but she would like them to explore the viability of that between now and then. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing and leaving public testimony open for investigative purposes to April 22, 2021 at 1:30 p.m. The hearing concluded at 1:20 pm. An audio recording is on file in the Commissioners' Office.

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



The Board met today at 3:03 p.m. for a weekly meeting with the Director of Development Service to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Controller Zach Wagoner (left at 3:28 p.m.), HR Generalist Cindy Lorta (left at 3:28 p.m.), HR Generalist Ellen Cahalen (left at 3:28 p.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution granting a refund to John Healey on behalf of Hall Living Trust for a withdrawn conditional rezone application:*** Planner Dan Lister spoke with the applicant and based on other recent land use decisions the applicant decided to withdraw. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to John Healey on behalf of Hall Living Trust for a withdrawn conditional rezone application (see resolution no. 21-032).

***Consider a resolution approving the addition of one position in Development Services Department:*** Director Nilsson spoke about the necessity of adding the Planner I position and what the responsibilities will entail. Mr. Wagoner said this position was not included in the adopted FY2021 budget. Although it is always the goal to operate within the approved budget there is understanding that things change throughout the year. He said it is a little outside what he would consider the normal course of action to add a position in the middle of a fiscal year and since this was not included in the original 2021 budget there may need to be a budgetary adjustment, an opening and adjustment of the budget at some point during this fiscal year. Commissioner Smith spoke about how this department desperately needs the help and how the public deserves the help as well. Commissioner Smith asked about the Planner III position becoming an exempt position but Director Nilsson said she would like to have further discussion on that before any changes are made. Commissioner Smith also asked about previous job descriptions that couldn't be located. Director Nilsson said that she's spoken to Jennifer Allen in HR who found some binders with old job descriptions but she doesn't know within the PCN list what happened to those job titles. Mr. Wagoner said if the Board wanted to bring back some of those positions that would be a discussion to have during budget time. Commissioner Van Beek made a motion to sign the resolution approving the addition of one position in Development Services Department. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 21-033).

Director Nilsson reviewed the following with the Board:

- She attended the last fire/water supply meeting and will be putting together some notes from that meeting. She doesn't believe there will be one concise recommendation to the Board but probably more of a pro/con list of different options that could be considered. She will provide that information to the Board within the next couple weeks.
- She is hoping to get the agenda for the impact fee advisory committee out tonight. They will be meeting on March 30<sup>th</sup> for the purpose of discussing the possibility of submitting written comments to the Board on the Canyon Highway District CIP.

- On Thursday night she attended the Farm Bureau meeting. They were looking for an info session regarding impact fees. Director Nilsson provided a PowerPoint presentation and feels the information was well received.
- Recently she met with Roger Batt regarding the wine ordinance and believes Mr. Batt would like to get together. Director Nilsson feels she may have discovered some unintended consequences in the splitting out of the wineries from the breweries and distilleries. Director Nilsson will work to convene a meeting with staff and Mr. Batt to discuss further.
- Commissioner Smith asked if Kate Dahl is meeting her proposed timeline for the comp plan. Director Nilsson believes that she is but will follow up with Ms. Dahl.
- Director Nilsson asked the best way to recruit for vacant P&Z openings. Several unsolicited applications have been received so Commissioner Smith thinks those applications can be reviewed to see if any of them fit the requirements and are still interested in serving.

#### EXECUTIVE SESSION – PERSONNEL MATTER

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

Commissioner Van Beek made a motion to go into Executive Session at 3:48 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and DSD Director Tricia Nilsson. The Executive Session concluded at 4:18 p.m. with no decision being called for in open session.

The meeting concluded at 4:19 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 23, 2021

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

#### APPROVED CLAIMS ORDER NO. 2113

- The Board of Commissioners approved payment of County claims in the amount of \$1,653,307.01 for a County payroll.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- White Cloud Communications in the amount of \$3,725.30 for the Solid Waste Department

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Brad Goodsell, IT Director Greg Rast (left at 9:14 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing Memorandum of Understanding to provide the City of Nampa a dedicated connection to the Canyon County “Dark Fiber” Network between Canyon County and the City of Nampa:*** Director Rast said this MOU has been reviewed and approved by legal. The purpose of the dark fiber is for use between municipalities for communication. The City of Nampa has been allocated 8 stands which they intend to use for disaster recovery. There are no costs to the county, any costs will be incurred by the city. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the MOU to provide the City of Nampa a dedicated connection to the Canyon County “Dark Fiber” Network between Canyon County and the City of Nampa (see agreement no. 21-011).

At the request of the Board, Mr. Goodsell provided an overview of how the tax deed property auction operates and the guidelines.

Commissioner Smith asked about the amount in transcription fees being paid out. She feels that there is an exorbitant amount being paid out for what is a state mandated service. She wonders if there is any legislative change that can be made. Mr. Goodsell said the fee is set by the courts so it may be something that needs to be discussed with them. Mr. Goodsell said he would let the rest of the legal team know that the Board has raised the issue.

Commissioner Smith asked about two recent land use hearings. Mr. Goodsell will pass along the questions to Mr. Wesley to provide input once he returns to the office.

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

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

The Board met today at 1:37 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross.

Mr. Bazzoli reviewed the following with the Board:

- Review of FY2021 budget; overall his budget is on target for this time in the fiscal year
- Review of 'Age of Active Pending Caseload' reports
- Review of clearance rates numbers
- Review of monthly case type count from 10/1/20 to 3/21/21 compared to 10/1/19 to 3/21/20
- Currently there are 3 vacant positions in the department; 2 investigators and 1 attorney
- Update on re-opening of the courts and how trials/courts are operating

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

#### MEETING WITH SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:00 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper and Deputy Clerk Jenen Ross.

Director Loper reviewed the following with the Board:

- Waste amounts were up 1.42% in February, FY21 is up 6.1% - he is trying to find ways to reduce wait times on Saturdays.
- Well drilling at the Stuart property is anticipated to start this week.
- On February 25<sup>th</sup> he met with the Landscape Architect, Rodney Evans, to review the scope of the front entrance beautification project. Mr. Edwards is working on putting together a scope of work with costs. Once the design is done he feels landfill staff will be able to do some of the work; they will evaluate what can be done by staff and what will need to be contracted out.
- Open screen and operator positions were recently filled; they are still in process of backfilling the screener/operator position and a second operator position will be opening up in early April.
- For FY2022 he will probably look to purchase a loader and a service truck and trailer; they've looked at quite a few options for the truck and have narrowed it down to a Kenworth truck and chassis. He has worked with legal and Kenworth has provided a sales

agreement in order to begin the procurement process as the truck and chassis are around \$100K and the build for the rest of the truck is an additional \$100K. In order to secure and protect the pricing now Kenworth has provided the agreement to purchase the truck and chassis, expected delivery is early October so it is planned for the FY2022 budget. Further discussion ensued and at the request of Commissioner Van Beek, Director Loper will work with legal and the controller to see if this purchase can be made with funds from FY2021.

- The Board is supportive of the landfill being closed on Saturday, July 3<sup>rd</sup> in observance of Independence Day on Sunday. They will be open Monday, July 5<sup>th</sup> when the holiday is observed. Director Loper will work with PIO Joe Decker to do a public service announcement and/or press release.
- The household hazardous waste event happened recently at the Idaho Center where they served approximately 400 cars.

The meeting concluded at 2:33 p.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 24, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 572546 to 572592 in the amount of \$11,606.05
- The Board has approved claims 572639 to 572661 in the amount of \$59,613.48
- The Board has approved claims 572593 to 572622 in the amount of \$33,798.96
- The Board has approved claims 572345 to 572385 in the amount of \$41,536.09
- The Board has approved claims 572664 to 572664 in the amount of \$7,447.35
- The Board has approved claims 572504 to 572545 & 572566 in the amount of \$56,355.66

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Joshua Jameson, Heavy Equipment Operator
- The Board approved an employee status change form for Eric Savadow, Programs Manager

#### APPROVE LIQUOR CATERING PERMIT

- The Board approved a liquor catering permit for Slick's Bar for use on April 8 through April 10, 2021 for a catering event.

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

The Board met today at 9:35 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker reviewed the following items with the Board:

- He has been helping the Assessor in getting word out about issues at the DMV surrounding the state system.
- He has received information from the department heads for the State of the County project but nothing from the elected officials yet. Commissioner White suggested Mr. Decker reach out to the EOs with projects he's helped with over the past year in the hope of getting some forward momentum. Mr. Decker thought it might be helpful to have a meeting with the Board to create an outline of how the presentation should look. Commissioner Van Beek would also like to create a video; Mr. Decker indicated he has the equipment and knowledge to do that.
- Commissioner Smith asked Mr. Decker to work with Kate Dahl in Development Services regarding community outreach for the comprehensive plan.
- National Day of Pray is upcoming and the Board is okay with people gathering in either Justice Park or at the flagpole in front of the courthouse. Mr. Decker will relay that information to the representative.
- He has been working with David Loper to notify the public about the landfill being closed the July 4<sup>th</sup> weekend. Discussion ensued regarding a PSA being put out to local media about the closure; Mr. Decker said he would collect information to determine cost.
- Commissioner Van Beek has invited him to the mock run-thru of the Upon Death Flow chart meeting which will take place next week. She has asked Mr. Decker to provide objective input that can be used when meeting with the funeral homes at a later time.
- The Board would like to see an advertising line included in Mr. Decker's budget when they are submitted next month.

The meeting concluded at 10:07 a.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 25, 2021

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:

- HUB Industrial Supply in the amount of \$1210.50 for the Solid Waste Department

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:46 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White, Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-462; 2021-465; 2021-524; 2021-357; 2021-464.

Case no. 2020-9 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue a final approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

*Note for the record: As properly noticed the Board met today at 10:00 a.m. for a legal staff update. 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 COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner White made a motion to go into Executive Session at 10:01 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 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, Prosecutor Bryan Taylor, Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter, and Carl Ericson and Blake Hall with ICRMP. The Executive Session concluded at 11:18 a.m. with no decision being called for in open session.

## MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 26, 2021

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

## MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:47 a.m. to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Treasurer Tracie Lloyd (left at 8:49 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing Treasurer's tax charge adjustments by PIN for February 2021:*** Treasurer Lloyd reviewed numbers to be adjusted off as \$75,930.30 for 2018, \$48,429.67 for 2019 and \$49,100.26 for 2020 the majority of the adjustments are due to a district court ruling for Twin Islands LLC



which the Board was informed of prior to today's meeting. The adjustments are the administrative end to be written off due to previous decisions made by the Board. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for February 2021.

***Consider signing resolution granting a transfer alcoholic beverage license to Lakeshore Market:*** There is concern about the question on the application regarding proximity to a church. Commissioner White made a motion to continue the action item to 10:30 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:33 a.m. to consider action items. Present were: Commissioners Keri Smith and Pam White, Commissioner Leslie Van Beek (joined at 10:35 a.m.), Deputy P.A. Brad Goodsell and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution granting a transfer alcoholic beverage license to Lakeshore Market:*** This action item was continued from 8:45 this morning and Commissioner Smith said the information has been reviewed. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a transfer alcohol license to Lakeshore Market (see resolution no. 21-034).

***Consider signing notice of Sole Source Procurement of Kenworth/Cobalt Service Truck from Kenworth Sales Company:*** Mr. Goodsell explained that this is just the notice required for sole source in order to notify the public of the opportunity to offer comment. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of sole source procurement of Kenworth/Cobalt Service Truck from Kenworth Sales Company.

The meeting concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – TRAILS END SUBDIVISION SHORT PLAT, CASE NO. SD2020-0034

The Board met today at 9:01 a.m. to conduct a public hearing in the matter of a request by Duane & Lora Darbin for approval of a preliminary plat and final plat for Trail's End Subdivision, Case No. SD2002-0034. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, DSD Planner TJ Wellard, Duane Darbin, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she assisted the Darbins in the rezone hearing, and, they are the step-grandparents to her children but that will not impact her

decision today. Jennifer Almeida gave the oral staff report. The property consists of 9.81 acres and will be developed into two (2) residential lots in a "CR-R1" (Conditional Rezone/Single Family Residential) zone. Keller and Associates has reviewed the preliminary plat package for conformance with county code and is recommending it be approved. A road users' maintenance agreement has been recorded. Individual septic systems and wells will be utilized. The P&Z Commission recommended approval of the preliminary plat on January 7, 2021. Staff recommends approval subject to the conditions of approval. Following her report, Ms. Almeida responded to questions from the Board. TJ Wellard testified in support of the request. There is an existing residence on one of the lots, and the new lot will be for the owner's kids. A powerline goes over the neighbor's property and so there is an overhang between the two properties. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the preliminary plat and final plat for Trails End Subdivision, Case No. SD2020-0034, and to delete finding no. 5 which erroneously references the property being located within an impact area. The hearing concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO     MARCH 29, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Valmont Industries, Inc. in the amount of \$5,500.00 for Canyon County Sheriff

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

*Note for the record: As properly noticed the Board met today at 8:31 a.m. for a meeting with the Director Development Services. A request was made to go into Executive Session as follows:*

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

Commissioner Van Beek made a motion to go into Executive Session at 8:32 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Assistant Plans Examiner Stephanie Hailey. The Executive Session concluded at 8:55 a.m. with no decision being called for in open session.

PUBLIC HEARING – REQUEST BY M&T RANCHES, LLC, FOR A REZONE AND PRELIMINARY PLAT  
APPROVAL OF COUNTRY SAGE RANCHES SUBDIVISION, CASE NO. RZ2018-0036 AND SD2018-0031

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by M&T Ranches, LLC, for approval of a rezone and a preliminary plat with irrigation and drainage plan for Country Sage Ranches Subdivision, Case No. RZ2018-0036 and SD2018-0031. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Penelope Constantikes, Clint Davison, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The applicant, Riley Planning Services on behalf of M&T Ranches, LLC, is requesting a zoning map amendment (rezone) of Parcel R38215010B from an "A" Zone (Agricultural) to an "R-1" Zone (Single Family Residential). The request includes a preliminary plat with irrigation and drainage plan for County Sage Ranches Subdivision, a 30-lot subdivision. The 40.81-acre property is located west of 12621 Purple sage Road, Middleton. The parcel was created by a land division that was subsequently divided without county approval; it does not have any building permits available and is currently used as farm ground. Mr. Lister reviewed the comments received by agencies and neighbors. On February 18, 2021, the Planning and Zoning Commission approved the rezone request, but denied the preliminary plat because the irrigation plan was not adequate due to the easement information which was not adequately shown on the plat; however, that has since been corrected. The P&Z Commission was also concerned with the lack of comment from the irrigation district and the lack of an identified traffic plan for this project. Staff contacted Black Canyon Irrigation District, however, they had no further comment. Staff is recommending approval of the rezone and the preliminary plat with conditions. Following his report, Mr. Lister responded to questions from the Board. Commissioner Smith would like the project to include curb, gutter and sidewalks. Mr. Lister said a neighboring developer said he had to connect to city services and he believes this project should have to as well. Penelope Constantikes testified on behalf of M&T Ranches, LLC. She noted the comprehensive plan designates this area as residential and said there is a lot of identical activity occurring in the area. The applicant will put in extended treatment systems so the nitrates are scrubbed out. They have gone through a full review with Canyon

Highway District and she's not sure they (the district) will want curb, gutter and sidewalks because these will be public streets so the improvements will be the responsibility of the highway district. Given the location and design of the site she is not sure those items will benefit the subdivision. Ms. Constantikes gave testimony regarding Purple Sage Road which she said is not operating at a dangerous level, it is under capacity at this time. There will be additional roadway added and as subdivisions come along more street capacity will be added and so it will have the room to expand when needed. The easement width is now at 50 feet and the drawings have been updated to reflect that. They did not include a landscaping proposal due to size of the lots. The project will not have starter homes; they will be custom homes and will support the local construction industry. The curve radiuses will be addressed with the final plat and the applicant will do what the highway district wishes. According to Ms. Constantikes there are lot sizes as small as .63 acres to the east of this project. She spoke about how extending sewer and water is very expensive and the applicant would have to double the lot count in order to support that. Sewer systems work best when looped and until more demand for sewer and water in the vicinity she's not sure how well it will work for the Middleton public works department. Commissioner Van Beek has concerns about traffic impacts and she asked about having a roundabout at Purple Sage Road and Emmett Road. Ms. Constantikes said her experience deals with trip generation and impact fees, but to her it sounds like it needs to be a 4-way stop. The applicant does not object to a traffic circle; they cannot do improvements on property they do not own. There was discussion about the amount of space curb, gutter and sidewalks would take up and according to Ms. Constantikes, the street improvements would consume 42 feet of the 60 feet. Following her testimony, Mr. Constantikes responded to questions from the Board. Commissioner Smith wants to have input from the City of Middleton and from the Canyon Highway District on internal curb, gutter and sidewalks. Clint Davison offered neutral testimony. He lives next to the subject property and is glad to know the Board wants to get additional input from the highway district and the City of Middleton because he has concerns with the traffic on Purple Sage Road as well as concerns about irrigation water. (The Board took a brief recess at 10:30 a.m. and went back on the record at 10:36 a.m.) Rebuttal testimony was offered by Penelope Constantikes. She said the Bureau of Reclamation and Black Canyon Irrigation District are immovable forces when it comes to delivery of water. The applicant will enclose and tile the lateral and there will be a complete restructuring of the water delivery system. With regard to traffic, she said the road is operating as it should, there is no alternative other than people driving carefully. She has spoken with City of Middleton representatives about this project, specifically about the sewer and water services but she has no idea why they didn't provide comments to staff. She has no objection to having further conversations with the highway district and the City of Middleton. Ms. Constantikes responded to the Board's follow-up questions. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the late exhibits identified as 12 & 13. Commissioner Smith wants to close public testimony related to the rezone and separate the rezone request from the subdivision request. The Board had questions for staff regarding interpretation of the ordinance and following that discussion Commissioner Smith said she is comfortable moving forward with the rezone although it makes her heart sad to develop farm ground, but, growth is imminent and this provides a needed variety of household opportunities for our community. There is a lot of work to do on the subdivision, but she is supportive of the rezone request and said the Board can provide adequate findings and conclusions for approval of the request. Upon the motion of Commissioner

Van Beek and the second by Commissioner White, the Board voted unanimously to close testimony on the rezone, Case No. RZ2018-0036. Public testimony will be left open the subdivision portion which will be continued to a date certain. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the findings of fact, conclusions of law and order for the rezone for Case No. RZ2018-0036 as presented by staff. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the ordinance directing amendments to Canyon County Zoning Map for Case No. RZ2018-0036. (See Ordinance No. 21-008.) Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue Case No. SD2018-0031 to April 12, 2021 at 9:00 a.m. in order to obtain information from Canyon Highway District and the City of Middleton regarding improvements for the subdivision. The hearing concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY HATCH DESIGN & ARCHITECTURE REPRESENTING MARSHALL DAVIS TRUST FOR A REZONE; CASE NOS. OR2020-0011 & RZ2020-0017

The Board met today at 1:20 p.m. to conduct a public hearing in the matter of a request by Hatch Design & Architecture, representing Marshall Davis Trust, for a rezone, Case Nos. OR2020-0011 and RZ2020-0017. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Victorina Mergurdio, Tim Tyree, Glenn Kaldhusdal, Theodor Savu, and Deputy Clerk Monica Reeves. Present via Webex: Jeffery Hatch, Tyler Nunes, Wade Willers, Christine Bowdish, Morgan Abrams, Matthew Abrams, and DSD Director Tricia Nilsson.

Dan Lister advised the applicant is requesting today's hearing be tabled because they want to add a development agreement so he recommended the Board proceed with the hearing and if it decides to proceed with a development agreement it can allow the applicant to apply for one and staff can re-notice the case for a new hearing. The Board decided to proceed with the hearing. Mr. Lister then gave the oral staff report. The applicant, Hatch Design & Architecture representing Marshall Davis Trust, is requesting a comprehensive plan map amendment to amend the future land use designation of Parcel R30731 from "Agricultural" to "Mixed Use". The request includes a zoning map amendment (rezone) from an "A" (Agricultural) zone to an "MU-A" (Mixed Use – Arterial) zone, which promotes a mix of residential commercial and industrial uses along principal arterials within an area of city impact which are designed in accord with adopted access management standards for state highways or arterials under the control of a local highway agency. The applicant's conceptual plan includes approximately 13 acres that are proposed for an RV mini-storage use; 5.2 acres along East Amity Road will be preserved for commercial-type uses; and approximately 10 acres will be left as agriculture. Currently there is a dwelling on the property which is being farmed and it consists of best to moderately suited soils. It is within a one-mile radius of a dairy operation. Mr. Lister reviewed the zoning in the area and noted the area is forecasted to have a lot of household growth. It is a nitrate priority area and shows signs of nitrates in the wells; they do not exceed the threshold, but some are very close to DEQ's threshold for nitrates in water. The City of Nampa and the Nampa Highway District will require a traffic impact

study, and a variance would also be required for commercial access to the site. The applicant has no objection to providing that prior to commencement of use. City water is approximately 1,000 feet from the property, and as part of the Britannia Heights development they would be able to possibly bring water over to service future uses. There was a review of the allowed uses in the "MU" zone, which could have some uses that could create a lot of changes to the area that's predominately agriculture at the moment. Mr. Lister reviewed the comments received by agencies and neighboring property owners. He said the Planning and Zoning Commission recommended denial of both requests, but their main concern is they wanted a development agreement that would limit the uses and be more commensurate with the area, and to have the applicant look at adding a condition to complete a traffic impact study if required, and to look at other opportunities to bring water to the site. According to Mr. Lister the P&Z Commission was going to table but it would take until July for a development agreement to come back. The applicant is in a time crunch to get this through so the P&Z Commission decided to deny it and let the Board decide if it needs a development agreement. If the development agreement was found to be okay it would not have to go back to the P&Z Commission, it could stay with the Board and save on process and time. Staff recommends the Board table this item and allow the applicant to submit a development agreement that would restrict the uses and provide more information about how to make it more commensurate with the area and the City of Nampa's forecast for that area to match the consistency of the existing area and also what is going to happen in that area. Without a development agreement staff is recommending the application be denied. Following his report Mr. Lister responded to questions from the Board.

**Testimony in support of the request was as follows:**

Jeff Hatch with Hatch Design and Architecture testified the proposed project has a range of uses. They have a couple commercial pads on the northern parcel along Amity Road. The majority of this was reviewed by the Nampa comprehensive plan and the intent of the MU-A zone to be complementary in uses and futures uses as utility annexation comes online. To the southwest with the density of housing in the area both current and projected, the proposed development has a self-storage facility with a range of flex spaces on the north which would provide more specialty storage for subcontractors, and recreational storage for boats and RV's, in a fortress-style which provides privacy to the neighbors with the buildings themselves versus having a short fence. They held three neighborhood meetings and gathered feedback. They will maintain the eastern 10 acres as agriculture, which has been reflected in the site plan. The request is consistent with the comprehensive plan and encourages commercial and residential development in a controlled and constructed manner. They removed the RV park along with the proposed amenities on the agricultural land and will maintain the existing land as agriculture which was a request from the neighbors. They increased landscape buffers on the western side of the property. There were comments from the neighbors in regards to fencing which is something they will provide. Mr. Hatch cited similar projects that were approved by the County in terms of agricultural lands that were rezoned. In agency comments and feedback the applicant did not find anything that was detrimental to the application. They agree with ITD that as the uses come online, especially along Amity Road, it will be very important to do a traffic impact study (TIS) to make sure they are maintaining proper flow and safety. The Nampa Highway District also wants a

TIS, which the applicant agrees with. In working staff and hearing from the neighbors at the previous hearing the applicant has established a draft development agreement as well as a metes and bounds legal description for the subdivision so that the rezone can be formalized in the development agreement. Through the agreement they restrict nuisance uses primarily focusing on noxious noise and odor concerns within those uses and they look forward to presenting that development agreement if the Board deems it appropriate. The P&Z Commission felt the use made sense but there were some approved uses in the "MU-A" that led to concerns from the neighbors as well as the Commission, and so the applicant felt a development agreement was an appropriate path to satisfy that request. The P&Z Commission recommended denial but they did have strong support for the applicant once a development agreement was established. The applicant originally submitted the application in May of 2020 and the process to get to a hearing was quite lengthy and took longer than anticipated. It gave them time to meet on several occasions with the neighbors and gather additional input for the refinement of the development and the application, but they feel this time would be better spent putting the development agreement together to refine the restrictions on the application itself. Commissioner Van Beek asked questions of Mr. Hatch regarding where his business is located, the status of the business ownership, plans for noise mitigation, the landscaping plan, the number of jobs created by putting in an RV park, and the hours of operation.

Wade Willers testified that he is the owner of the property and has had several meetings with the neighboring property owners and they have modified their plan. They were going to have an RV center facility where people could park their RVs, but the neighbors did not like that, so they have decided not to pursue that aspect of the plan. They have done some feasibility studies and said storage is a highly needed facility with the amount of growth the area has seen. The P&Z Commission advised that had they done a development agreement in the beginning they would have approved the application, but Mr. Willers did not know that. They want to implement the development agreement that keeps the community happy and at the same time provides a needed service in the area. Commissioner Smith asked questions of Mr. Willers regarding when he purchased the property and whether he has a site selector, and how he chose this site for purchase. Mr. Willers purchased the property last year and he does not have a site selector; he chose this site after looking at the Nampa overlays with the comprehensive plan and because it's in the path of growth.

Commissioner Van Beek asked if they are still leaving the application as a mixed use – arterial request? Mr. Willers said the site laid out will only be for RV storage. The east parcel will remain agricultural; the front two sites will be a mixed use. They have no plans for developing it anytime soon. It is for RV storage and self-storage.

Christine Bowdish stated she is in favor of the request but wants to give her time to Wade Willers. Mr. Willers testified that he and Christine Bowdish are the owners of the property and they are two private people who want to build a facility to serve a need in the area. They have done a feasibility study and it has revealed there is a deficiency of storage units in the area. Storage facilities are one of the lowest impacts to traffic of any commercial use. Amity Road is a busy road and it is going to be expanded for that reason. The facility will be fenced, secured, and monitored. They have planned for a buffer between the properties to the west. They have to provide fire access and will put up a landscape berm to have another screening between the facility and the

neighboring backyards. They are in the Nampa overlay zone and this use is what the overlay will be at the time when it's annexed. It is part of the master plan that's already in place for the area. They will continue to farm the 10 acres. When they were in the P&Z hearing that's when the development agreement was recommended to them, not any time before that so that's why they are seeking to do it to accommodate and adhere to the concerns of the surrounding communities.

**Testimony in opposition was as follows:**

Tim Tyree is an attorney representing V& L Ranches, Victorina Murgoitio and Lou Murgoitio, who are the owners of the farmland south of the project. This is a big application and the applicant will eventually need a conditional use permit, and the number of concessions the applicant must obtain for this project should tell you the project does not fit with the local community. He believes they are trying to avoid the full review of the project by adding a development agreement at this late stage. A lot of the concerns have not been addressed and even with an agreement the use will not fit within the area. The amendment is not compatible with the surrounding use which is predominately agriculture along with some residential. According to Mr. Tyree, the application is not properly before the Board. The applicant is only a minority interest owner in this property; the property is owned by three other different trusts with an address of Las Vegas, Nevada. The applicant has resisted bringing water to the area and storage units are a notoriously dangerous fire hazard and if they don't bring water to the area there could be thousands of acres being overrun by fire. They will want a sewage dump with the RV storage. There are over 500 potential sites for the RV's, if just one-third of those sites go out on one week, you'd get the equivalent of 24 homes on sewer in a nitrate area. This is a class 1 soils area and the applicant intends to pave it. A traffic impact study is not mandatory but if the application is approved with the condition of a development agreement he wants to see one. Mr. Tyree responded to questions from the Board following his testimony.

Victorina Murgoitio testified that she is one of the owners of V&L Ranches and she resides in Boise. She purchased the property a couple years ago and the biggest issue she has with this project is location. It is fragmenting the agricultural landscape by increasing urban development which limits ability to achieve an efficient scale of operation. She moves farm equipment and is very worried about traffic in the area. The close proximity to nonfarming neighbors will increase vandalism, theft, littering, trespassing, and stress. The proposed agricultural sector that they want to retain next to a commercial development is comparing apples and oranges. There is no access; will they go through their commercial development to access the agricultural ground? She is hoping the Board denies this request. Commissioner Van Beek disclosed that her husband has known the Murgoitio family for a number of years through their farming background. She asked questions of Ms. Murgoitio about her plans for her property.

Glenn Kaldhusdal testified that he owns 40 acres across from the development and his biggest opposition to this project is traffic. Development around farm ground needs to be properly fenced. Neighbors on the west have water rights and they need to have access to those rights. He spoke about the problems he's experienced with his water rights from the Britannia Heights development.



Theodor Savu testified he owns property next to the subject property and he has concerns about the impact to traffic in the area and the lack of a consistent plan. He wants privacy fencing of the commercial property, and he wants to keep his water rights along the border of the property.

Tyler Nunes lives near the subject property and he opposes this plan due to the following concerns: traffic, disturbance to the neighbors and agricultural operations, and negative impacts to agricultural operations.

Rebuttal testimony was offered by Jeffery Hatch who said the majority, if not all, of the concerns stated in the public testimony can be covered in the development agreement. One of the largest issues he heard was the need and desire to preserve water rights. In the proposed development agreement, they are proposing to connect to city water services to preserve the neighbors' water rights and to help with the infrastructure and safety concerns. They are fine with language in the agreement that would ensure that any historic waterways on site are maintained from their entrance and exit points on the facility. The majority of the site is not desirable for agricultural land use; the soils report showed they hit bedrock at two feet and sustained that in various areas on the site. He feels a commercial use would be a more prudent use. They do not propose to be renting RV's at the facility. Part of the neighbors' concerns about the proposed RV park dealt with dump stations, maintenance, noxious odors, etc. For a storage facility they do not need those things so they are not proposing them at this time. They will provide privacy fencing along the western side of the development and they are happy to memorialize that in a development agreement.

Commissioner Smith asked Dan Lister questions about the staff report. Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to close public testimony. The Board's deliberation was as follows:

Commissioner Van Beek said she has read through this case with a lot of interest and an agricultural background and she appreciates the testimony by all parties. Sometimes it's a timing issue and in this case, she is going to uphold the P&Z Commission's decision to deny the application and find support for Mr. Tyree's statements that even with a development agreement this is not consistent with the area. She said the Board is charged with 8 or 9 different components for the findings of fact, conclusions of law and order (FCO's) on which to base a decision and in the ordinance, they find there has to be an agreement to find for all of the articles or it automatically goes to a denial. She referenced applicable comprehensive plan goals and policies. It is not compatible when you have residents and conflict with noise. There is the potential for 24-hour noise happening in this area and rather than trying to mitigate and put conditions on something sometimes it's just not the right decision. She finds support for Tim Tyree's testimony that new development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished. Even with a right to farm statement on a plat, because of the nature of agriculture it impairs their ability to continue the viability of farming. The answer is not right now because of what is surrounding that area. Mixing industrial and residential is

counterproductive for both parties. There are compatibility issues, and the agriculture component takes precedence.

*(Morgan Abrams joined via Webex at 2:52 p.m., after public testimony was closed. Matthew Abrams joined later as well.)*

Commissioner White said although there has been talk of making Amity Road a five-lane road there is no funding for it and therefore it has not reached the planning phase. Nearby subdivisions have RV garages and that's becoming more common. Traffic in the area is a nightmare with long lines of vehicles backed up. She did say she appreciates they won't have a dump station for RV storage, but she does not feel the area is ready for this proposal. Even if the timing was right, the location is not. She does not support the request because it's not in the interest of compatibility, safety, or quality of life, and, because the area is predominately agriculture.

Commissioner Smith recommended the following changes to the comprehensive plan map amendment FCO's:

In A: The conclusion should state the proposed use is not in conformance with the Canyon County Comprehensive Plan, however it is with the Nampa plan and staff should include a finding for that, specifically removing the policies that support the request in favor of the promotion of agriculture.

In E: She recommends adding the testimony on the concerns for water and sanitary and the lack of city services needed for an MU zone. There are many listed uses under the M-1 zone, if we try to just look at the zone, not the RV facility, the zone itself is not compatible because of the services that are not available.

In F: The last sentence states the affected agencies did not oppose the request, but it should also be noted this is in a nitrate priority area and that is a concern for surface and groundwater having growth in those areas.

With those changes to the FCO's she recommends a denial for the comprehensive plan map amendment.

Commissioner Van Beek made a motion to deny Case No. OR2020-0011 for a comprehensive plan map amendment with Chairman Smith's recommended changes to the FCO's (noted above). The motion was seconded by Commissioner White and carried unanimously.

For the FCOs' for the rezone application, Commissioner Smith recommended the following:

Criteria A should be changed to state the proposed zone change is not consistent with the Canyon County Comprehensive Plan and is in general conformance with the Nampa comprehensive plan. She asked staff to mirror the language in the comprehensive plan findings.

Criteria B should be changed to state the zone amendment is not more appropriate than the current zone of agriculture, and staff should remove the words *subject to a development agreement*, and to include a finding that supports that with average lot size and specifically the very predominate use of agricultural uses south of Amity Road. She wants language stating the city services are not available.

Finding G should be changed to state that agricultural uses should remain. There is plenty of information about traffic but it was not substantiated with any facts so staff should address that.

Dan Lister asked if the Board wants to list any action the applicant can take to obtain approval? Commissioner Smith said perhaps when they can annex into the City of Nampa and it becomes more of a community use and when change happens in that area and when public services become available. Commissioner Van Beek supports that. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to deny the rezone for Case No. RZ2020-0017 with the amendments to the FCO's as stated on the record. The FCO's will be brought back at a later date. The hearing concluded at 3:12 p.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO MARCH 30, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Jenna Gaines, Sr. Admin Specialist

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- SHI, Inc. in the amount of \$27,863.58 for Information Technology Department

#### APPROVED CATERING PERMIT

The Board approved Idaho Liquor Catering Permits for Raising Our Bar to be used 4/24/21 for Lewis Wedding; Raising Our Bar to be used 4/17/21 for Abner Wedding; Raising Our Bar to be used 4/16/21 for Stine Baugh Wedding; Raising Our Bar to be used 4/15/21 for PC Maintenance Event; Raising Our Bar to be used 4/11/21 for Still Water Open House; Raising Our Bar to be used 4/3/21 for Tellez Wedding

#### MEETING TO DISCUSS PROPOSED GUIDELINES

The Board met today at 8:45 a.m. to discuss proposed guidelines. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Other interested citizen, Director of Juvenile Probation Elda Catalano (arrived at 8:54 a.m.) and Deputy Clerk Jenen Ross.

Commissioner Van Beek has created a preliminary guideline for the FY2022 budget which is on file with this day's minutes. The Board reviewed several of the lines and adjusted the language as necessary. The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell (left at 9:08 a.m.), Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Director of Juvenile Probation Elda Catalano (left at 9:07 a.m.), other interested citizens and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing Canyon County agreement with DocuSign for Juvenile Probation:*** An updated quote has been received which includes a slight cost savings. The contract is year-to-year with minimal legal risk. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreement with DocuSign for use by Juvenile Probation and Juvenile Detention (see agreement no. 21-012).

Mr. Goodsell provided an updated script for the property auction that will happen at 10:00 a.m. today.

#### EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*Note for the record: As properly noticed the Board met today at 9:03 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:09 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters concerning

named personnel, records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy P.A. Mike Porter. The Executive Session concluded at 10:12 a.m. with no decision being called for in open session.

At the conclusion of the executive session Mr. Wesley explained that there are 7 employees with dependent care savings accounts that would normally expire tomorrow. The CARES Act automatically rolled over the medical savings accounts but only gave the option for dependent care accounts. HR would like to allow those 7 dependent care accounts to run on the same timeframe as the medical accounts, allowing them an additional 6 month to draw on those funds. There is no expense to the county, these are funds that are contributed to by individual employees. The Board is in support of allowing the account deadlines to be extended the additional 6 months.

The meeting concluded at 10:13 a.m. An audio recording is on file in the Commissioners' Office.

#### SURPLUS PROPERTY AUCTION

The Board met today at 10:14 a.m. to conduct the surplus property auction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Brad Goodsell, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Deputy Treasurer Addie Delaney, Director of Indigent Services Yvonne Baker, Indigent Case Manager Jenniffer Odom, Other interested citizens, Deputy Clerks Monica Reeves and Jenen Ross.

The following parcels were sold:

#### **PARCEL #1 – REDEEMED PRIOR TO TAX SALE**

PIN: 00780000 0

ADDRESS: 1420 LaCresta Avenue, Caldwell, Idaho

#### **PARCEL #2**

PIN: 18973010 0

ADDRESS: E. Stewart Avenue, Parma, Idaho

BID AMOUNT: \$4,410

BUYER: Emily Watson, Rown Investments, LLC

#### **PARCEL #3**

PIN: 19570000 0

ADDRESS: 207 E. Park Avenue, Parma, Idaho  
BID AMOUNT: \$ 20,200  
BUYER: Emily Watson, Rown Investments, LLC

**PARCEL #4**

PIN: 27207000 0  
ADDRESS: 20167 Apricot Lane, Caldwell, Idaho  
BID AMOUNT: \$39,500  
BUYER: Yuriy Sholotyuk, Overland Tree, LLC

**PARCEL #5**

PIN: 33932000 0  
ADDRESS: 10112 Iris Drive, Middleton, Idaho  
BID AMOUNT: \$87,500  
BUYER: Nick Kuzmenko, K2 Express, LLC

**PARCEL #6**

PIN: 35368013 0  
ADDRESS: 0 S. 21ST Avenue, Caldwell, Idaho  
BID AMOUNT: \$9,600  
BUYER: Yuriy Sholotyuk, Overland Tree, LLC

Once payment is received for the parcels the Board will schedule the signing of the quitclaim deeds. The meeting concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:19 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider Planning and Zoning Commission appointments and organization:*** Commissioner Van Beek moved on a motion to approve the reorganization of Canyon County Planning & Zoning Commission with the removal of John Carpenter and Sandi Levi. The motion was seconded by Commissioner White and carried unanimously. Copies of each letter are on file with this day's minutes.

Mr. Wesley presented a letter to FEMA for Board signatures. A copy of the letter is on file with this day's minutes.

Commissioner Smith asked about scheduling a meeting with Kate Dahl regarding the comprehensive plan update to make sure she is on track with the schedule and for the Board to provide input. An updated copy of the comprehensive plan has been sent out and Commissioner Smith feels it's really important for the Board to review that as soon as possible in order to provide comments. Director Nilsson will have Ms. Dahl attend the regularly scheduled update meeting next Monday. Additionally, Commissioner Smith, Director Nilsson and Zach Wesley will meet with Roger Batt regarding the winery draft ordinance and then the information will be brought back to the Board.

The meeting concluded at 1:24 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS CANYON COUNTY BOARD OF COMMUNITY GUARDIANS

The Board met today at 1:31 p.m. to discuss the Canyon County Board of Community Guardians. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell, Deputy P.A. Doug Robertson, TCA Doug Tyler (arrived at 1:40 p.m.) and Deputy Clerk Jenen Ross.

Mr. Goodsell gave a review of the role of the Board of Community Guardians play in the community and explained they really are a county entity. He gave a brief review of the role of the Community Guardians stating that they provide legal guardianship for adult residents in the county who would otherwise not have support from friends or family and are unable to support themselves.

The Canyon County Board of Community Guardians was established in 1987 when the legislature set out criteria in law which says Board can be established by individual counties or multiple counties can get together to jointly establish a board. Included in the criteria is a provision stating that when the Board is appointed it allows them to collect a \$25 monthly payment in order to cover costs.

Commissioner Smith asked how people find out about Claire Roper and the Community Guardians. Mr. Goodsell said that often it's by happenstance. Care centers have her contact information which is where these cases typically come from. Although Ms. Roper is not an official Board member she has volunteered since the beginning. Ms. Roper has been an outstanding volunteer for all of these years and a luxury for the county to have but there is going to be a point when Ms. Roper will need to retire and a contingency plan needs to be in place. She has acted as the management of the organization doing the day-to-day tasks, however, Ms. Roper is 91 years old and an official manager needs to be put in place.

Mr. Goodsell spoke about the \$25 fee that can be collected for each case and how over the year the Board of Community Guardians have built up a fairly significant fund, he believes it to be over \$20,000. Currently the fund is not under county administration which is part of the reason for today's meeting. With this being a county entity, the funds are not being controlled as they would be as a county fund. In response to a question from Commissioner Smith, there was conversation regarding state statute and where this organization may fall under the county structure.

Discussion ensued regarding the great work Ms. Roper has done and the years of service she's dedicated to the Board of Community Guardians. Clerk Yamamoto would like to see Ms. Roper recognized for her service.

The next steps would include generating a job description and creating a budget to be considered in the FY2022 budget process. General consensus is that there needs to be a manager within the county to oversee the organization. Clerk Yamamoto thinks it makes good sense for this kind of position to fall within the Indigent Services department, not as a Board member but as a manager. Mr. Goodsell pointed out that another advantage of this falling under Indigent Services is that the staff in that department are already well versed in public programs. Controller Wagoner said there are currently two vacant but funded positions in the Indigent Services department. He asked that if this organization comes under the county that their accounting and funds would also need to be managed by the county, a trust fund could be created so that those monies would be separate from the county budget.

Mr. Laugheed asked about the timeline; Mr. Goodsell said he believes the critical items are getting a job description and a budget prepared. Mr. wagoner said that a budget can be adjusted during the year if the need presents itself and timing is such that it needs to happen before October 1.

At some point there will be an action item for the Board's consideration but in the meantime a job description will be created and budget developed.

The meeting concluded at 2:02 p.m. an audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS BUDGET PREPARATION

The Board met today at 2:05 p.m. to discuss budget preparation. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

General discussion revolved around the timeline for budget submissions and presentations. This year the Board would like a more complete view of the requests of their Department Heads before their budgets are presented by the Clerk and Controller. Some of the details outlined include the following:



- By statute budgets are due to the County Clerk by May 17<sup>th</sup>
  - Other key dates include:
    - Presentation of the suggested budget by August 2<sup>nd</sup>
    - The Board must finalize a tentative budget for publication by the 3<sup>rd</sup> week in August
    - The final budget presentation must be completed by September 7<sup>th</sup>
- Meeting with outside agencies requesting funding to take place prior to mid-May
  - It was decided that the week of May 10<sup>th</sup> would be held for meetings with the outside agencies
- 4-day budget workshops to happen sometime around mid-June where all departments and Offices, along with the Clerk and Controller in attendance, can present their un-balanced budget to the Board giving everyone the opportunity to hear the information at the same time; everyone is welcome to stay for the duration of the 4-days in order to “compete” for the budget dollars if there are competing interests.
- Clerk’s suggested budget to be presented once Board of Equalization closes, sometime after July 12<sup>th</sup>.
- Clerk’s tentative budget to be completed before the end of July
- Discussion ensued regarding the possibility of notifications being sent to Offices, departments and outside agencies of approved and/or unapproved budget items

The meeting concluded at 3:04 p.m. An audio recording is on file in the Commissioners’ Office.

#### MARCH 2021 TERM

CALDWELL, IDAHO    MARCH 31, 2021

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

*The Commissioners attended Board of Equalization training in the public meeting room of the Administration Building. No Board action was required or taken.*

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Nemo Q in the amount of \$3,547.00 for Information Technology Department and the Assessor's Office

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Mike Barclay, Lead Investigator in the Public Defender Department.

#### CONSIDER SIGNING RESOLUTION AUTHORIZING THE ISSUANCE OF QUITCLAIM DEEDS TO SUCCESSFUL BIDDERS AT THE MARCH 30, 2021 AUCTION OF SURPLUS PROPERTY

The Board met today at 11:38 a.m. to consider signing a resolution authorizing the issue of quitclaim deeds to successful bidders at the March 30, 2021 auction of surplus property. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Brad Goodsell, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Deputy Treasurer Addie Delaney, and Deputy Clerk Monica Reeves. Mr. Goodsell said the resolution memorializes the results of yesterday's auction and authorizes the issuance of quitclaim deeds those who were successful bidders and who paid. One person decided not to pay for the parcel the bid on (Parcel #2). Apparently, there was some confusion about what they were trying buy, which is why we have disclaimers within the notice and the preauction statement. He added language in the last paragraph to deal with the issue which states where payment has not been received no deed will issue and the Board will later consider actions to be taken regarding those properties. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution authorizing the issuance of quitclaim deeds to successful bidders who paid at the March 30, 2021 auction of surplus property. (Resolution No. 21-035.) The Board issued quitclaim deeds as follows:

Overland Tree, LLC  
Parcel No. 27207000 0

Overland Tree, LLC  
Parcel No. 35368013

K-2 Express, LLC  
Parcel No. 33932000 0

Rown Investments, LLC  
Parcel No. 1957000 0

The meeting concluded at 11:42 a.m. An audio recording is on file in the Commissioners' Office.

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

---

Commissioner Leslie Van Beek

---

Commissioner Keri K. Smith

---

Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

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

APRIL 2021 TERM  
CALDWELL, IDAHO     APRIL 1, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 572692 to 572718 in the amount of \$10,840.14
- The Board has approved claims 572744 to 572766 in the amount of \$64,333.20

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Carolina Software, Inc. in the amount of \$2,796.00 for Information Technology Department

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

The Board met today at 8:49 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-468, 2021-471, 2021-451, 2021-428 and 2021-466. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days.

Liens were presented for Board signatures.

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

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

The Board met today at 9:06 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, Sheriff Kieran Donahue (left at 9:36 a.m.), Chief Deputy Sheriff Marv Dashiell, Captain Harold Patchett, Captain Mike Armstrong, Lt. Martin Flores, Lt. Dale Stafford, Deputy P.A. Mike Porter and Deputy P.A. Jenen Ross.

***Consider signing a notice of Sole Source Procurement for a thermal imaging KIOSK for use at the Dale Haile Detention Center:*** Mr. Porter requested to continue this to April 6, 2021 in order for more information to be collected. Commissioner Van Beek said she would like to have the Facilities Director involved in this and has a lot of questions she needs answers to before she can move forward. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue this action item to April 6, 2021 at 9:00 a.m.

***Consider signing a notice of Sole Source Procurement for PIPS Technology IRIS multi-lane license plate reader cameras:*** Mr. Porter said this is simply a notice to be published in the newspaper letting the public know that the Board is considering procurement of these cameras. He has spoken with Sheriff Donahue and Captain Armstrong about this and believes the purchase legally fits under the sole source procurement. This is a two-fold project – there is the equipment and then an electrician to install the equipment. His understanding is that funding for this project is coming from a grant and does not affect the county budget, this information was confirmed by Sheriff Donahue. Captain Armstrong explained that the license plate project has been worked on for the last few years and is a cooperative effort. Canyon County is part of the Oregon/Idaho HIDTA (High Intensity Drug Trafficking Area) and as part of an investigative and public safety tool cameras would be installed in various locations throughout the Treasure Valley. The information from vehicles passing thru the location will feed into a server hosted by Post Falls Police Department. The project is funded by a grant thru HIDTA which has already been accounted for in the budget. Captain Armstrong spoke to the reason for sole source explaining that the server used by Post Falls requires use of these particular cameras with the goal of Post Falls becoming the NW hub for license plate readers. Based on the budgeted amount 5 cameras would be purchased for this phase of the project. Sheriff Donahue explained that the most beneficial and crucial aspect of these cameras is to aid in the search for exploited and missing children. In response to Commissioner Smith's question, Captain Armstrong said there will be another agreement coming thru for data on the servers with Post Falls. Sheriff Donahue explained that the HIDTA program is well funded and as time goes on they would look to acquire more cameras in this part of the state. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of sole source procurement for PIPS Technology IRIS multi-lane license plate reader cameras.

***Consider signing a memorandum of understanding with Idaho Transportation Department to install PIPS Technology IRIS multi-lane license plate reader cameras on ITD structures:*** Mr. Porter explained this portion is in conjunction with the previous discussion. The last to sign the document will be ITD which will trigger the start of the program. Signing this today will keep the project moving forward in the most efficient way possible. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the MOU with ITD to

install PIPS Technology IRIS multi-lane license plate reader cameras on ITD structures (see agreement no. 21-013).

As part of the legal staff update the Board has asked for a legal interpretation regarding an easement issue that will be heard in a land use hearing tomorrow. Mr. Porter said he will pass along a message to Mr. Wesley for additional clarification.

Commissioner Smith would like to speak with Mr. Laugheed regarding code enforcement and wanted to know if there was any new information in regard to the American Rescue Plan and the emergency declaration.

Mr. Porter said there is a meeting scheduled for Monday in regard to the HR/personnel matter and they should have some information to share with the Board after that meeting.

Commissioner Smith said there also needs to be further discussion regarding replacement of members on the P&Z Commission.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:40 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (i) regarding personnel matters and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy P.A. Mike Porter. The Executive Session concluded at 9:57 a.m. with no decision being called for in open session.

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

MEETING TO DISCUSS FAIR EXPO BUILDING FUNDING

The Board met today at 10:02 a.m. to discuss Fair Expo Building funding. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Fair Director Diana Sinner, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. Director Navarro said there were four bids from competitive contractors invited to bid on this project, the selected bid came in at \$7.2M. There were some add alternates on the project that could be funded from the \$2.4M in URA monies allocated to the county, however URA monies can only be used for infrastructure, not on the actual building. Before the bids were received there was an addendum phase, one of the questions received was in regard to alternate substitutions for some of the big-ticket items. There have been some unofficial conversations with the apparent

low-bid contractor to see if there are any cost savings to the county with about \$150K worth of items being identified. Additionally, lumber prices are escalating quickly so they are looking at alternatives of plastic/wood combination solutions or aluminum that looks like wood. There is a meeting with the architect and builder set for Monday to evaluate alternate solutions. It is believed that collectively the project is about a \$10M project, subtracting out URA dollars and available funds from the sale of the Agri-plex property, the project is about \$5.5M to \$5.6M short. Mr. Navarro said he met with the contractor recently and they have indicated that they would like to lock in the price of the metal building because costs are increasing so rapidly and because of that he anticipates that there will be a change order for cost changes. Commissioner Van Beek spoke to the potential cost saving measures being only about 1% of the total project. Director Navarro has concerns that reducing the overall esthetic could impact rentability or the ability to rent to multiple parties at the same time, he feels that there is really only one shot at getting this right. Director Sinner shares Director Navarro's concerns and is worried that the savings will have a negative impact in the long run. This is the only exhibit type building that will ever be built so her priority has always been to do it right the first time. Commissioner Van Beek said she is still in favor of building this building in a way that was agreed to with the City of Caldwell. In response to comments from Commissioner Van Beek, Controller Wagoner said that the fair has its own separate levy, there is a levy on property taxes specifically for the county fair fund. Mr. Wagoner further clarified that there is a separate fund for the county fair where property tax money that is levied specifically for the fair is maintained. Revenues generated by the fair go into that fund and expenses associated with the fair come out of that fund.

Director Navarro believes that once the order is placed for the building it will be about a 4 month wait time and suspects that the contractor would have to pay at least 50% upfront. In the meantime, all the flatwork, sewer, water supply lines and power can be done by September 30<sup>th</sup>.

Commissioner White asked if funds from the American Recovery Act can be used for this project as she feels this would be for the betterment of the citizens. Clerk Yamamoto said that he and the Controller sat thru a webinar yesterday that discussed the ARA but there was no pertinent information provided and at this point no one knows yet how the money can be applied. Commissioner Smith believes that the money can be spent on tourism and this building will promote tourism.

Based on Director Navarro's estimated numbers, Commissioner Smith believes the project will be approximately \$2M short this year. She asked what the impact would be if \$2M was taken from fund balance. Clerk Yamamoto said that due to the situation with the federal government it is something that he believes could be done but he has concerns about how late in the project this discussion is happening.

Commissioner Van Beek asked Clerk Yamamoto his thoughts on the ability to charge fair market rates to recover the costs, if the county is allowed to charge fair market since this building will be considered a premier venue of choice. Clerk Yamamoto said that's an extremely slow payback and his concern is not down the road, it's now. In his opinion he would like for his office to have the opportunity to review the numbers and give the Board an evaluation of what can be done to keep

the county whole, keep the contingency at 33%. Controller Wagoner said that currently the county is at about 40% contingency.

Controller Wagoner said that this project needs to show fully funded in one fiscal year so the budget would need to be opened in order to make formal adjustments. He said that due to receiving COVID related monies the budget was going to need to be opened anyway and suggested opening the budget to make necessary adjustments to this point. Directors Navarro and Sinner said that the budget adjustment will need to happen before any contracts can be signed. The Board is in favor of scheduling a meeting to open the budget for adjustments and staff will work with the Clerk's Office to coordinate.

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

#### CONSIDER SIGNING RESOLUTION TO ADOPT THE CHANGES TO THE TITLE AND SALARY OF ONE POSITION IN THE DEVELOPMENT SERVICES DEPARTMENT

The Board met today at 1:32 p.m. to consider a resolution to adopt the changes to the title and salary of one position in the Development Services Department. Present were: Commissioners Keri Smith and Pam White, Controller Zach Wagoner, DSD Tricia Nilsson, HR Generalist Jennifer Allen, and Deputy Clerk Monica Reeves. Director Nilsson is requesting the change in order to promote a current Planner II who is already doing the tasks of a Planner III. Controller Wagoner said there be budgetary implications associated with this change because the position was budgeted as a Planner II. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the resolution adopting changes to the title and salary of one position in the Development Services Department. (Resolution No. 21-036.) The meeting concluded at 1:37 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:01 p.m. for a monthly meeting with the Weed and Gopher Superintendent to discuss general issues, set policy, and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Weed and Gopher Superintendent AJ Mondor, and Deputy Clerk Monica Reeves. Topics of discussion included the following:

- COVID reopening
- Weed abatement/code enforcement
- Update on map overlays for tracking of noxious weeds throughout the state



- Brief review of the weed and pest budget. There are plans to purchase a truck and a UTV. (The Board advised it will send budget guidelines will to department administrators.)
- Having a difficult time filling a seasonal position so he will re-advertise it at \$15 an hour.
- Request to attend Idaho Association of Weed Superintendents quarterly meetings which are scheduled to be held in Salmon, Coeur d'Alene and Riggins. He has \$3,000 budgeted for training and anticipates the costs for the three meetings fall within that range. The Board feels it will be worthwhile benefit for him to attend the meetings.
- Board wants to hear how code enforcement cases are going.

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

#### APRIL 2021 TERM

CALDWELL, IDAHO APRIL 2, 2021

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:

- Wall 2 Wall Flooring in the amount of \$18,700.00 for the Facilities Department

#### PUBLIC HEARING – REZONE REQUEST FOR HANS AND CONNIE HILL BRUIJN, CASE NO. RZ2020-0018

The Board met today at 9:02 a.m. for a continued hearing in the matter of the rezone request by Hans and Connie Hill Bruijn, Case No. RZ2020-0018. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, Hans and Connie Hill Bruijn, and Deputy Clerk Monica Reeves. Present via Webex: Colleen Clark, Kimbell Gourley, Mike Carter, and Mitchel Kiester. Today's hearing was continued from March 18, 2021 so that staff could research the access issue to the subject property. Jennifer Almeida reviewed the late exhibits that were submitted and reiterated that the 50-foot right-of-way was established in 1929. As noted by Nampa Highway District, this is not maintained by the

district and the access is described in deeds previously supplied to the Board. The north/south access to the property from Airport Road travelling south to the subject property is the access noted in the deeds. Staff is recommending approval of the request.

Testimony in support was as follows:

Connie Hill Bruijn testified she is focusing on well-supported legal access across the Kiester property to both parcels. Carolyn Kiester's ownership of the land the easement crosses is not in question. The easement runs with the land no matter who owns the land it is burdened on or is benefited by. The request has been approved by the P&Z Commission and everything the Bruins were instructed to do has been completed. There is a new redraw of Parcel R305880 and all of the land descriptions demonstrate it is subject to all easements and rights-of-way of record or implied. This is a well-established roadway even though it's graveled. It's the 50-foot right-of-way easement from Airport Road just before the Rossen Ditch, it was established in 1929 and was added to the Kiester parcel in 2006. It is a deeded right of way to the Bruin, Schwisow, and Rogers properties. All legal documents for the history and the Bruin deeds from 1988 were previously submitted. It is not maintained by the highway district, but it's not by definition a private road or drive either because it occurred so long ago it did not fall under the need for specific government entities saying this is how deep it should be dug. There is a paved apron from Airport Road onto the gravel road. Mrs. Bruin reviewed basic easement law. This is a responsibility of maintenance because the easement owners have been harassed the last two months about any sort of maintenance, and in Idaho unless it is otherwise specified in the easement right-of-way documents the right and responsibility of maintenance belongs to the dominate estate and that would be the Bruins, Schwisows and Rogers. The duty of maintaining the easement rests with the easement owner, the dominate estate even when the servient estate uses the easement. The duty to maintain does not mean the easement owner is required to repair and maintain for the benefit of the servient estate. It has been an open and known and notorious road for a great length of time and has had continuous and uninterrupted use as a road for accessing homes, property, social family gatherings and agriculture business for over 90 years. The 50-foot easement on the Kiester property has been in use for all of these same purposes as the current use level for at least 45 years. By necessity it is the only right of access to property for four (4) families. They have no right to access Arabian Way and they have become very hostile if the Bruins do access it. Mrs. Bruin is requesting the rezone so her daughter can build on the property. Following her testimony, she responded to questions from the Board.

Hans Bruijn testified that on March 18<sup>th</sup> the change in characteristics of the area was mentioned by Mitch Kiester as a concern but no one changed the characteristics of the area more than the Kiester family when they sold a major part of their land to a developer who built Lexington Meadows Subdivision. Mr. Bruin did not testify against the subdivision because he believes in personal property rights and they were well within their rights to cash in on high property values and that's why he finds it ironic that the Kiesters, after turning their farmland into a subdivision, are now objecting to the Bruins adding a single home. He the increase in traffic is mainly because of the subdivision that added 35-40 families to the traffic on Airport Road. He is requesting the rezone so he can move his daughter and her family to the property.

Testimony in opposition was as follows:

Kimbell Gourley, the attorney representing Carolyn Kiester, testified in opposition to the application. He said it is important to separate the terminology that's being used back and forth about specificity. A public right-of-way is a concept as far as a public highway owned by a governmental agency such as the Nampa Highway District separate and apart from the concept of a public right-of-way is a private easement and they are not one in the same but they get used back and forth as if they are. That needs to be separated out when evaluating what exists and what does not exist. The deed from 1929 shows the grantor is Hugh McElroy and the grantee is Sohee. Nampa Highway District and no governmental entity is a grantee of that deed so there is no specific conveyance of a public highway or a public right-of-way to a governmental entity. The language does get confusing because it grants an easement to the grantee for the one parcel, which is not the Bruins parcel. Then it attempts to grant a public dedication for a public highway without there being a grantee or a recipient of that so what we have is a private easement that was granted pursuant to this deed to a parcel not owned by the Bruins, and then we have an attempted public dedication. A public dedication requires acceptance by a governmental entity, and the key point is that Nampa Highway District had to advise the Board as to whether it had essentially accepted this public dedication and it treated this as a public highway and what the district has communicated is that it did not accept this dedication nor does it treat it as public highway and it does not deem it part of the public highway system or roads it is responsible for. What we are left with is if you have a public dedication that failed then we don't have a public right-of-way. What you have is private easement that was granted pursuant to that deed, but not to the Bruins or the Bruins parcel. There may be an easement that exists on this property for the benefit of the recipient of that dominate estate but the issue is whether the Bruin's parcel has any right of easement. Mr. Gourley has not seen any document that creates that easement. We have to determine if an easement was ever created. Assuming we don't have a public dedication and assuming we don't have a private easement what Mrs. Bruin referenced is implied easements and prescriptive easements. Implied easements require all of the property was part of a larger parcel and the law will imply that some easement exists because the court does not like landlocked parcels, but there is nothing to establish where that implied easement by law would be created and there is nothing to say it would go across the Kiester's parcel. Prescriptive easements do exist and he does agree with the time period cited as far as 5 and 20 years, but prescriptive easements are narrowly construed and limited to exactly what was used and who used it and the quantity of use and so if we are looking to expand the use or establish what the width is he doesn't believe that works for purposes of what the Bruins are arguing. There does not exist a public dedication, or private easement or an implied or prescriptive easement. Commissioner Smith said this is an administrative land division in which the Kiester's applied, which includes a record of survey with their name on it and its acknowledged that there is a road right-of-way for that property and that it exempts a road right-of-way. Mr. Gourley said the deed from the 1920's clearly grants that easement to the grantee, but it was created for the benefit of one parcel and that parcel is not the Bruins. Commissioner Van Beek said the reality is the applicant acted in good faith and obtained what they thought were legal documents to have access to this property and by denying

them access to a real house on a real road and to state that the Kiesters will allow a granted access to the Lexington Meadows Subdivision but not to an additional house is troublesome to her.

Mitch Kiester testified they have not provided access to Lexington Meadows Subdivision; the subdivision has access through Arabian Way. His mother did not sell property to Lexington Meadows. This is not a public access, it has never been accepted by the Nampa Highway District. There is no maintenance agreement for this road. Mr. Kiester responded to questions from Commissioner Van Beek who asked why the Kiester family objects to having the Bruins maintain and improve that access if it would mitigate dust and provide improvement and benefit to four families? Mr. Kiester said they have never discussed that with the Bruins but that is something they would like to work through with their attorney. Mr. Kiester questioned why his mother should have to pay taxes for an improved road.

Connie Hill Bruin offered rebuttal testimony and clarified that they keep focusing on the fact that it's not a public highway but it still is a legal easement that is well documented on the deeds and it is appurtenant so it does not matter who owns the burdened property or who owns the benefitted property, the easement moves with it on the deeds. There is a clear paper trail that this is an express easement. She knows it's not a public road and she know that it must be maintained and she recognizes as the dominate estate that it is their (the three families on the dominate estate) responsibility. According to Mrs. Bruin, the property that was sold for Lexington Meadows Subdivision was Carolyn Kiester's mother's property. Following her testimony, Mrs. Bruin responded to questions from the Board.

Commissioner Smith asked legal counsel to give a summary. Zach Wesley said the questions before the Board is does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development? Has the applicant made a facially valid assertion that they have legal access to the property? With the documents that have been provided by the applicant they have passed that hurdle and made an assertion and have met their burden of proof. He said the questions we've heard over the last hour and the disputes about this access are appropriate for a district court to hear and if the parties want to resolve the issues with any finality a quiet title action should be raised by either party and they should get before the court to get a definitive answer.

Commissioner Smith noted that late exhibits 34-38 were admitted into the record. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said the criteria laid out by staff has been sufficiently met with the testimony provided today. Commissioner White agreed and said she supports the request. Commissioner Van Beek said the preponderance of evidence is weighted toward granting the application because the Bruins have presented the most favorable argument for their rezone request. She appreciates the testimony by the Kiesters attorney, but in her mind the pragmatic argument outweighs the philosophical argument on whether they have the right kind of access. Access is there and they have to have the ability to get to their property. She supports the application. Commissioner Smith said this application is supported by the comprehensive plan; it's in a highly residential area with residential uses many of which are rural

in nature which meet the intent and purpose of the rural residential zone. The use will not change the character of the area; adequate services and facilities are available; and we have clearly established that they have access to the property. The use will not negatively impact essential services with the limited use. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the findings of fact, conclusions of law and order for Case No. R2020-0018 and to approve the ordinance. (Ordinance No. 21-009.) The hearing concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 5, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 572767 to 572784 in the amount of \$17,045.62
- The Board has approved claims 572719 to 572743 in the amount of \$13,505.36
- The Board has approved claims 572665 to 572691 in the amount of \$22,801.44

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Daniel M Lister, Planner III
- The Board approved an employee status change form for Julio Luna, Hazardous Waste Screener/Heavy Equipment Operator

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Business Interiors of Idaho in the amount of \$1,405.18 for Court Clerks
- Mountain Home Auto Ranch in the amount of \$45,335.00 for Fleet Department

#### FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for January 2021 and February 2021.

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:35 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. Commissioner Van Beek wanted to discuss some upcoming action items on the Board's agenda, but Commissioner Smith said those items should be discussed on the record at the noticed date/time. There was also discussion regarding the draft budget guidelines letter that will be sent to all offices and departments in order to help clarify the process. There was also a review with staff on how action items are added to the Board's agenda. The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY COMMUNITY INPUT MEETING

The Board met today at 9:01 a.m. to conduct a monthly community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Kathy Alder, and Deputy Clerk Monica Reeves. Kathy Alder brought with her the latest published fund balance noting the ending balance of \$40 million which is an amazing balance. Mrs. Alder had the following suggestions for the Board.

- Look at a zero-based budget and see what is in the budget that can be eliminated. It seems budget are increased for certain items and then it never goes away.
- She is concerned about property tax values, but a tax shift is not the solution. She likes California's Proposition 13 because it makes it so that once you purchase your home your property taxes will not go up more than 2% per year. She wants to see the state revamp the way they do appraisals, but in the meantime the only other way to control it is through the budgeting process.
- She hopes the fees in the Development Services Department are paying for the whole program. (Commissioner Smith said they are, the department is operating in the black.)
- If the County receives federal money she would like to see it used on onetime purchases to stockpile things like fuel, light bulbs, filters, parks equipment, etc.

- Raise insurance premiums to make sure the County maintains the claims so it's not costing the taxpayers for the health insurance program.

Commissioner Van Beek said the Board is working on developing budget guidelines that would use the revenue allocation from last year as their starting point to build their budgets. We want to get the expenses and the services met and if we suggest that it would make people work really hard to have a detailed and tight budget because they know their salaries/promotions are based on having their B budget expenditures pretty close.

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

#### MEETING WITH THE CLERK AND CONTROLLER TO CONSIDER ACTION ITEMS

The Board met today at 10:03 a.m. with the Clerk and Controller to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White (arrived at 10:05 a.m.), Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, Facilities Director Paul Navarro, Elections Supervisor Haley Hicks (left at 10:11 a.m.), TJ Wellard (arrived at 10:16 a.m.), DSD Planner Dan Lister (arrived at 10:25 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider resolution designating obsolete personal property with no monetary value:*** Clerk Yamamoto explained these tables were used with the previous election equipment for ADA purposes. He said the tables are actually 4" too short (width-wise) for ADA compliance so he is unsure why Ada County wants them. Director Navarro said the equipment takes up a large amount of storage space and he would love to have them out of the warehouse. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating obsolete personal property with no monetary value (see resolution no. 21-037).

***Consider signing notice of publication of FY2021 budget adjustments:*** Controller Wagoner explained this is to publish notice in the paper to adjust the FY2021 budget. He said it's always the goal to operate within the set budget but things happen thru the year and sometimes adjustments need to be made. These adjustments will have no impact to the taxpayers, there is no increase to property taxes. Some of the adjustments will come from Coronavirus Relief Funds from the federal government and some come from cash, fund balance already in the bank. The following adjustments will be made:

- *Clerk, Auditor, Recorder and Elections:* \$111,000 increase from Coronavirus Relief Funds for personnel and operating costs to ensure a safe and health in-person voting experience in response to COVID-19
- *Emergency Management:* \$910,000 increase from Coronavirus Relief Funds for equipment, supplies and materials for the county's response to protecting public health and safety in mitigating COVID-19

- *Capital Investments:* \$4,900,000 increase for the construction of a Canyon County Fair Expo building
- *Motor Vehicles:* \$130,000 increase for additional customer service personnel
- *Development Services:* \$37,500 increase for one upgraded and one additional planner position
- *Trial Court Administrator:* \$12,000 increase from Coronavirus Relief Funds for personnel to assist with Zoom court functions in response to COVID-19
- *Consolidated Elections:* \$111,000 increase from Coronavirus Relief Funds for personnel and operating costs to ensure a safe and healthy in-person voting experience in response to COVID-19

The hearing to formally change the budget will take place on April 15<sup>th</sup> at 1:30 p.m. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of publication of FY2021 budget adjustments.

Controller Wagoner provided a review of the County Fair Fund. This fund is designed to separate Fair financial activities from other county funds. The county fair receives revenue from property tax along with fair specific activities which are deposited into the fair account/fund. There are also expenses that include personnel, entertainment among other things which are taken from the same fair fund. As of September 30, 2020, the fund balance in the fair specific fund was \$2.3M. A majority of that money is carryover from the sale of land a few years ago.

In response to comments from Commissioner Van Beek, Controller Wagoner said that in 2023 when the current urban renewal area sunsets it will be the choice of the county to increase the property tax collection, there is no automatic transfer of that tax to the county. Commissioner Van Beek believes it could be an option to stream monies that were going to urban renewal to a capital improvements fund which could be a way to subsidize that fund. Controller Wagoner believes the amount is around \$5M and that there should be some good conversations on the subject.

The meeting concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING FINAL PLAT FOR BARNES HOMESTEAD SUBDIVISION, CASE NO. SD2020-0025

The Board met today at 10:36 a.m. to consider signing a final plat for Barnes Homestead Subdivision, case no. SD2020-0025. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, TJ Wellard with Skinner Land Survey and Deputy Clerk Jenen Ross.

Mr. Lister gave a brief staff report stating that this application was before the Board on March 2, 2021 with seven conditions that were approved. Friday a list of the conditions and how they were met was provided to the Board. This is a one lot subdivision served by an approved private road



system. The applicant has provided evidence that the private road has been constructed to county minimum standards and all the plat notes and signatures have been placed on the final plat mylar and therefore staff is recommending that the Board sign the final plat today. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the final plat for Barnes Homestead Subdivision. The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:03 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Planner Kate Dahl and Deputy Clerk Jenen Ross. Commissioner Smith left the meeting at 2:59 p.m.

The following items were discussed:

- Jennifer Allen has made a couple of edits to the Planning Director position. Director Nilsson is looking for direction from the Board to Ms. Allen in order to get the salary range established and prepare a resolution for Board consideration.
- Commissioner Smith feels there is some necessary follow-up needed on the code enforcement issue. Director Nilsson said the big issue is the structure and establishing each persons' role. She feels it would be a good idea to get everyone together again for a meeting. Commissioner Smith asked if Eric Arthur could start a proposed flowchart for the different types of situations.
- Director Nilsson and Ms. Dahl attended the VRT meeting today and provided an updated to the Board. The on-demand ridership isn't performing well in Canyon County but they know the reason why. There are a couple of Canyon County vacancies on the committee and they are looking for nominations to fill those seats.
- Ms. Dahl provided an update on the comp plan stating that there are 9 workgroup meetings that need to be scheduled to discuss the final draft. Part of the issue is that there is a planner assigned to each workgroup and with their workload it has been difficult to schedule meetings. Ms. Dahl spoke about some other tasks that have prevented her from keeping on schedule with the workgroup meetings and comp. plan including various day-to-day office tasks she's had to work as back-up on and website updates. At the request of Commissioner Smith, Ms. Dahl provided an overview of the revisions she made to the website. Discussion ensued regarding new paperwork/forms vs. old paperwork and when it's accepted and the changeover period. In response to Commissioner Smith's questions, Ms. Dahl said there really isn't a new critical path forward because she doesn't feel like she's gotten firm approval/direction from the Board on the current draft that was

previously provided. Additionally, once she's able to get the other workgroup meetings scheduled then she will be able to confirm the planning and zoning hearing and provide a more definite critical path. She asked the Board how often they want updates as the plan continues to move forward. Commissioner Smith said the public input portion is important for her, she's heard from people that they want to be a part of identifying some of those areas and want to be able to look at the maps and the draft version of the plan. In response to Commissioner White's questions, Director Nilsson this version of the comp. plan is a little more strategic. It includes everything required by state law but this time around she feels they received a lot more public input. Commissioner Van Beek asked if special interest groups had been worked with, Director Nilsson and Ms. Dahl stated that they have been working with those types of groups for the past year. They've tried to place people that represent other groups in the working groups. Ms. Dahl explained that there is a lot of data in the updated comp. plan because she feels it's important to make a case for Canyon County to show population, projection and housing among other things. She wants it to be clear that the policies being proposed are based on actual Canyon County data and what the residents are saying. Commissioner Van Beek asked if reclamation plan can be required with conditional use permits. Ms. Dahl said that you often see gravel pits clustered and suggested the county needs to come up with a special area plan of how it wants to see the area reclaimed.

The meeting concluded at 3:09 p.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 6, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims for grand jury in the amount of \$163.06.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Grit Ground Game LLC dba Grit (Resolution no. 21-039)

#### MEETING WITH FACILITIES DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 8:32 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White. Commissioner Van Beek arrived at 8:41 a.m., Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. The following topics were discussed with the Board:

- A month in review for March was provided as follows:
  - Review of work orders.
  - Caldwell Events Center Campus: gates and fencing are complete, concrete sidewalk has been poured, landscaping is starting and there is an Eagle Scout group coming in early May to help with some of the landscaping.
  - Completed cabinetry projects: workstation in DSD front office, jury assembly room, plat room and chair rail installed throughout the campus.
  - Gun range fencing has been completed.
  - Celebration Park RV Park project is underway.
  - Recently there was a roundtable discussion with the City of Caldwell regarding warehouse property. Director Navarro is asking for direction from the Board in regard to pursuing the A&E design for a building which will be about \$35K - \$40K. He would like to have the design complete so there can be a professional cost estimate done in order to be added to the budget. Commissioner Van Beek is not in favor of putting money toward a project that wasn't budgeted for in this fiscal year. Director Navarro clarified he is just looking for A&E fees so that there can be a design in order to get a bid so that it can be added to the FY2022 budget. He forewarned the Board that the county will probably be asked to leave the current warehouse space next year. Commissioner Van Beek asked Director Navarro to provide to her additional information in writing so she can make a more informed decision. Director Navarro explained that costs to construct the building are increasing every day. The Board requested that he reach out to the current landlord of the storage space to find out what his plans are and if he does intend to ask the county to leave.
  - Met with Jerome Mapp about a county special zoning district and city comprehensive plan updates.
- April projects:

- Lake Lowell docks are being repaired this week and will be put out next week, the lake should open on April 15<sup>th</sup>.
- Spring landscaping is starting.
- Commissioner Smith and Director Navarro recently visited the animal shelter to review the deferred maintenance such as paint and flooring. There is still a large amount of the maintenance budget available to address any necessary needs.
- Still working to find appropriate/approved colors for the Extension Office and painting will begin once the weather is warmer.
- Cameras will be installed at Crossroads Museum this week. Directors Navarro and Rast will hold a kickoff meeting tomorrow in regard to cameras at Weed and Pest.
- The Board is in favor of a ground-breaking ceremony at the site of the Fair Expo building. Director Navarro suggested that he would like to invite Tom Dale to be a part of the ceremony, the Board is good with this idea.

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, Pam White and Leslie Van Beek, Sheriff Kieran Donahue (left at 9:25 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:25 a.m.), Captain Harold Patchett (left at 9:25 a.m.), Prosecutor Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The action items were considered as follows

***Consider signing a resolution approving award of badge and duty weapon to Deputy Kurt Branham:*** Chief Dashiell said Deputy Branham has been with the county for over 13 years working in the detention center and meets the guidelines with both the state and county for award of badge and duty weapon. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving award of badge and duty weapon to Deputy Kurt Branham (see resolution no. 21-038).

***Consider signing a notice of sole source procurement for a Thermal Imaging KIOSK for use at the Dale Haile Detention Center:*** Mike Porter is asking the Board to vacate today's notice. In going back thru the information there is some additional information they'd like to collect. Sole source may still be appropriate but will need some additional research. Sheriff Donahue said staff met last week to discuss any perceived conflicts of interest. The detention center has been working for the last 3-5 years on a way to deal with the amount of narcotics coming into the jail. Commissioner Van Beek spoke about this being a valuable and useful tool for the Sheriff's Office but hasn't ever seen it included in the budget. She would like to see this process go out to bid in order to protect people

and maintain integrity. Additionally, she would like to tour the jail and the booking area to determine if the space allocated for this machine is in the best interest of the county. Sheriff Donahue said this hasn't been brought to the budget due to the cost but because of recent events and circumstances the issue can no longer be ignored. He believes it could possibly be paid for with COVID monies and said the Board is welcome to tour the jail anytime. He explained that there is only one place for this machine which will come out in this evaluation process. Commissioner Van Beek said she is still working to get a capital improvement plan because to her understanding there is no cost for this machine that exceeds the prorated cost of the elections equipment and she really feels it needs to be a collaborative effort of what is prioritized. She noted for the record that she still objects to the other and thinks this is more important.

Mr. Laugheed spoke about records that have been created in regard to a food truck at the DMV. Sheriff Donahue spoke on behalf of himself and referenced the email from Assessor Stender regarding concerns about ingress/egress along with limited parking at that location and thinks perhaps having them use the public city street might be a better option. Commissioner Smith said she is in favor of having a food truck at the DMV as she thinks it might help mitigate bad attitudes. It was decided that no food vendor would be allowed in the parking lot.

In regard to a question from Commissioner Van Beek, Mr. Wesley spoke to an email received regarding Middleton Parks and Rec. He said that the Middleton Parks and Rec are their own taxing authority and set their own rate. It is outside of county authority and jurisdiction to weigh-in on the matter.

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

EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 9:28 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters concerning named personnel, records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy P.A. Mike Porter. The Executive Session concluded at 10:28 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.

## DISCUSSION REGARDING UPON DEATH FLOW CHART

The Board met today at 10:35 a.m. for a discussion regarding an upon death flow chart. Present were: Commissioners Pam White and Leslie Van Beek, Controller Zach Wagoner, Chief Civil Deputy PA Sam Laugheed, Indigent Services Director Yvonne Baker, Indigent Case Manager Camille Tilden, Coroner Jennifer Crawford, Treasurer Tracie Lloyd, PIO Joe Decker, and Deputy Clerk Monica Reeves. The purpose of today's meeting is to have a roundtable discussion on how to document a clear process, and get the internal communication established, on the County's cremation assistance process. The topic arose when a local funeral director contacted the Board and was upset because the process for payment was not clear to them. Commissioner Van Beek has met with the Coroner, Treasurer, and staff in the Indigent Services Department over the past several months to create a flow chart and FAQ's to help streamline the process and help funeral directors understand the County's process. Coroner Crawford, Treasurer Lloyd, and Director Baker each outlined their respective roles in the cremation assistance process. Director Baker said the indigent services department starts its process when receiving the application and sometimes that's one of the issues because the funeral home is waiting to see if next of kin is being identified by the Coroner even though staff has repeatedly told them to submit the application. The funeral homes want the County to take care of them but they too have a responsibility in this process. It's estimated that the Coroner processes 400 cases a year, with approximately 30 cases a year coming to the indigent services department, although not all of the cases they receive are Coroner-related cases. Camille Tilden spoke of her experiences with funeral directors when working these types of cases and how a well-defined process will be beneficial. Director Baker said there was a meeting in 2014/2015 with the indigent services director, the Board, and the funeral homes and they wanted the County to look at whether the deceased had \$1,000 in assets. There is a Board resolution that sets a \$1,000 maximum. There was discussion about the on-call rotation and how funeral homes help the County and bring in additional business they may otherwise get. A case may be an indigent case and the funeral homes need to accept that risk when they agree to be part of the on-call rotation. Apparently funeral homes do not believe they should have to file an affidavit to get paid, or do anything other than tell the indigent service department that they have a decedent and they want to be paid, and so the purpose of today's meeting is to develop communication that lets them know that is not so. Commissioner Van Beek wants to guide them away from seeking legal advice from the County and encourage them to get an attorney and walk through the process on how to be a personal representative. Treasurer Lloyd said when she receives information from the indigent department they may be listing things they have been told are assets but to actually find those assets is another story. Director Baker said when the funeral homes receive a denial her office gets a call asking what they are supposed to do next. Discussion ensued about the need to have guidelines to help explain to the funeral homes what is happening, what they need to do, what they are responsibility for, and remind them to submit an application. Discussion followed regarding the process for payment and the process for public administrator cases. Director Baker said the funeral homes have to apply to be eligible prior to rendering assistance, but they misinterpret that. They interpret it as they have to wait for the County's approval before they can render services but that is not true, they just have to apply to be eligible for assistance prior to rendering services. Sam Laugheed has some suggested edits to the flow chart that could streamline the process and so he will look at the relevant communication,

applications, and Board resolutions that were adopted in previous years. A tentative meeting date of April 29, 2021 was set for this group to meet again. The meeting concluded at 11:57 a.m. No Board action was required or taken. An audio recording is file in the Commissioners' Office.

#### MEETING TO REVIEW PROPOSED GUIDELINES

The Board met today at 1:33 p.m. to discuss proposed guidelines. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner White left the meeting at 1:55 p.m. Commissioner Smith explained the Board is trying to develop some guidelines for the new budget process. Commissioner Van Beek provided her prepared guidelines which were reviewed and revised by the Board. A copy of the document is on file with this day's minutes. The meeting concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO      APRIL 7, 2021

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 572785 to 572815 in the amount of \$162,043.73
- The Board has approved claims 573148 to 573158 in the amount of \$6,078.00
- The Board has approved claims 572926 to 572966 in the amount of \$40,372.17

#### APPROVED CLAIMS ORDER NO. 2114

- The Board of Commissioners approved payment of County claims in the amount of \$1,689,997.76 for a County payroll

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Symbol Arts in the amount of \$1,049.50 for Canyon County Sheriff

#### APPROVED JANUARY 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

#### CONSIDER SIGNING START BY BELIEVING DAY PROCLAMATION

The Board met today at 9:02 a.m. to consider signing the 'Start by Believing Day' proclamation. Present were: Commissioners Keri Smith and Leslie Van Beek, PIO Joe Decker, Victim Witness Coordinator Aleshea Boals and Deputy Clerk Jenen Ross. Ms. Boals said this year it's more of a media campaign vs. in-person type of event. The idea is to get people to understand what 'Start by Believing' is, and treating victims with the kindness and care they deserve. Mr. Decker said that Sheriff Donahue and the Canyon County Sheriff's Office have been a leader in bringing this campaign to Idaho. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the 'Start by Believing Day' proclamation. A copy of the proclamation is on file with this day's minutes. The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – PRELIMINARY PLAT FOR FAISAN POINTE ESTATES SUBDIVISION, CASE NO. SD2018-0011

The Board met today at 10:00 a.m. to conduct a public hearing in the matter of a request by All-Terra Consulting to modify conditions of approval regarding the approved Preliminary Plat for Faisan Pointe Estates Subdivision on Parcel R34445014, Case No. SD2018-0011. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Dan Lister, Adam Fuhrman, and Deputy Clerk Monica Reeves. The proposed modification removes a condition regarding fire sprinkler requirements. The result will allow the fire sprinkler plat note to be removed from the final plat. Dan Lister gave the oral staff report. On February 11, 2021, at the time of signing the final plat the Board decided that plat note #17 regarding fire sprinklers should be removed and the quickest process for that was to amend the preliminary plat decision, which the condition was based on. The matter did not have to go back to the P&Z Commission because it was denied so it only had to come back to the Board for amendment. Once the condition is removed plat note #17 does not need to exist on the final plat. The Board has already signed the final plat so all the



developer needs to do is amend the front sheet and record it. The findings of fact, conclusions of law, and order (FCO's) presented today are essentially the same as before, staff just updated them to provide information that all other conditions have been met and that we are striking the condition regarding fire sprinkler requirements. Adam Fuhrman said they are excited to have the plat note removed. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the preliminary plat and the remove plat note #17 for Case No. SD2018-0011, and to approve the FCO's that were updated by state. The hearing concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office

#### APRIL 2021 TERM

CALDWELL, IDAHO      APRIL 8, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Nemo-Q in the amount of \$4,006.00 for Information Technology Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Slicks Bar to be used 04/24/21 for Opening day for Green House

#### CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS

The Board met today at 8:34 a.m. to consider signing the Treasurer's tax charge adjustments by PIN March 2021. Present were: Commissioners Leslie Van Beek and Pam White, Treasurer Tracie Lloyd, and Deputy Clerk Monica Reeves. Treasurer Lloyd said this is the administrative end of what was done for March and the total adjusted charge is \$19,223.02 the bulk of which includes the district court rulings for a couple of storage units. She also included a breakdown by fund that shows the adjustments by year, by fund. Upon the motion of Commissioner White and the second

by Commissioner Van Beek, the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for March 2021. The meeting concluded at 8:36 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:45 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-483; 2021-574; 2021-472; 2021-475; 2021-481.

Case no. 2021-452 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with written decision within 30 days on the case as read into the record. A vote was taken on the motion which carried unanimously.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White the Board voted unanimously to issue final denials with written decisions within 30 days on the following cases: 2020-1069; 2021-192.

Commissioner White asked Director Baker questions on how E-med works. Director Baker provided a brief explanation of the E-med process.

Case nos. 2020-1031; 2021-9 meet the eligibility criteria for county assistance. Commissioner White made a motion to issue final approvals with written decisions within 30 days on the cases as read into the record. A vote was taken on the motion which carried unanimously.

CAT assignments, liens and lien releases were presented for Board signatures.

The meeting concluded at 8:51 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 9:01 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, Prosecutor Bryan Taylor (left at 9:15 a.m.), Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley (arrived at 9:05

a.m.), Deputy P.A. Doug Robertson, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. The action items were considered as follows:

Mr. Porter explained all of the entertainment contracts have been reviewed by legal and they are satisfied. All of them are the standard contracts that have been used in the past. Commissioner Van Beek made a motion to approve the entertainment contracts as listed below. The motion was seconded by Commissioner White and carried unanimously.

- 2021 Carnival Contract with Paul Maurer Shows (agreement no. 21-016)
- Entertainment Coordinator Contract with Rico Weisman and Boise Arts & Entertainment (agreement no. 21-015)
- Entertainment Contract with Birds n Beasts Inc (agreement no. 21-019)
- Entertainment Contract with Reptile Adventures – Tyler Messina (agreement no. 21-018)
- Entertainment Contract with Billie Madison performing as Bubbie the Clown (agreement no. 21-017)
- Entertainment Contract with Norma Lopez as Pansy the Clown (agreement no. 21-020)
- Entertainment Contract with Dueling Pianos – Jason Buckalew (agreement no. 21-021)
- Entertainment Contract with Brad Ebert – Hispanic Folkloric Dancers of Idaho (agreement no. 21-022)
- Entertainment Contract with the National Entertainment Group and Richard Barker – Comedic Hypnotist (agreement no. 21-023)
- Entertainment Contract with Fusion Talent Group - Josh Casey, Juggler (agreement no. 21-024)
- Entertainment Contract with Fusion Talent Group – Murray Hatfield, Magician (agreement no. 21-026)
- Entertainment Contract with Patti Syme as the Master of Ceremonies (agreement no. 21-025)

***Consider signing MOU between the County Prosecutor's Office and the Treasure Valley Partnership:***

Prosecutor Taylor explained that he has reviewed this agreement and gave an overview of the SAUSA program. The only change is the financial agreement, all other parts of the agreement have remained the same. There has been a request from the US Attorney's Office to increase the amount the community partners contribute in order to keep up with economic compensation for the position – the contribution amount will increase from \$100,000 to \$115,000. In response to a question from Commissioner Van Beek, Prosecutor Taylor explained where the SAUSA monies come from and that Canyon County doesn't pay anything directly to the program. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the MOU between the Canyon County Prosecutor's Office and the Treasure Valley Partnership (see agreement no. 21-014)

Mr. Wesley presented a letter addressed to Zions First National Bank that is signed annually confirming the county's certificate of insurance for the Administration Building Lease agreement

partnership with the Urban Renewal Agency of the City of Caldwell. A copy of the letter is on file with this day's minutes.

Commissioner Smith spoke about a call she, along with Mr. Wesley, Director Nilsson and Stephanie Hailey had yesterday with FEMA. Although the overall call was not great she does feel like they will now work better with Ms. Hailey in regard to coming up with a compliance plan. Mr. Wesley said he initially had some concerns that the county had missed some things but after the conversation it appears that FEMA is being incredibly inconsistent. Commissioner Van Beek asked if they had taken any position in backing down from the 20-30-year-old properties. Mr. Wesley said that they did not but his take-away from the conversation is that they will back down from the threat of probation and have agreed to work with Ms. Hailey to come up with a plan. Mr. Wesley said he and Ms. Hailey will have a call next week with the FEMA representative in order to complete the plan to FEMA standards and work thru some additional details. Commissioner Smith explained that due to some of the restrictions and enforcement issues in the county ordinance she is in favor of revising the ordinance.

The meeting concluded at 9:26 a.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 9, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Cintas in the amount of \$3,600.55 for Solid Waste Department

#### CONSIDER SIGNING THE REVISED FCO'S REGARDING THE DENIAL OF CASE NO. OR2020-0011/RZ2020-0017 FOR THE MARSHAL/DAVIS TRUST REZONE

The Board met today at 8:45 a.m. to consider signing the revised FCOs regarding the denial of case nos. OR2020-0011/RZ2020-0017 for the Marshal/Davis Trust rezone. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith arrived at 8:49 a.m.,

DSD Planner Dan Lister and Deputy Clerk Jenen Ross. Dan Lister explained that this case was heard on March 29<sup>th</sup> and the FCOs were prepared to reflect the Board's decision of denial. The FCOs have been reviewed and deemed acceptable by legal. Mr. Lister said that actions to work towards an approval have been noted in the order section within the FCOs. Upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to sign the FCO's for the denial of the Marshal/Davis Trust rezone, case nos. OR2020-0011/RZ2020-0017. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY LAKE SHORE DRIVE DEVELOPMENT FOR A COMPREHENSIVE PLAN MAP AMENDMENT, CONDITIONAL REZONE AND PRELIMINARY PLAT; CASE NOS. OR2020-0010, RZ2019-0039 AND SD2019-0052

The Board met today at 9:00 a.m. for a public hearing to consider a request by Lake Shore Drive Development for a comprehensive plan map amendment, conditional rezone and preliminary plat, Case Nos. OR2020-0010, RZ2019-0039 and SD2019-0052. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, DSD Director Tricia Nilsson, Zane Cradic and Alec Egunola with T-O Engineers, Mike Greiner with Lurre Construction and Deputy Clerk Jenen Ross. Jerry Dickerson and Skye Root (joined at 9:31 a.m.) participated via Webex.

Commissioner Van Beek noted for the record that she has had conversations with the applicant regarding timelines.

Jennifer Almeida gave the oral staff report stating that there are no late exhibits for this case. The subject property is designated as commercial on the Canyon County Future Land Use Map and the applicant is requesting a comprehensive plan map amendment to change the designation of approximately 9.47 acres of the property to industrial. The area contains commercial uses that include a storage facility, special events facility, a church, some residential and agricultural uses. The property is zoned service commercial and approximately 4 acres of the site is zoned agricultural. There is C-2 zoning located on the west side of Hwy 45 and agricultural zoning on the east boundary of the subject property. Within one mile of the property there are 20 platted subdivisions for a total of 320 lots; those lots have an average lot size of 1.17 acres. There is a commercial subdivision, called BC6 Subdivision, located on the west side of Hwy 45 just northwest of the subject property. Internal private roads are proposed with no direct lot access to Hwy 45. There is one existing access onto Hwy 45 for the storage units on site and one access point is proposed to Lake Shore Drive. Domestic wells and septic systems are proposed. A condition has been added that approval from SWDH be obtained for the individual septic and well systems based on the use prior to any building permits being issued. The property is located within a nitrate priority area and the requirements of SWDH shall be adhered to. The request also includes a conditional rezone and a development agreement. The applicant has agreed to enter into the development agreement in an effort to limit the industrial uses on site potentially excluding the ones that would be more impactful to the surrounding area. The applicant has proposed to restrict

and not allow the following uses on the site: animal cremation service, animal facility (small or large), batch plants, CAFOs, ethanol plants, fertilizer processing facility, impound yard, short and long-term mineral extraction, slaughter house, water infiltration, wind farm and zoo. The applicant submitted a preliminary plat for the request which contains 12 lots, 3 common lots and is proposed to be developed into 4 phases. Domestic wells will be utilized for water to the site as well as irrigation as it is anticipated that the lots are relatively small in size and may not have a lot of requirements for irrigation. Stormwater drainage will be routed to subsurface infiltration facilities and drainage swales as noted in plat note 2. Nampa School District did not have any concerns. SWDH did indicate that they have not yet approved the nutrient pathogen study for the development but that the applicant's representative has been working with the department (exhibit 33). As conditioned the applicant will have to meet all SWDH requirements including, but not limited to, approval of the NP study. Nampa Highway District will require a plan submittal package and fees for formal review of the plat. A traffic impact study was submitted to the district in February. The district noted the impacts to intersections could not be assessed until the business type is established on each lot. Upper Deer Flat fire department noted the response time to the site to be approximately 17 minutes. The district supplied their fire apparatus access requirements and noted that a fire fighting water supply shall be provided. There is a fire well already located on the property which was put in when the storage units were built. The Planning and Zoning Commission did recommend approval of this request on March 18<sup>th</sup>. Staff has also found that the request complies with the criteria for a comprehensive plan map amendment and conditional rezone. It complies with the comprehensive plan as restricted by the development agreement. The plat complies with Idaho Code and ordinance requirements and as such staff is recommending approval as outlined in the exhibits and proposed findings.

In response to a question from Commissioner White, Ms. Almeida said that an airpark and airport are proposed to be excluded.

Commissioner Van Beek asked about the landscaping and the 10' road reduction. Ms. Almeida explained that the anticipated uses are less intense uses and the applicant's representative has a PowerPoint which will further cover those uses. It is not anticipated that there will be a lot of traffic to the sites. The reduced roadway still meets fire requirements and provides adequate access to the site. In regard to the landscape, Ms. Almeida said landscape areas will be irrigated via the domestic wells. It is not anticipated that there is going to be a large amount of landscaping that would take more than the typical ½ acre permitted with a domestic well. In regard to a question about whether any letters were received from property owners that are to the southeast of the church, Ms. Almeida said there were no letters received from those property owners.

Ms. Almeida confirmed that this property is the same ownership as the Lake Shore Storage and that the traffic study done for that business has been included in the staff report packet provided to the Board. As they move thru each phase of the plat there will be additional impact studies and highway district approvals.

Commissioner Smith noticed that the excluded uses exhibit was inadvertently omitted from the report but Ms. Almeida said she would remedy that and get it added in as an additional condition.

Zane Cradic offered testimony in favor of the application stating that the project sits on the southeast corner of Lake Shore and Hwy 45. Currently there is a residential house on the east side of the property as well as agricultural land to the north which is in the Nampa impact zone to be residential, on the northwest corner of the intersection is Legacy Feed and Fuel and the southwest corner is a gas station and some other commercial uses. The existing subdivision for commercial is located at Legacy Feed and Fuel on the northwest corner. They are proposing C-2 to the north to buffer the proposed residential from the Nampa impact zone, and M-1 below that. The existing zone is all C-2 except for the 4 acres in the middle which was purchased from the church after they'd already been thru rezone process. Nampa's comp plan shows this area as being mixed use which is a commercial zone or possibly light industrial. The county comp plan also shows the area as being commercial but, on both plans, there isn't any industrial south towards Lake Lowell or even south of Lake Lowell which is why they'd like to bring this in to help bolster those businesses. Several businesses in the community, such as agricultural pumps, an upholstery shop and a cabinet maker, have approached them as they don't quite qualify to be in the current zoning of commercial but are well within the light industrial zoning. The current commercial and agricultural zones that are there have all worked really well together in the past and impacts for additional traffic should be minimal. They've created the development agreement to limit things that would be a detriment to the agricultural and the existing residential community and to just be a good neighbor. They believe this will really compliment the surrounding areas and it should fit in well with the surrounding transportation that is already in place. Mr. Cradic referenced exhibit 35, the preliminary plat explaining that in the center section they are proposing 4 small lots. In regard to irrigation as referenced earlier, they see this as mostly buildings with parking and a lot/yard behind for storage making the landscaping minimal at the front of the building. Along Hwy 45 they have 3 larger commercial lots, these are the lots that they are unsure of what type of business would occupy the spaces although they are still proposed to be commercial. This is the portion controlling the traffic impact study. There is already a traffic impact study for the storage units and as they determine what each business will be they will update the traffic impact study and work with ITD and the highway district to meet the needs of the community. The NP study is really going to limit the number of employees the business can have. They have been working with SWDH because the property is in a nitrate priority area and will be limited based on the amount of waste water that can be generated. More than likely it will be limited to simple restrooms vs. having any kind of waste water. There is a fire well on site and located fairly centrally; they have met the fire district minimum flow requirements.

Commissioner Smith asked about exhibit 37, a letter received from Johanna Harness where she makes claims of high arsenic and nitrates in her well water. She asked if Ms. Harness' statement about the nitrate concentration reaching maximum concentration at 10mg is accurate. Mr. Cradic believes that is a quote directly from the Atlas report. He reiterated that they have been working with SWDH and DEQ to make sure they are meeting the requirements. Part of the reason the SWDH report isn't approved yet is because they came back with comments which are being worked thru to make sure all the issues have been mitigated. Mr. Cradic explained these high levels are normal for the area which is why they have to go thru the NP study and have to take these steps with SWDH and DEQ and why there will be a limiting factor for employees. The report

from SWDH will indicate how much waste water per acre will be allowed on site. Commissioner Smith asked if there is a condition that states this but it is Mr. Cradic's understanding that they have to conform to SWDH's requirements as they won't issue a permit for a septic system unless it meets their requirements. Commissioner Smith has concerns about managing the number of employees and Ms. Almeida said condition no. 16 states that no commercial or industrial development will be permitted on the subject property until such time is the applicant has received approval for waste and domestic water from SWDH. With each building permit that is applied for they would have to meet the requirements of SWDH so at that time they would have to know the capacity and type of use before a building permit would be issued. Ms. Harness has concerns that the development will add to the arsenic in the water. Mr. Cradic stated that you're only allowed to increase what flows out of your site a certain percentage, he believes it's only 1mg per liter. With that requirement they have to show within the design of their septic system that they are below that increase. He said that is all part of the NP study and that it really is an issue across the entire county, not just this one piece of property. Director Nilsson said that based on reports received from IDWR and DEQ the arsenic and uranium is naturally occurring, it's part of the geology and typically development doesn't generally add to it. They do work at the time of development to make sure that the water quality meets standards. She also noted that in regard to the number of employees, those standards are typically enforced by the health district. Ms. Almeida noted and entered into the record exhibit 39 which shows the location of Ms. Harness' property approximately  $\frac{3}{4}$  mile from the site. A brief discussion ensued regarding the event center that is adjacent to the subject property, Mr. Cradic indicated that his land owner and the land owner of the event center have been working together and Ms. Almeida indicated that they didn't oppose the project.

In response to a question from Commissioner White, Mr. Cradic explained their property will be buffered from the agricultural ground by a canal and an undeveloped portion of the property. Ms. Almeida confirmed that there was no response from the irrigation district, not even to the preliminary plat. Commissioner Smith asked about the land south of the Ridenbaugh Canal, Mr. Cradic said it's all part of the same lot with the storage units which will be converted to M-1 and at this time the intent is to extend the storage units as a future phase. They are still working thru the logistics of expanding the storage units with the canal thru the property, there wouldn't be another entrance onto Hwy 45, they would put a bridge across the canal for access.

Mr. Cradic said that due to the NP area the systems are a little more sophisticated than a normal leach field, they have a pre-treatment set up and need a little more maintenance. Commissioner Van Beek asked if there was any consideration given to a community well and septic system so that when city services became available they would be ready to become a part of that. Mr. Cradic said to do that would be cost prohibitive because now all of the waste water would be concentrated into a smaller area to distribute vs. spreading it out across the acreage for the soil to be able to absorb and maintain it; in other words, you'd get less of a filtration and the flows would be more concentrated. Commissioner Van Beek asked about the mention of possibly of another gas station at this location even though there are already 2 at the same intersection. Mr. Cradic asked as a point of clarification, if Commissioner Van Beek is asking if removing a gas station as a condition of use was a possibility. He said that his thought on that is that gas stations have to



be recreated over time and typically they don't remove tanks and build in the same location, generally they move locations. He knows the one on the south side of the road has been there for quite some time and could potentially relocate across the street. The intent isn't to put a 3<sup>rd</sup> gas station but if 2 are surviving then then need is there. A discussion ensued about the rehabilitation of mobile homes as a business at this location and it was decided that this could be an excluded use. In response to a question from Commissioner Smith, Mr. Cradic explained that they'd like to change the parcel the storage units sit on to M-1 because they feel it is a better fit and give them more opportunity to replat for some different lots in the future.

Ms. Almeida said this property was rezoned to C-3 but automatically became a C-2 when the C-3 designation went away. The property was rezoned in 2006.

Mike Greiner spoke to Commissioner Van Beek's question about 3 gas stations being in the area. He said that at this time it is nothing more than speculation about who could or would use those commercial lots. He would not be in favor of limiting the addition of another convenience store which would be driven by demand. Mr. Greiner said that Legacy Feed and Fuel has set the standard quite high and anyone who may want the opposing corner is going to have to come with their 'A game'; if there is an interested party they understand the game they're getting into. Mr. Greiner said the church has been very supportive of the entire project. At the request of Commissioner Smith, Mr. Greiner spoke to the agreement in support of the Wilkins' event center and the Wilkins' support of this project without limitations other than the shared use of the roadway. At this time no site improvements are necessary. Commissioner Smith asked about fencing, Mr. Greiner said the entirety of the storage facility is fenced and will continue to be if/when it expands.

Conversation ensued reiterating the removal of mobile home rehabilitation as an allowed use and that Mr. Greiner is okay with that being deemed a prohibited use.

Commissioner Van Beek asked if the term 'salvaged goods' had been defined and what it includes, it is not allowed in C-2 but is allowed in M-1. Mr. Greiner said they don't have any indication of any interested party who may want to do that, he doesn't see this being huge so he's probably okay with it being removed as a use. Commissioner Smith recommended that this be changed to only be allowed by the conditional use permit process. Commissioner Van Beek noted the development in this area said that she would not be able to find in favor of something that brought salvaged goods into new construction because it feels like it would initially change the nature and the character of the area and affect the surrounding properties. She feels that given the number of industrial businesses that want this area that they wouldn't need to market to a lower end salvage operation. Mr. Greiner said he just doesn't have any idea what future tenants may want to do and asked if the Board would be okay if the refurbishing was done inside the building vs. outside in regard to salvaged goods, something such as appliances. Commissioner Van Beek read into the record the definition of salvaged goods and it was agreed upon that a salvage yard will be a prohibited use. In response to a question from Commissioner White, Ms. Almeida said there are several areas within the matrix that appliance repair could fall under depending on the scope of the use.

Neither Jerry Dickerson nor Skye Root wanted to testify but said they were in favor of the project.

At the request of Commissioner Smith, Ms. Almeida gave a summary of the changes that were made as follows: The uses not permitted on the property include an airpark, airport, animal cremation service, animal facility large and small, batch plant, confined animal feeding operation, ethanol plant, fertilizer processing facility, impound yard, mineral extraction both long-term and short-term, rendering plant, slaughterhouse, water infiltration, windfarm and zoo. As part of the discussion with the applicant, rehabilitation of manufactured/mobile homes and sale of salvaged goods would be prohibited and the Ridenbaugh Canal easement would need to be fully fenced prior to Certificate of Occupancy on any additional mini-storage structures.

Ms. Almeida feels there will be a lot of oversight for each phase of the project by the health department.

Commissioner Van Beek made a motion to accept exhibit 39 showing the location of the Harness property into the record.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to close public testimony.

Commissioner Van Beek made a motion to approve the comprehensive plan map amendment and the findings of fact and conclusions of law and order for Lake Shore Drive Development OR2020-0010. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to approve the findings of fact and conclusions of law and order for the conditional rezone and development agreement with recommended changes to include conditions 8 and 9 that reference the land use matrix as presented by staff on case no. RZ2019-0039. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to sign and accept the preliminary plat and the findings of fact, conclusions of law, conditions and order for Lake Shore Subdivision, case no. SD2019-0052. The motion was seconded by Commissioner White and carried unanimously.

Signing of the FCOs for all cases is scheduled for April 15, 2021 at 10:00 a.m.

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

MEETING IN EXECUTIVE SESSION TO REVIEW APPLICATIONS FOR DSD DIRECTOR PURSUANT TO IDAHO CODE § 74-206(1)(A) AND (D)

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner White made a motion to go into Executive Session at 11:02 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, HR Generalist Jennifer Allen and Assessor Brian Stender. The Executive Session concluded at 12:02 p.m. with no decision being called for in open session.

APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 12, 2021

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for George Fletcher Inc. dba: Melba Valley Market; JLC 2 Inc. dba: Idaho Pizza Company; JLC 9 Inc. dba: Idaho Pizza CO; JLC Corporation dba: Idaho Pizza Company (See resolution no. 21-040)

PUBLIC HEARING – REQUEST BY M&T RANCHES, LLC, FOR PRELIMINARY PLAT APPROVAL OF COUNTRY SAGE RANCHES SUBDIVISION, CASE NO. SD2018-0031

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Riley Planning Services on behalf of M&T Ranches, LLC, for approval of a preliminary plat with irrigation and drainage plan for Country Sage Ranches Subdivision, Case No. SD2018-0031. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, DSD Director Tricia Nilsson, Penelope Constantikes, Derrit Kerner, Keith Bowhan, James McKinley, Clint Davison, Middleton City Clerk Becky Crofts, Middleton Mayor Steve Rule, and Deputy Clerk Monica Reeves. Timothy Pruitt participated via Webex but did not wish to offer testimony.

Dan Lister gave the oral staff report. This hearing is a continuation of the M&T Ranches review of the subdivision plat for Country Sage Ranches Subdivision. On March 29, 2021, the Board approved the rezone to an R-1 zone but wanted more information regarding review and comments by the City of Middleton regarding city services, city pathways and landscaping, curb, gutter, and sidewalk requirements. A letter was received from the City of Middleton stating city services are ½ mile away, east and west from the property. The letter from Canyon Highway District is consistent that any lots that are one-acre or larger typically do not require curb, gutter, and sidewalk improvements. Consistent with highway district's letter, construction of an 8-foot asphalt pathway within the Purple Sage right-of-way is required. According to Mr. Lister, after this letter was received staff met with the City of Middleton and after review, the city is not in favor of the request. There are other developers in the area that are interested in pulling the services in that location and they believe this developer should do the same. He received a call from another developer who is interested in pulling services to a nearby property and they have been talking to another developer about doing the same, and they have reached out to Penelope Constantikes about it as well. Based on the letter received, staff is recommending approval with the conditions as provided in the findings of fact, conclusions of law, and order. The conditions do not pertain to the pulling of city services - that will be left up to the Board. Following his report Mr. Lister responded to questions from the Board.

Testimony in favor of the request was offered as follows:

Penelope Constantikes testified the developer was not aware of the City of Middleton's change in position on the development. The other potential developers in the area did reach out to her, however, the neighbors seemed to be concerned about density and bringing sewer and water to the site would increase the density and the developer in this case was trying to listen to the neighbors. With regard to adding a street through the middle block that's going to create double-fronted lots which is not a good idea because it then creates a situation where parcels have access to two public roads.

Derritt Kerner with Rock Solid Civil addressed irrigation and city services questions. He wants to make sure Clint Davison, the neighbor to the east, is taken care of in terms of his concerns with irrigation delivery. Mr. Kerner explained the irrigation system. There is a lateral that will be rerouted to go north and west with a 12-inch pipe. Clint Davison's water delivery system is tied with theirs so they will have a 3-way box to serve the users. They will not disturb other water users with this project. There is a smaller lateral along the southern boundary that will be piped and giving an easement through the Bureau of Reclamation. The highway district likes what they have designed. They were never planning to provide city services, they were going to do one-acre lots with septic systems and wells. They are in the impact area so at the beginning of the project they asked the City of Middleton for a letter, and now it sounds likely they are changing their mind. Their original letter was in support and did not want the developer to explore dragging utilities. We are pretty far removed so he doesn't know if there is any sewer deep enough to service this property with gravity, it would have to be a lift station situation. It will be quite an undertaking to have private people fund that operation. It's not as simple as dragging the sewer. There are enough properties around this property that are not going to subdivide and they are probably going to

remain in the county; the path to annexation is further out in the future than just the short-term. They want to stick with the one-acre lots due to septic and wells. The density goes up (90 lots) with sewer and water being brought to the development which will drive up the costs, and there will be more roadways. He worked on another 40-acre project and the development cost was about \$4.6 million. Mr. Kerner responded to questions from the Board following his testimony.

Testimony in opposition was as follows:

Clint Davison testified about the following questions/concerns: disruption of traffic, water quality concerns; he has question about the border of his property where they talked about the boxes and re-piping and allowing an irrigation feeder, and the location of proposed entrance to 30 houses and whether it will include landscaping so it does not go to weeds. He had a well water sample done in December of 2019 and the results indicated the nitrate concentration is approaching maximum concentration and monitoring is recommended.

Becky Crofts, who is the Middleton City Clerk, testified that the City of Middleton is opposed to this request and is asking that the plat be conditioned with a pre-annexation and water/sewer services agreement. Since the city submitted its original letter regarding this project on January 31, 2019, there has been a change in conditions namely the amount of growth which has impacted the area greatly. This project is within the city impact area. She referred to other developments in the area and extensions that have occurred. The city is requesting the applicant pick up water and sewer and pull it to the development because it's in the direct impact and growth of the city and so it should continue supporting the water/sewer services agreement. Regarding the cost for the lift station, city services are about a ½ mile away and the extension usually runs about \$100 a lineal foot per line; the rough numbers are about half-million dollars. If you add a lift station it's still about \$850,000. If you allow well and septic to go onto this property you have 30 lots that will charge \$40,000 for well and septic and that's \$1.2 million which saves the developer money by pushing that cost to the landowner. That \$850,000 is still less money at the building permit level than having the landowner paying \$40,000 for a well/septic. This is an area with nitrate issues and the lots should be larger or connect to city services. The city is agreeable to an R-1 density and they believe if the developer wanted to pay for the costs to pull services a different density could be allowed should they desire that. The property is within ½ mile of water and sewer services and those properties should connect to those services. Following her testimony Ms. Crofts responded to questions from the Board regarding density, the pre-annexation and city services agreement, impact fees, and development in the area.

Mayor Steve Rule testified in opposition to the request and spoke about the extra costs. He said most likely the developer will increase their density and the sale of those lots will more than cover additional costs for structured piping in that subdivision. He spoke about the grade and the lift station. There is a grade issue, a slight 20-30-foot fall from Cemetery Road to Emmett Road so there will have to be a pump station which is not a new concept. Since 2019 the city has seen significant growth and people are watching to see if city services are going to this property. He estimates the city is seeing well over 5,000 lots in some form of development. This is the imminent path of growth for Middleton. The city has worked hard at getting urban renewal ready and they

are close to bringing in a map that shows industrial growth across the river, Middleton Road area and out to Highway 44 to the east and the west to try to create more industrial and commercial. Commissioner Smith said this is an agricultural area and she asked if the city talks about the path of taking farm ground and the impacts of the one-acre developments? Mayor Rule said there have not been discussions about preserving ag ground. He feels like government does not have the right to tell a landowner they have to stay on their land and farm it.

(The Board took a brief recess from 10:04 a.m. to 10:09 a.m.)

James McKinley is opposed to the request due to concerns with impacts to the shallow wells in the area and how it will affect the water table and the nitrate level over time. He supports city services being pulled in, but questions how that will affect him. If services are pulled in does it automatically go to a greater density or does that have to be requested? Commissioner Smith said the request is for 30 one-acre lots, and if the applicant chose to change the density they would come back with a new subdivision with a changed density. If a property owner is under five acres the city can force annex you if they become contiguous. In her experience they do not normally have one-acre lot subdivisions with city services. Dan Lister said if they pull services and Mr. McKinley is within 200-feet of the services the health department will require him to connect once his well or septic fails.

Rebuttal testimony was offered by Derritt Kerner. There is an 8-foot pathway required by the highway district and it will be just inside the right-of-way; they require 50 feet from centerline which is pretty wide for a two-lane road. They are okay with the condition and will include it in the construction documents, but he does not want it to be a requirement that the preliminary plat show it. They will make the entrance look nice with trees and landscaping. They did a nutrient pathogen study which is the highest level of study you can do in a nitrate priority area, and based on the findings they put in an advanced treatment system on all 30 lots. Regarding the city's request for the developer to explore dragging sewer and water, they are not open to that. They started this project in 2018 and it seems to be a "punch in the gut" to be talking about these things now because they've gone through so much work with the subdivision for the well and septic on one-acre lots. A nutrient pathogen study took over a year's time and it cost money, they would not have had to do that if they were going with city services. He said the delays are really hurting them with the recent testimony about bringing city services. It's not as simple as dragging a trunk line which in itself would be very expensive. It would have to have a lift station. It's too big and expensive to put on one person or a co-op of people. There would be a definite increase in density (90-100 lots) in order to get to that ¼-acre lot size and it will cost so much they will not break even. The lift station is too big/important to put on private people; the city needs to be part of the project and pay for it. He wants the Board to consider approving this project today and not make them explore city services. With the more increased density it will require a traffic impact study among other things that would change the highway district's view of this subdivision. Mr. Kerner responded to questions from the Board about the monitoring of wells/septics, the nutrient pathogen study, and the landscaping plan. He agreed to a condition that the HOA will monitor and maintain and require yearly inspections on all septics. He is not opposed to a condition requiring landscaping that matches the city's landscaping plan for Purple Sage Road, however,

they try to avoid a common lot. They can have an easement. There will be an 8-foot pathway that will have trees and grass. Commissioner Smith does not know if that will work. Commissioner Van Beek had questions regarding ground water and the cost of the advanced treatment system compared to putting in city services. Mr. Kerner said the advanced treatment system is \$12,000-\$16,000 in addition to the cost of a normal septic which costs around \$10,000.

Commissioner White asked questions of Becky Crofts regarding the city's pre-annexation agreement. Ms. Crofts said the agreement means the applicant pulls water and sewer services to the property. They connect to city water and sewer and when they become contiguous they are annexed into the City of Middleton. The applicant would pay the water and sewer connection fees. If the developer chose to do a latecomer agreement they would be reimbursed those services based on the calculations for latecomers. They could approach the city for various other things. Commissioner Van Beek asked what city's interest is in cost-sharing or subsidizing the lift station at the northwest corner. Ms. Crofts thinks the city would be open to negotiations, but development should pay its fair share. The city has the tools for the developers to recoup their cost. Commissioner Smith said the letter from the City of Middleton in 2019 requests a payment for a transportation impact fee and she asked if the impact fee still exists? Ms. Crofts said the city does currently have a transportation impact fee and they could request that fee be leveraged against this, although it's been a couple years since she reviewed that letter, but it does have that fee and they discussed the other fee but if the highway district and the Middleton/Star fee is not in place they would request the Middleton transportation impact fee be in place. Mr. Kerner asked the Board to approve the application today with the one-acre lots, wells and septic, and the advanced treatment system. They have gone through all the studies to make that happen. He appreciates where the city is coming from with the growth that's happening, but now they want to go back on a 2019 letter they wrote for the developer. Commissioner Smith said the city's letter asked for a two-acre lot size, so she doubts the developer wants to fully comply with their letter. Mr. Kerner agreed with that point. Commissioner White asked if the pre-annexation agreement is a deal breaker? Mr. Kerner said that is a totally different ballgame, and if the Board asked them to look at that they would have to because they are so far down the road with developing this piece of land, but what happens in a year if the city changes their mind again? Commissioner White said she wants to anticipate growth, rather than constantly chase it. She said this is a good time to consider the pre-annexation agreement. Mr. Kerner wants to ask the neighbors if they want that kind of density; he thinks the one-acre lots are what people want in this area. Commissioner Van Beek said she is going to move for a continuation in order to evaluate the information. Commissioner Smith said the Board asked for this to be continued because we wanted input from the city, however, this is a very rural area and this is what urban sprawl looks like. She wants to give an opportunity for the applicant to work with the city but not have his hands tied. They are a couple years into this process and have incurred quite a bit of expense for this process, and so if we were to table it what would be the items we want more information on related to a subdivision? Commissioner Van Beek wants to look at the negotiations between the city and the developer. There is a lift station proposal but putting the burden of something like that on one developer is more than should be expected of that developer so she wants to look at that cost-sharing. There has been discussion that has entertained a totally different pathway and we have a presentation by the highway district that has expensive impact fees for transportation

and if this goes to a higher density that study will impact the developer and what happens in that area along that road. It will no longer be the rural feel that's been talked about. In order for the developer to pay for that he may have to sell this property and get out from under it. Commissioner Smith said if a condition is placed on this for the city services the subdivision probably won't go through. She wants to explore conditions attached to this subdivision related to the 8-foot path with landscaping, having a plan for how that landscaping is maintained and a condition for the HOA related to the maintenance, monitoring, etc., of the advanced treatment systems, and some work or negotiations with the city, although not mandated. She understands the costs and time that have gone into this, but she does not want to hinder the ability of the city to expand. This is a nitrate priority area and the best system for the community is city services. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to April 26, 2021 at 3:00 p.m. The hearing concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING CRIME VICTIMS' RIGHTS WEEK PROCLAMATION

The Board met today at 11:03 a.m. to consider signing the Crime Victims' Rights Week proclamation. Present were: Commissioners Leslie Van Beek and Pam White, PIO Joe Decker, and Deputy Clerk Monica Reeves. Kim Deugan from Advocates Against Family Violence had previously asked the Board to sign the proclamation and record a short video of the reading in honor of Crime Victims' Rights Week, which is next week. Mr. Decker printed the proclamation on the Board's letterhead and will coordinate the preparation of a short video of its reading. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the Crime Victim's Rights Week proclamation, a copy of which is on file with this day's minute entry. Commissioner Smith was unable to attend this meeting, but she supports the signing of the proclamation. The meeting concluded at 11:04 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:38 p.m. with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Leslie Van Beek and Pam White, TCA Doug Tyler, Assistant TCA Benita Miller and Deputy Clerk Jenen Ross. The following items were discussed:

- Doug Tyler will be going to work for Boise City within the next week, Judge Southworth has sent out notifications of the job opening nationwide which closes on April 23<sup>rd</sup>. Interviews will be conducted by a group representing as many counties as possible for the district.



There will also be several judge openings so the Magistrate Commission will be conducting interviews to fill those openings.

- Jury trials are being done but only one district court can be done each week. The mask mandate required by the Supreme Court has not yet been lifted but there is a meeting next week where Mr. Tyler anticipates that being discussed.
- The Zoom booths for courts have been remarkably helpful, although not as many may be needed going forward they may still keep some up and running. A lot of advantages have been realized to having the booths available.
- Court Marshals have been stretched pretty thin between in-person court and assisting with the Zoom hearings.
- With the addition of a new District judge they may look to add a new secretary position. There may be a couple retirements coming up but nothing official yet.
- Commissioner Van Beek acknowledged receipt of a letter received from Judge Southworth regarding security matters. He feels that the courts need to see the Triad report in order to understand the security weaknesses. Commissioner Van Beek would like to agendize a meeting to discuss further and consent to release parts of the report to the courts. Discussion ensued regarding the Marshals' roles and responsibilities and security and safety training.

The meeting concluded at 2:02 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:03 p.m. with the Parks Director to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Leslie Van Beek and Pam White, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend, Outdoor Recreation Planner Juli McCoy and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing grant agreement for Canyon County's FY21 CLG grant award:*** Director Schwend explained that as a Certified Local Government these are the grants she applies for thru the State Historic Preservation Office. This year they applied for two grants and were awarded 100% of both grants that were applied for. \$13,000 was awarded for phase II of a Rural Landscape and Agricultural Resource survey and \$7,000 for the Map Rock Archeological Historic District Expansion. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the grant agreement for Canyon County's FY21 CLG grant award (see agreement no. 21-027).

***Consider signing amendment no. 1 to Canyon County Historic Preservation support award agreement nos. 20-019 and 20-008:*** Mr. Wesley explained these amendments memorialize minor changes in

the scope of the project but that there are no changes to the dollar amounts. Director Schwend provided a brief overview of the changes. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the amendment no. 1 to Canyon County Historic Preservation support award agreement nos. 20-019 (see agreement no. 21-028) and 20-008 (see agreement no. 21-029).

Director Schwend updated the Board on following:

- Eric Savadow has taken over Juli McCoy's previous position as the Outdoor Education Program Manager.
- Visitor Services position is still open but they are continuing to look for someone to fill the vacancy.
- Approximately 20 field trips have been scheduled for in-person but many more have taken advantage of the virtual field trip. Director Schwend spoke about how the program came together and how well it's working. Commissioner White would like the virtual field trip program recognized at a higher level such as Idaho Association of Counties and will work with Joe Decker to get the program out to more organizations.
- Looking to create a secondary Lifeways program to take to students/schools.
- Fencing at the gun range is costing more than expected. The Facilities department has finished a large portion but they are being pulled in other directions. Director Schwend may look to purchase the fencing in this fiscal year's budget and then it can be installed later in the fall.
- Currently there is one open position on the Gun Range Advisory Board.
- Commissioner Van Beek would like to see Director Schwend have a layout for some long-range planning.

The meeting concluded at 2:54 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:11 p.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution granting a fee waiver to Tyler Toups for comprehensive plan amendment:*** Director Nilsson explained that Mr. Toups has property that was rezoned C-1 and would now like it to be residential. She believes that the rezone to C-1 was done by the county when Hwy 44 was done. Mr. Toups is willing to pay the rezone fee of \$850 but is requesting that the comp. plan amendment fee of \$2500 be waived. Director Nilsson said that she did not have a

chance to review this request prior to it coming before the Board so this action item will be rescheduled to a later date after Ms. Nilsson is able to collect some additional information.

***Consider signing a resolution granting a fee waiver to ESI Cares Foundation for a building permit:***

Director Nilsson said that ESI is requesting a waiver of fees of \$244 for a patio structure to help family as part of the Make-a-Wish organization. Commissioner White feels this is benevolence and made a motion to sign the resolution granting a fee waiver to ESI Cares Foundation for a building permit. The motion was seconded by Commissioner Van Beek for discussion to confirm with Director Nilsson this will bring them into compliance. A vote was taken on the motion with the Board voting unanimously to sign the resolution (resolution no. 21-056).

Director Nilsson updated the Board on the following:

- Every two years the United Way does a community assessment on the type of households in the area and if they are struggling financially or not. A brief review of the report was provided to the Board. A copy of the survey is on file with this day's minutes.
- Results of a customer service survey done within the last year was provided to the Board. The results of the survey are held in HR in case there is any employee feedback.
- Review of the current active hearing schedule. Planning and Zoning hearing schedule is out to July 15<sup>th</sup>. Director Nilsson has some information on a Hearing Examiner which she plans to add to the FY22 budget. There will be a Planner II position open as of Friday and due to the workload, an additional planner may be needed.

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

**EXECUTIVE SESSION – PERSONNEL MATTER**

Commissioner Van Beek made a motion to go into Executive Session at 3:28 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and DSD Director Tricia Nilsson. The Executive Session concluded at 3:50 p.m. with no decision being called for in open session.

At the conclusion of the executive session Director Nilsson resumed her weekly update as follows:

- Commissioner Smith asked about the rezone display on the interactive mapper, she would like to see the whole shape file on the interactive map so that the Board can see the boundaries of the case. Director Nilsson said she will check with Tony Almeida about this.
- Commissioner Smith would also like a list of the expired CUPs and conditional rezones. Director Nilsson said they have a pile of expired CUPs and will have Kathy Frost go thru them. A letter will be sent on the expired ones before any more action can happen. The Board is supportive of getting this cleaned up.

- Comments were sent to Canyon Highway District 4 regarding the draft CIP.
- Some of the items Director Nilsson hopes to have completed before she leaves include:
  - Impact fee comments
  - Fire committee report
  - Employee evaluations for planners
  - Ordinance amendment
  - Budget
- Space is an issue in the DSD office. Director Nilsson is working with Director Navarro to find a place for Code Enforcement.
- Director Nilsson said she has spoken with Mr. Wesley regarding the City of Star annexation and feels it might be helpful for the Board to have a refresher on the meetings that took place and letters that were written a few years back regarding this issue.

The meeting concluded at 4:03 p.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 13, 2021

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 573199 to 573232 in the amount of \$92,041.55

#### 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 legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto (left at 9:07 a.m.), Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter, PIO Joe Decker (left at 9:20 a.m.), Director of Juvenile Probation Elda Catalano (left at 9:15 a.m.), Elections Supervisor Haley Hicks (left at 9:07 a.m.), Elections Specialist Robin Sneegas (left at 9:07 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution designating polling locations for the May 18, 2021 Election:*** Ms. Hicks gave a review of the elections that will be happening on May 18<sup>th</sup> and a map denoting the 12 polling locations was provided (a copy is on file with this day's minutes). Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution designating polling places for the May 18, 2021 election (see resolution no. 21-042).

***Consider signing Canyon County Juvenile Probation's Truancy Prevention Kicking-Off School 2021 Community Event agreement with United Way of Treasure Valley Inc.:*** Director Catalano said the event is scheduled for August 28<sup>th</sup> at Griffith's Park. Mr. Wesley explained this is a partnership with United Way, because the county is a government entity it is complicated to collect donations. The United Way works as the fiscal agent to manage donations. Ms. Catalano gave a brief review of the purpose, history and benefits of the event and the roles the United Way and her department play in the event. This year it may be a bit of a modified event in order to consider the restrictions imposed by the State and to offer a level of comfort for some attendees. The goal this year is to serve at least 100 juveniles. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign Canyon County Juvenile Probation's Truancy Prevention Kicking-Off School 2021 Community Event agreement with United Way of Treasure Valley Inc. (see agreement no. 21-030).

***Consider signing resolution to waive certain landfill fees for Canyon County residents on April 24, 2021:*** Mr. Decker said once the resolution is signed the press release will go out. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to waive certain landfill fees for Canyon County residents on April 24, 2021 (see resolution no. 21-041).

Commissioner Smith spoke about a complaint she received regarding trash coming off Republic Services trucks. Mr. Porter suggested that Director Loper would be a good point of contact to start that conversation with Republic Services. Commissioner Van Beek would like to start talking about the covered load issue again.

Commissioner Smith asked if there is a standard guideline the Board should be referencing for fee waivers. Mr. Wesley spoke about the history of fee waivers and how it's evolved over the years. He explained that except in the case of a hardship it's usually a discretionary decision. Commissioner Van Beek is in favor of evaluating the discretion that is given.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:26 a.m. pursuant to Idaho Code, Section 74-206(1) (b) 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. Mike Porter and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:53 a.m. with no decision being called for in open session.

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

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

The Board met today at 10:31 a.m. with the Information Technology Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Assistant Director of IT Eric Jensen and Deputy Clerk Jenen Ross.

In Director Rast's absence, Assistant Director Eric Jensen provided the following update to the Board:

- A PO was submitted yesterday for cameras at Weed and Pest in an effort to avoid future thefts. Connectivity issues out there have been resolved.
- Final phases of the MS Office upgrade are continuing to be rolled out.
- IT is working on the case management system for the Coroner. The previous system is somewhat antiquated.
- Certificates of Authority are a way for servers to securely "talk" to each other. There was one that wasn't operating properly and was a very manual process. They have been in the process of reworking the server so that it's operating more efficiently and in the process of renewing certificates.
- At the request of Commissioner Van Beek, Mr. Jensen spoke about the OnBase upgrade which is scheduled to be done in August/September.
- Asset tracking is continuing.

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

APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 14, 2021

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

APPROVED CLAIMS

- The Board has approved grand jury claims in the amount of \$1,347.41

APPROVED CLAIMS

- The Board has approved claim 573281 in the amount of \$513.00

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved employee status change forms for the following: Mariann Millet, Housekeeper-Part-Time; Michael Richards, Juvenile Detention Training Coordinator; Katelyn Webster, Interpretive Specialist

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Project Manager.com Inc in the amount of \$16,254.00 for the Information Technology Department
- A Gem in the amount of \$5,480.00 for the Weed & Pest Department

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSES

- The Board approved an Alcoholic Beverage License renewal for Jackson's Food Stores INC dba: Extra Mile #183; Jackson's Food Stores INC dba: Extra Mile #184; Jackson's Food Stores INC dba: Extra Mile #196; Heather Zimmerman dba: The Garage Café; ItalianToGo, LLC dba: ItalianToGo Co; MFM Group LLC dba: Sizzler Restaurant; Intermountain Food Stores INC dba: M&W Markets #6; Intermountain Food Stores INC dba: Franklin Junction (See resolution no. 21-043.)
- The Board approved an Alcoholic Beverage License renewal for Jackson's Food Stores INC dba: Jackson's Food Stores #126; Jackson's Food Stores INC dba: Jackson's Food Stores #198; Jackson's Food Stores INC dba: Extra Mile #143; Jackson's Food Stores INC dba: Extra Mile #144; Jackson's Food Stores INC dba: Extra Mile #147; Jackson's Food Stores INC dba: Extra Mile #148; Jackson's Food Stores INC dba: Extra Mile #149; Jackson's Food Stores INC dba: Extra Mile #177; Jackson's Food Stores INC dba: Extra Mile #178; Jackson's Food Stores INC dba: Extra Mile #179; Jackson's Food Stores INC dba: Extra Mile #180; Jackson's

Food Stores INC dba: Extra Mile #181; Jackson's Food Stores INC dba: Extra Mile #182 (See resolution no. 21-044.)

- The Board approved an Alcoholic Beverage License renewal for Jackson's Food Stores INC dba: Jackson's Food Stores #3; Jackson's Food Stores INC dba: Jackson's Food Stores #5; Jackson's Food Stores INC dba: Jackson's Food Stores #22; Jackson's Food Stores INC dba: Jackson's Food Stores #59; Jackson's Food Stores INC dba: Jackson's Food Stores #60; Jackson's Food Stores INC dba: Jackson's Food Stores #61; Jackson's Food Stores INC dba: Jackson's Food Stores #62; Jackson's Food Stores INC dba: Jackson's Food Stores #63; Jackson's Food Stores INC dba: Jackson's Food Stores #64; Jackson's Food Stores INC dba: Jackson's Food Stores #82; Jackson's Food Stores INC dba: Jackson's Food Stores #85; Jackson's Food Stores INC dba: Jackson's Food Stores #115; Jackson's Food Stores INC dba: Jackson's Food Stores #117 (See resolution no. 21-045.)
- The Board approved an Alcoholic Beverage License renewal for MRG Inc dba: Buck's Saloon & Steakhouse (See resolution no. 21-046.)

#### MEETING WITH DEPARTMENT HEADS TO DISCUSS BUDGET PROCESS

The Board met today at 9:01 a.m. with Department Heads to discuss budget process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner, Parks Director Nicki Schwend, CCAD Director Michael Stowell, Fleet Director Mark Tolman, Weed and Pest Superintendent AJ Mondor, Facilities Director Paul Navarro, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Detention Sean Brown, Director of Juvenile Probation Elda Catalano, County Agent Jerry Neufeld, DSD Director Tricia Nilsson, Landfill Director David Loper, PIO Joe Decker, Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross.

Commissioner Van Beek said her understanding is that Directors have expressed that they would like the opportunity to present their requested budget to the Board prior to meeting with the Clerk and Controller. This year budget workshops will be held June 14-17 so that Directors and Elected Officials will have the opportunity to present to one another in an effort to gain a big-picture view of what is needed across the county. Additionally, to assist the Directors that interface with all four elected offices and other departments there will be a schedule of what is being funded in the budget. Commissioner Van Beek said that because of ITs tracking process they are asking that all IT related purchases run thru that department and likewise any vehicle purchases are run thru that department.

Commissioner Smith said the Clerk will still be preparing the budget but the Board would really like to see their departments budget before it goes to the Clerk. Her understanding is that sometimes requests are cut before they are presented to the Board. Having an idea of what the



needs are will help the Board be supportive of their Department Administrators. Due to the busy schedule, she encouraged everyone to use their regularly scheduled update meeting to review their budget.

The idea is to have a 4-day budget workshop where all of the Department Administrators and Elected Officials are invited to present their budget requests, hear the requests of the other departments and Offices and be able to compete for their projects. Commissioner White expressed her desire for everyone to continue keeping their requests in front of the decision makers, even if their request isn't funded this year to keep it in front of the Board. It's not mandatory for everyone to be in attendance all 4 days but Commissioner White encourages everyone to listen to as many of the budget requests as possible.

Commissioner Smith said that at the budget workshops the Clerk and Controller will present what they have in the proposed budget and that is the time for everyone to "compete" – to compare what is in the proposed budget vs. what was requested but not included.

Commissioner Van Beek spoke about how she would like to see a plan in place for staging large, long-range projects.

In response to a question from Mr. Bazzoli, the Board indicated that each department will still meet with the Clerk and Controller to discuss their budgets. Mr. Bazzoli also asked how the compensation plan applies, Commissioner Smith said to rely on what is existing already and referenced point 6 in the budget document so that the Board can evaluate the needs of a growing county.

Based on a question from Director Schwend, Commissioner Smith said she will check with the Clerk to see how much notice they are able to get on his proposed budget.

Mr. Decker asked if the Board will be advocating on behalf of their Department Administrators. Commissioner Smith said that is the idea of having the budget discussions beforehand so that the Board has a better understanding of the requests.

Director Nilsson asked when the compensation committee recommendations will be available. She said they normally receive that information in August but thinks the costs should be included the budget numbers. Commissioner White believes that will stay on schedule with the Clerk and Controller in the usual timeframe. The Directors would like this information prior to the budget season. Commissioner Smith said she will work with the Clerk and Controller to see if that information would be available earlier.

Commissioner Van Beek spoke about how she feels expenses need to meet the revenue not the revenue meeting the expenses and that with lower expenses there is a greater margin for equity pay and salary increases if those go forward.

Several Directors spoke about how their departments are interconnected and how they don't want to be taking money from another Director's budget to fund something within their own budget.

The meeting concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (D); INTERVIEW AND CANDIDATE EVALUATION FOR DEVELOPMENT SERVICES DEPARTMENT DIRECTOR

The Board met today at 10:01 a.m. for an Executive Session to interview and evaluate candidates for the Development Services Department Director position. Commissioner Van Beek made a motion to go into Executive Session at 10:02 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding a personnel matter and to discuss records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, White, and Van Beek 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, Assessor Brian Stender, HR Generalist Jennifer Allen, DSD Planner Dan Lister, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Steve Fultz joined the session from 10:02 a.m. to 10:50 a.m. Michael Slate participated via Webex from 10:56 a.m. to 11:53 a.m. The Board took a break at 12:05 p.m. and resumed the session at 2:02 p.m. Jeremy Field arrived at 2:05 p.m. and left at 2:53 p.m. Martin Santoyo arrived at 3:08 p.m. and left at 3:54 p.m. Mr. Lister, Ms. Almeida and Ms. Allen left at 4:05 p.m. The Executive Session concluded at 4:15 p.m. with no decision being called for in open session.

APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 15, 2021

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$4,004.00 for Information Technology Department
- HP, Inc in the amount of \$1,049.00 for Information Technology Department
- Consolidated Supply Co. in the amount of \$2,684.08 for Solid Waste Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Two Horse Saloon to be used 5/15/21 at the White Wedding; Two Horse Saloon to be used 6/12/21 at the Salutregi Wedding; Two Horse Saloon to be used 6/19/21 at the Raul Tristan Wedding

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Bon Appetit Management Co, dba McCain Pub; Albertsons LLC, dba Albertsons #103; Albertsons LLC, dba Albertsons #1602; Albertsons LLC, dba Albertsons #176; Albertsons LLC, dba Albertsons #166; Pantera Market LLC, dba Pantera Market (Resolution no. 21-050)
- The Board approved an Alcoholic Beverage License renewal for Canton Café Inc, dba Canton Café (Resolution no. 21-051)
- The Board approved an Alcoholic Beverage License renewal for Little Saigon Vietnamese Restaurant LLC, dba Little Saigon Vietnamese Restaurant; JFL Vond LLC, dba Super C; Raising Our Bar LLC, dba Raising Our Bar (Resolution no. 21-052)

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:45 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Jenniffer Odom and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-490; 2021-510; 2021-514; 2021-486; 2021-487; 2021-535.

Lien releases were presented for Board signatures.

The meeting concluded at 8:46 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 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper (left at 9:10 a.m.), Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider hearing public comment regarding Sole Source Procurement of Kenworth/Cobalt Service Truck from Kenworth Sales Company:*** Mr. Porter noted for the record that there were no comments received and no one appeared today to offer comment.

***Consider authorizing execution of Kenworth/Cobalt Service Truck from Kenworth Sales Company Sales agreement after opportunity for public comment:*** This piece of equipment qualifies for sole source as laid out in the published notice. At the request of Commissioner White, Director Loper explained the logistics of building the truck and difference in the terms between "truck" and "chassis". Commissioner Van Beek made a motion to authorize the execution of Kenworth/Cobalt Service Truck from Kenworth Sales Company sales agreement after opportunity for public comment. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a second motion authorizing Director David Loper to sign the agreement. The motion was seconded by Commissioner White and carried unanimously. Mr. Loper explained that with this authorization now signed they'll be able to get the truck into the build process and included in the FY22 budget. Once we're further into the new fiscal year he will submit a purchase order.

Mr. Wesley said there were questions regarding the Wilke rezone, his recollection is that there are FCOs and a DA being prepared for signatures. Today's hearing will essentially be starting over and will be the final hearing.

Director Navarro has suggested having an architect look at the space needs at the DMV and to determine if the space is being utilized effectively. Mr. Wesley believes the dollar amount should be low enough that it won't need to go thru the formal procurement process although it might be a good idea to have Mr. Navarro collect a couple quotes. The Board is supportive of Mr. Navarro collecting some information for a site assessment and for someone to look at the physical structure of the building to determine if it can be expanded.

Commissioner Van Beek spoke about some of the space planning happening at the jail/intake in regard to the body scanning machine. She would like to have a meeting to include the Sheriff, Captain Patchett, Lt. Flores and Director Navarro to discuss the available space for the body

scanning machine. Commissioner Smith does not think a meeting needs to happen at this time. The Board expressed their concerns at an earlier meeting which are now being worked thru in the IFB process.

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

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

Commissioner Van Beek 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 communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:27 a.m. with no decision being called for in open session.

CONSIDER ACTION ITEMS FOR LAKE SHORE DRIVE DEVELOPMENT, CASE NOS. OR2020-0010 AND RZ2019-0039 AND SD2019-0052

The Board met today at 10:05 a.m. to consider signing the action items related to the Lake Shore Drive Development request for a comprehensive plan map amendment, rezone and preliminary plat for Case Nos. OR2020-0010, RZ2019-0039, and SD2019-0052. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, interested citizens, and Deputy Clerk Monica Reeves. On April 9, 2021 the Board conducted a public hearing on the requests and following testimony and deliberation the Board voted unanimously to approve the findings of fact, conclusions of law and order (FCO's) for the comprehensive plan map amendment, and the FCO's for the conditional rezone, and the development agreement with recommended changes, and the FCO's for the preliminary plat. The signing of the approval documents was scheduled for today's date, April 15, 2021. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCO's, the development agreement (No. 21-031), the resolution (No. 21-048), and the ordinance (No. 21-010) associated with the Lake Shore Drive Development, LLC, case. The meeting concluded at 10:05 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY MATT WILKE FOR WHITE BARN REAL ESTATE, REPRESENTING L&J INVESTMENTS IDAHO, LLC, FOR A CONDITIONAL REZONE, CASE NO. RZ2020-0015

The Board met today at 10:05 a.m. to conduct a second public hearing in the matter of a request by Matt Wilk of White Barn Real Estate, representing L&J Investments Idaho, LLC, for a conditional rezone including a development agreement, Case No. RZ2020-0015. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Justin Parker, Lowell Fritz, Matt Wilke, April Wilke, Alan Mills, Theresa DiMauro, Colleen Whittig, Jake Fillmore, Sonnie House, Lynn Whittig, Diana Trout, Dave House, Marnie Fillmore, Sandra Kershner, Sonia Martin, Lindsay Whittig, Christi Falen, Michelle Van Lith, Ryan Whittig, Eric Falen, Joyce Greenfield, Richard Given, Diane Liston, Joyce Given, Rod Lowe, and Vivian Ferkin, and Deputy Clerk Monica Reeves. Those who participated via Webex were: Candace Camin, Jennifer Buskirk, Joe Jones and Kassi Chadwick. Deputy PA Zach Wesley arrived at 11:54 a.m. Commissioner Smith said when the P&Z Commission makes a recommendation and the Board changes that recommendation a second public hearing is required which means today's hearing is a brand-new hearing. The Board will consider everything that was considered prior to today and it will also accept new evidence. Commissioner Van Beek disclosed that her husband's coworker is located in proximity to the property and has expressed concerns about this development. Commissioner Smith disclosed that she lives in the immediate area and she drives by the site often and is very familiar with it, but since the last hearing she has not spoken to anyone about this case and she will be able to make an impartial decision. Dan Lister gave the oral staff report. On March 15, 2021 this matter came before the Board of Commissioners and they found that it could come back as a conditional rezone with a development agreement subject to changes to the conditions within the development agreement related to setbacks, noise management, and landscape buffers. Staff has provided revised findings of fact, conclusions of law, and order (FCO's) identifying those changes as well as a revised development agreement. The changes are as follows:

- A total of 19 uses that would be prohibited.
- Add Condition #2B which states that food processing facilities could be allowed subject to a CUP
- Condition #2C(i) states the applicant shall provide a structural setback of 100-feet from the perimeter- the east, south, north, and west property boundary lines.
- The applicant shall submit a noise management plan that indicates hours of operation and how they will deal with noise-generating equipment and how they are minimizing outdoor operations to not exceed 65 decibels between the hours of 7 p.m. and 6 a.m.
- The applicant shall provide a 30-foot landscaping buffer along the perimeter of the property which shall consist of trees, bushes and other native plants within the buffer. The applicant shall provide a plan demonstrating how they are going to do that and how they will maintain it to be weed-free and not become a public nuisance.

According to Mr. Lister the information was provided to the applicant for review and but he has not heard whether the applicant is opposed to or agreeable to the conditions. The applicant has asked for a termination clause that states the development agreement will go away if any of the abutting properties have similar uses but staff is not recommending that because that issue should come back through a modification process if they wish to modify the development agreement. It should not be terminated based on a clause. Staff received comments from neighbors who still

find this use to be very impactful even with the conditions and they feel the use is not appropriate at this time due to impacts of traffic, noise, and property values, as well as the enjoyment of the area. He said Matt Wilke submitted a newspaper article that had good points regarding the need for industrial uses within the cities of Nampa and Caldwell. Staff has provided FCO's that support the development agreement as conditioned and as revised by the Board. The options available to the Board today are: 1) accept the conditional rezone as modified or further modified; or 2) deny the request and direct staff to come back with revised FCO's; or 3) continue the hearing if the Board requires further information. The Board accepted the late exhibits in to the record.

**Testimony in support was as follows:**

Matt Wilke testified the applicants picked this location based on the close proximity to industrial and the future land use map showing it to be industrial. They received many letters of support from individuals and businesses including the Western Alliance for Economic Development regarding wage generation and job creation for Canyon County, as well as letters from Western Farms, a larger farmer in the state, and the Mayor of Middleton. Mr. Wilke said the County lacks industrial property and is losing business because of it. The soils map shows 85% of the subject property has mostly Class 6 and some Class 3 soils. Class 6 soils have severe limitations that make it generally unsuitable for cultivation and restrict use mainly to pasture, rangeland, forest land or wildlife habitat. Class 3 soils have severe limitations as well. He noted that everything south of Lower Pleasant Ridge Road has a lot better soil. Prior to any industrial use allowed on site L & J Investments Idaho would like to have the ability to revert back to agricultural zoning at the applicant's choice so they do not have to follow the stipulations in the development agreement if they are not able to attract industrial users due to the restrictions in the agreement. They want to have RV storage as an allowed use on the site. The wants to have the landscaping plan put to use as businesses come to the site; there is no reason to put in landscaping until a business is on site. Mr. Wilke said industrial wages are typically higher per average than the standard wage so with the businesses coming to site they would create 70 direct jobs and 32 indirect jobs just with the tree service and the proposed cabinet company. At \$375,000 per acre in wage generation annually on 42 acres, they estimate it would create \$15,750,000 in wages annually in Canyon County. Mr. Wilke said the applicants have done a great job working with the Board, staff and neighbors in limiting a lot of uses to make the site a fantastic project.

Alan Mills testified that the subject property is not good farm ground and it's been said there is a lot of property that's available but that's not true. We don't see many industrial sites with Class 4, 5, & 6 soils; other industrial uses are going on to the prime soils, such as in Nampa. This area has been designated for change for many, many years and there are industrial uses in the area. If you look to the south it's agriculture and sporadic residential and that's a nice demarcation zone. As a County we're either saying we want to attract industry, or if we don't then we have to tell people they cannot count on the comprehensive plan. According to Mr. Mills the reversion clause is very important because even if the development agreement goes as written we don't want to get in a no man's land where it stays conditionally rezoned and then the County has to take action to revert it back. He wants the applicant to be able to say we are pulling the plug and going back to agriculture and not have to hope the County sees it the same way. Mr. Mill said the question

that hasn't been answered is this: *If this is conditionally rezoned to M-1 and reverted back would the comprehensive plan have to be changed to show agriculture?* Commissioner Smith said the answer is no. The comprehensive plan is a guide for growth, it is not something we strictly follow. Even when the comprehensive plan shows it is agriculture and we've made changes to the plan to allow for industrial or residential growth it's just a guide. It cannot be used like an ordinance.

Lowell Fritz testified that we need more industrial property for businesses. The neighbors have a problem with the noise from the steel company, but the applicant cannot change what is there and he feels they are getting penalized because of what the steel plant is doing. It's not fair to make a decision or penalize the applicant because the neighbors are upset with what the steel plant is doing. He said they hope to be good neighbors and not affect the neighbors in a negative way.

**Testimony in opposition was as follows:**

Theresa DiMauro testified she is a certified crane operator, forklift operator, and is certified by OSHA to do hazmat cleanups. This is not about noise from the steel plant, it's about passing on toxic waste to other agricultural properties. She has concerns about the infrastructure and the noise levels.

Jake Fillmore stated there is no industrial use around the property itself; the borders are not industrial. He disagrees with previous testimony that said this is poor ground. He does not want his way of life to change. He said the decision to approve the steel plant was a huge mistake that cannot be reversed.

Lynn Whittig, who has farmed in the subject property, said the soils in the area are good producers of mint. He spoke of concerns about farmers losing their ability to farm, and that aerial spraying will not be permitted on his property if there are complaints about fumigation and the proposed 100-foot setback is not going to help alleviate his concerns.

Marnie Fillmore testified about her concerns regarding traffic, potential complaints about aerial spraying, and a recent vehicle accident that occurred at the intersection of Weitz Road and Lower Pleasant Ridge Road.

Sandra Kershner testified the proposal will be the first step of turning almost all of the community into a light industrial area. She has concerns about how many businesses will be permitted on the property and how it seems that businesses owned by outsiders are considered more value than those who live in the area.

Richard Given spoke of the uses in the area and the trucks that carry tons of materials on roadways. He said Canyon County has been restricted in its ability to plan for these things before they come in, and his concerns include: traffic, access to the interstate, and the need for improvements to the infrastructure. As far as industrial planning we need business but it needs to be done in a rational way and it should not be done on farmland.



Joyce Greenfield testified about her concerns with traffic, specifically heavy traffic. She spoke of her experience with farming in the area and said the subject property is not as good and versatile as other ground but it is very productive.

Christi Falen testified that we need to look at the long-range plan and what is best for our community and we need to not limit the agricultural production in the area.

Eric Falen lives in the area and is raising hay and animals on his property. He warned of encroachment and said once farmland is taken out of production and uses for something else it's very unlikely it will ever be reclaimed back to agriculture.

Michelle Van Lith read a statement from Jennifer Buskirk who has strong opposition to rezoning this property to industrial even with the revisions discussed at the previous hearing. In March of 2021 Ms. Buskirk was involved in an accident at the intersection of Weitz and Lower Pleasant Ridge Road which is a very dangerous intersection and she is concerned the increased industrial traffic will make it even more dangerous. She urged the Board to maintain the rural lifestyle and quality of life. She is concerned that the tree service company already has issues of nuisance at its current location and she believes moving the company to property surrounded by homes would have a negative impact on the neighborhood.

Ryan Whittig testified about trucks travelling roadways. He farms directly across from the property in question and said it is highly productive farm ground. There is agricultural equipment in the area and bringing more truck traffic to the area will create more conflict. The narrow bridge and small country roads in the area cannot handle heavy truck traffic.

Candace Camin lives on Chicken Dinner Road and she agrees with everything that's been stated in opposition.

Kassi Chadwick lives on Lower Pleasant Ridge Road and she agrees with the testimony that's been given in opposition to this proposal.

**Rebuttal testimony was given by Matt Wilke.** Regarding future sales of the property, he said they can do an agricultural disclosure where all the potential buyers will sign and it can be added to the development agreement that way they won't have any protests from industrial users of surrounding farming operations. The property to the south is highly productive farmland and the property to the north has Class 3 and Class 6 soils which is not the best soil. Traffic is most likely going to head north because there is no incentive for a truck driver to use the side roads when they can turn onto Highway 19. He doubts large loads of steel are using the secondary roads. The property should be zoned industrial because it's not agriculture. The ag land to the south with Class 1 soils is not where they want to put the industrial zoning; they want it next to the current industrial use which is why they chose this site, and also because of the comprehensive plan. This is an ideal site as traffic flows well on Highway 19 and it has easy access to the interstate.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. It was noted that all late exhibits have been entered into the record. Dan Lister said if the Board decides to review the request by the applicant staff wants to provide some analysis on it if the Board goes with some of the changes they are proposing in the development agreement:

2A Has a list of prohibited uses, they are requesting the ministorage and RV storage be removed. That will be up to the Board to allow that or not.

2C: The intent of that condition was that for every use that comes in would have to be held to this condition so it wouldn't be just the owner at this time meeting all that. When that changes the use to whatever they are using it for then this applies to that user. Staff is fine with revising it to reflect that the only time they would need to do it at that time is if they do a plat and started to split it off then we would want those conditions to be met at the time of plat, but the rest is at time of use or building permit or use.

The applicant has asked for a stipulation that they can revert back to agriculture at any point, but staff does not recommend that. This is similar to the stipulation they asked for regarding when M-1 zoning surrounds them they are no longer subject to the development agreement. At the end of the day we are approving a rezone to M-1 and there are ways to modify that agreement through a process. In this case if they don't want that anymore they would have to come back through the rezone process to change it back to the ag zone because the underlying zone is still M-1 at the end of the day.

Commissioner Smith said she spent a lot of time considering the last hearing and listening to today's testimony and when the Board makes rezoning decisions it has to consider the findings of fact and conclusions of law. Zoning Ordinance section 07-06-07 6A has eight questions we have to answer in the affirmative for approval. The P&Z Commission found reasons for denial. At the last hearing there were two Commissioners that reviewed those findings and found if it was heavily conditioned in the development agreement we could find some positive findings for those. State statute was crafted in a way that was wise because it's a big decision to change from one zone to the next and the P&Z Commission's decision should be utilized and listened to and if there are changes in that having an opportunity for people to come back and talk is important. The community has spoken and although there was some emotion in some of the conversations, they have done a good job identifying the impacts to agriculture. The Board can make a finding that would support denial of the rezone. The comprehensive plan includes a map which shows this property as industrial, but there are also 92 pages of text and when you read through the agricultural component this proposal does not support an industrial zone. The comprehensive plan talks about developing and implementing standards and procedures to ensure that development of ag land is compatible with agricultural uses in the area and that we protect agricultural operations and facilities from land use conflicts or undue interference created by existing and proposed residential, commercial, and industrial development. The main concern in this case is she does not like conditions of approval and that could be from her bias from working in DSD because they do not have enough staff to enforce code enforcement. In many of the cases

that have conditions of approval there's just not a good opportunity for enforcement. In order for the Board to find some peace in approving the application it had to ask staff to attach a number of conditions and that should have been an indication. She is grateful for a second opportunity to review this application and she recommends that although the map is consistent, the text in the plan is not consistent and the conditional rezone is not compatible with surrounding land uses because of the number of conditions we would have to enforce. Also, the conditional rezone does negatively affect, and the uses allowed in that zone, negatively affect the character of the area. Commissioner White appreciates the testimony given today but she has not changed her mind on this request; it's still an issue of compatibility and therefore she is opposed to the request. Commissioner Van Beek referred to a late exhibit from the Warrens (Exhibit 42). There has been a lot of conversation around Gayle Manufacturing and part of the conflict is because it wasn't conditioned to mitigate for the surrounding properties or the farming community. This Board is interested in a well-vetted discussion and researching what is in the best interest of the community. She said Exhibit 43 from Jennifer Buskirk demonstrates one of the best uses of the County's comprehensive plan in building a defensible argument. Some of the mitigation that has to happen in a transition zone has to take into account what's already there and the testimony we heard was there are generations of farming that deserve the same respect and consideration as other businesses wanting to coexist peacefully in that area. The Board tried to mitigate in a fair and responsible way what would mitigate for the concerns that were brought forth and be fair to both parties, but that came home to her this weekend. With the approval of Gayle Manufacturing and the disturbance it creates on a regular basis it's going to be problematic if we are not able to mitigate that further. She referenced the Simplot property being farmed as an agricultural industrial use. She said Mrs. DaMauro provided credible testimony especially now that the Board has been asked to reconsider putting some of those things it conditioned out back on the table. With an RV park you would have to have some type of septic system that would impact the ground water. In the growth of this valley the Board is charged to evaluate an enormous amount of information and where this county is going. We are in process, we are experiencing change in DSD with a new director, and the growth in the valley is unprecedented and we are trying to figure out how to put this puzzle of growth and ag together. Agriculture has to be respected if we are going to maintain it and have it go into the future. Commissioner Van Beek referenced traffic concerns in the area and she is concerned about adding more until we know what we want to do. With more than 80 letters of opposition this is not a decision with a minimum amount of conflict, even with the conditions put on this development there is still some level that both sides are not able to live with. This is highly contested and she finds that in conflict with the comprehensive plan. Farm uses are adjacent to the subject property. What she's heard from the applicant wanting to come back is he does have an alternative route; he has a city that's growing in Middleton that is actively looking for industrial use and welcoming that business. The way the ordinance reads is if the Board is unable to find affirmation for all eight conditions laid out for looking at an approval then it becomes a denial. The Board has to move to a position of denial because of what came back from the applicant and the ongoing opposition that's provided a heavier weight. Commissioner White made a motion to deny Case No. RZ2020-0015 and direct staff to prepare revised FCO's to support the decision and bring them back at a future date. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Smith said something that would help her in this case is if there was an immediate connection to another

industrial zone that could make a difference so that it was incrementally transitioning in the zone. The FCO's will come back at a later date as an agenda item. The hearing concluded at 12:14 p.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEMS: CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO SPUDS BASEBALL CLUB, AND CONSIDER SIGNING A RESOLUTION GRANTING A COMPREHENSIVE PLAN FEE WAIVER TO TYLER TOUPS

The Board met today at 12:15 p.m. to consider signing two action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. The items were considered as follows:

**Resolution granting a new alcoholic beverage license to Spuds Baseball Club** – Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the new alcoholic beverage license for Spud's Baseball Club. (Resolution No. 21-049.)

**Request by Tyler Touns for a comprehensive plan fee waiver** – Commissioner Smith does not support the fee waiver request because the County has a fee program in place and she does not believe Mr. Touns has provided enough evidence to warrant a reduction in fees. Commissioner Van Beek said the documentation provided by staff indicates Mr. Touns said the cost of building materials is too high. Commissioner Smith said that's true for everyone and if we set a precedent based on building prices it will open Pandora's Box. The fees set help cover the costs of redevelopment in this county and we should not support it. Commissioner Van Beek noted that the documentation indicated Mr. Touns did not state a lack of ability to pay the fee. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to deny the request by Tyler Touns for a comprehensive plan fee waiver because of the reasons already articulated on the record. (A template resolution was prepared by DSD staff, but because the Board denied the fee waiver a new resolution will need to be prepared that states the Board is not granting the waiver.)

The meeting concluded at 12:21 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING FINAL PLAT FOR COUNTRY CLUB SUBDIVISION, CASE NO. SD2020-0044

The Board met today at 1:26 p.m. to consider approving the final plat for Country Club Subdivision, case no. SD2020-0044. Present were: Commissioners Keri Smith and Pam White, TJ Wellard, DSD Planner Jennifer Almeida (arrived at 1:27 p.m.) and Deputy Clerk Jenen Ross. Commissioner Smith said that per the staff report it meets all the standards of review for the zoning amendment and final plat approval. The land is zoned R-1. Upon the motion of Commissioner White and second by

Commissioner Smith the Board voted unanimously to sign the final plat for Country Club Subdivision, case no. SD2020-0044.

#### UNSCHEDULED REVENUE HEARING AND CONSIDER ACTION ITEM

The Board met today at 1:33 p.m. for an unscheduled revenue hearing and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Zach Wagoner, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

***Consider resolution approving FY2021 budget adjustments:*** Controller Wagoner explained that these adjustments relate to the current FY2021 budget. It is always the intent to operate within the budget as originally adopted and approved but occasionally there are extenuating circumstances that require adjustments. These adjustments were published in the Idaho Press Tribune on April 9, 2021. Mr. Wagoner reviewed the adjustments as follows:

- *Clerk, Auditor, Recorder and Elections:* \$111,000 increase from Coronavirus Relief Funds for personnel and operating costs to ensure a safe and health in-person voting experience in response to COVID-19
- *Emergency Management:* \$910,000 increase from Coronavirus Relief Funds for equipment, supplies and materials for the county's response to protecting public health and safety in mitigating COVID-19
- *Capital Investments:* \$4,900,000 increase for the construction of a Canyon County Fair Expo building
- *Motor Vehicles:* \$130,000 increase for additional customer service personnel
- *Development Services:* \$37,500 increase for one upgraded and one additional planner position
- *Trial Court Administrator:* \$12,000 increase from Coronavirus Relief Funds for personnel to assist with Zoom court functions in response to COVID-19
- *Consolidated Elections:* \$111,000 increase from Coronavirus Relief Funds for personnel and operating costs to ensure a safe and healthy in-person voting experience in response to COVID-19

With these adjustments there is no change or increase to property taxes, this is simply to reflect unanticipated revenue from Coronavirus Relief Funds and to make necessary budget adjustment to respond to current circumstances within the county. The total adjustment is just over \$6.2M. No comments were received and no one appeared for today's hearing to offer comment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving FY2021 budget adjustments.

The meeting concluded at 1:38 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (D); INTERVIEW AND CANDIDATE EVALUATION FOR DEVELOPMENT SERVICES DEPARTMENT DIRECTOR

The Board met today at 1:57 p.m. for an Executive Session to interview and evaluate candidates for the Development Services Department Director position. Commissioner White made a motion to go into Executive Session at 1:58 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding a personnel matter and to discuss records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, White, and Van Beek 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, Assessor Brian Stender, HR Generalist Jennifer Allen, DSD Planner Dan Lister, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Mitra Mehta-Cooper arrived at 2:03 p.m. Ms. Mehta Cooper left at 2:45 p.m. Kate Dahl arrived at 3:05 p.m. and left at 3:50 p.m. The Executive Session concluded at 4:56 p.m. with no decision being called for in open session.

APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 16, 2021

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

APPROVED CLAIMS

- The Board approved claims 573250 to 573279 in the amount of \$30,468.97

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Curtis Blue Line in the amount of \$1,431.60 for Canyon County Sheriff

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for G & G Investments LLP, dba Bud's; Grey Stone Corp, dba V-Cut Lounge (Resolution no. 21-053)

#### CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION

The Board met today at 10:00 a.m. to consider extending the COVID-19 emergency declaration. Present were: Commissioners Keri Smith and Pam White, Deputy PA Mike Porter, Chief Deputy Sheriff Marv Dashiell, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Deputy Treasurer Jennifer Mercado, EOM Christine Wendelsdorf, Rachel Spacek from the Idaho Pres-Tribune, and Deputy Clerk Monica Reeves. The Board reviewed the updated 30-day extension for the emergency declaration which had little to no changes besides the date and the removal of the color codes. Commissioner Smith said yesterday the Treasury released some information which seems very limited; we are still working through the issues but it looks like we need an extension. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the extension of the COVID-19 emergency declaration. The meeting concluded at 10:01 a.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 19, 2021

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

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:31 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. Other topics of discussion included:

- The Board wants to schedule a meeting with the Middleton Mayor, a city councilmember, and their planner regarding the explosive growth that's occurring and to discuss their vision for handling the growth.
- The Board wants to meeting quarterly with local mayors, including the Mayor of Star. Lunch will be provided for these roundtable discussions
- The Board wants to resume the monthly meetings with the County's elected officials to share information regarding their respective offices. Staff will work with the elected officials on selecting a recurring date/time for the meetings which will take place in the Commissioners' meeting room once a month.
- The City of Star has a pending annexation request that the Board has received a lot of comment on so the Board wants to meet with the Mayor of Star about that issue. Staff will coordinate a meeting date/time with officials from the City of Star, as well as the Development Services Department and Zach Wesley from the Prosecuting Attorney's Office.

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

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

The Board met today at 9:32 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- Shop has been busy continuing with up-fittings
- Preparing vehicles coming offline for auction
- Caldwell Police Department has asked if the county would consider selling a vehicle intended for auction at fair trade value. The vehicle is a 2007 Ford Ranger truck that came from Parks with nearly 190K miles. \$3576 is what they've offered. Commissioners Van Beek and Smith said they are in favor of selling the vehicle to Caldwell PD. Director Tolman will work with the PAs Office to create a resolution.
- The vehicle replacement schedule will be ready by the May 17<sup>th</sup> deadline
- Discussion ensued regarding budget lines and how Fleet budgets and purchases operate
- Going to request a YTD mileage payout to get a better idea of how to manage the motor pool



- Discussion was had regarding installing an automated carwash vs. using an already established carwash service. Commissioner Smith would like more information on on-going costs. Commissioner Van Beek requested a comparison of numbers showing the difference between utilizing personnel to take a car to the carwash vs. having a carwash bay on site.

The meeting concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:32 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution granting a refund to Charles and Scott Kido for a withdrawn rezone and comprehensive plan change:*** Director Nilsson explained they needed sewer for their project so they are going to hook up to city services. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Charles and Scott Kido for a withdrawn rezone and comprehensive plan change (see resolution no. 21-055).

***Consider signing a resolution granting a refund to Legends Mechanical for a withdrawn mechanical permit:*** The client cancelled the permit to go with another company. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Legends Mechanical for a withdrawn mechanical permit (see resolution no. 21-054).

***Consider signing a resolution to deny a refund to Kent Storer for a conditional rezone:*** This is for a conditional rezone that has already had a hearing. Commissioner Smith believes a refund was discussed on the record. Director Nilsson believes Mr. Storer purchased the property but did not pay the initial fees. More information is necessary for this request so it will be rescheduled to a later date.

At the completion of the action items Director Nilsson continued with her regular meeting updating the Board on the following:

- Discussion regarding a draft ordinance for rural cluster vs. ag cluster. Director Nilsson believes it might be beneficial to meet with the Board, Zach Wesley, Jennifer Almeida and Dan Lister to walk thru some of her logic in creating the draft.

- Discussion regarding annexation and the City of Star's plan
- A draft document will be prepared for the fire water supply committee which Ms. Nilsson will send to the committee along with the Board.
- Employee evaluations are being started today.
- Budget is done she just needs to complete the Clerk's worksheet. Commissioner Smith instructed Director Nilsson to plan for the new positions as she was able to find office space within the Administration building.
- Director Nilsson met with Zach Wesley this morning regarding the Star area of impact and gave an overview outlining some of the logistics and processes when two cities areas of impact overlap.

The meeting concluded at 4:09 p.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 20, 2021

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 approved claims 573533 to 573541 in the amount of \$8,940.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$7,443.00 for Information Technology Department
- HP INC in the amount of \$1,089.00 for Information Technology Department
- Apple in the amount of \$1,759.00 for Information Technology Department
- 1000 Bulbs in the amount of \$3,598.70 for the Facilities Department

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSES

- The Board approved an Alcoholic Beverage License renewal for Topples Fine Dining LLC dba Ragazza Di Bufalo; Idaho Bowling Corporation Inc. dba Nampa Bowl; Sportsman's Hideout LLC dba Sportsman's Hideout (Resolution no. 21-057)
- The Board approved an Alcoholic Beverage License renewal for Jackson's Food Stores Inc. dba Extra Mile #164; George & Kayla White dba Keystone Pizza; Holy Cow Idaho LLC dba Holy Cow!; Horacio Tellez Castillo dba Taqueria Janitzio; East Cleveland Beverage & Tackle LLC dba East Cleveland Beverage (Resolution no. 21-058)
- The Board approved an Alcoholic Beverage License renewal for Stewart & Christensen LLC dba Stewart's Bar & Grill; Eight Twelve Main LLC dba Eight Twelve Main (Resolution no. 21-059)
- The Board approved an Alcoholic Beverage License renewal for Labyrinth Escape Games LLC dba Labyrinth Escape Games; EVRA Inc. dba Casa Mexico; Pantera Market 4, Inc. dba Pantera Market #4; Mongolian BBQ, B-Way/Nampa dba Mongolian BBQ; Silvia K Lane dba The Vault 21 Club; Stinker Stores Inc. dba Stinker Store #113; Stinker Stores Inc. dba Stinker Store #108; Stinker Stores Inc dba Stinker Store #82; Stinker Stores Inc dba Stinker Store #75; Stinker Stores dba Stinker Store #60; Stinker Stores Inc dba Stinker Store #48; Stinker Stores dba Stinker Store #44; Stinker Stores Inc dba Stinker Store #41 (Resolution no. 21-060)

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

Note for the record: As properly noticed the Board met today at 9:12 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:14 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner 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, Chief Deputy P.A. Sam Laugheed. Deputy P.A. Zach Wesley arrived at 9:24 a.m. The Executive Session concluded at 9:46 a.m. with no decision being called for in open session.

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

The Board met today at 10:01 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Deputy Administrator Shawn Anderson, Director of Misdemeanor Probation Jeff Breach (arrived at 10:10 a.m.), Director of Juvenile Probation Elda Catalano (arrived at 10:11 a.m.) and Deputy Clerk Jenen Ross. Director Brown reviewed the following with the Board

- Preliminary review of 'A' budget:
  - Increase to holiday pay line item due to his department not being able to take holidays
  - Increase to Overtime which is the line that covers mandatory training
  - Needs one position this year, last year 6 positions were cut
- For fiscal year 2021 the department is at 114% of revenue
- Currently has two open positions (one open, one person leaving in May); two new employees are in training, will attend POST in June and then be assigned to a team
- Meeting with Facilities and IT to work on developing 'B' budget
- State inspection is tomorrow and Director Brown will review the results with the Board next month
- Working with Luis at Breaking Chains on mentoring program
- PREA investigation was completed with no charges filed

The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:17 a.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach and Deputy Clerk Jenen Ross.

Director Breach updated the Board on the following:

- Budget items will be reviewed at his next meeting
- Review of offender numbers: 970 on active probation and 566 on bench warrant status
- One PO will be leaving on the 29<sup>th</sup> and they will leave the position unfilled; it will remain in the budget for FY2022 and reassess in July to see if any of the workload trends are changing. If trends remain low they may look at not funding the position.
- Court coverage has been worked out for the new magistrate judge

- Cost of supervision collections are really good right now
- Community Service program is going well and numbers are still high; finished last month with 324 participants
- The Misdemeanor Probation Department has been working with Anti-trafficking Coalition with the Department of Homeland Security in order to help find resources

Director Catalano updated the Board on the following:

- Workload has decreased but staff is still very busy
- A lot of time is being spent in court, Ms. Catalano will be meeting with the courts to see if there are some things that can be done to make things more efficient
- She will be reviewing her budget with the Board next month
- Recently met with Director Navarro on future projects and will also be meeting with Fleet and IT in order to get numbers for her budget
- They are continuing to work on the 'Kicking Truancy' program
- Director Catalano is conducting goal setting meetings with her staff and is working to compile input that was received
- Discussion regarding Cost of Supervision
- Some preliminary discussions have been had regarding space for the GED program

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

MEETING WITH ASSESSOR'S OFFICE TO CONSIDER VARIOUS NEW AND RENEWING PROPERTY TAX EXEMPTIONS UNDER CODES: 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014

The Board met today at 1:32 p.m. to consider various new and renewing property tax exemptions under the following Idaho Code sections: 63-602W, 63-602D, 63-602P, 63-602B, 63-602C, 63-602E, 63-602GG, and 50-2014. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Assessor's Business Manager Jennifer Loutzenhiser, Imaging Specialist Helena Thompson, and Deputy Clerk Monica Reeves. Ms. Loutzenhiser explained that she will review the annual exemption applications and go through the applications that need to be discussed individually where there is something different going on with them where they are a new application or seeking a change in their exempt status from the prior year. They also have bulk approvals which are properties that have been exempt before and there is no change in what's happening and the Assessor recommends them for approval in bulk. The applications were considered as follows:

The Assessor's Office recommended approval of the following exemption applications pursuant to Idaho Code, Section 63-602E – Education Exemptions:

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for Mosaics Public School, Inc., PIN 34795011 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith the Board voted unanimously to approve the exemptions for the following accounts: US Bank National Association, PIN 60204000X0; Great America Financial Services Corporation, PIN 64941673X0; and Wells Fargo Vendor Financial, PIN 61643740 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for the College of Idaho, PIN 00838000 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for Northwest Nazarene University, Inc., PIN 11007000 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for the health clinic for Northwest Nazarene University, PIN 11180000 0.

The Assessor's Office recommended denial of the following exemption applications:

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to remove the 602E exemption from Northwest Nazarene University, PIN 11181000 0 and 11178000 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to remove the 602E exemption from Northwest Nazarene University, PIN 11009000 0, 10076010 0, 11184000 0, 11194010 0, 11194011 0, and 11194012 0

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to remove the 602E exemption from College of Idaho, PIN 00843000 0 and 03958000 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to remove the 602E personal property exemption from Leaf Capital Funding, LLC, PIN 64939357 0 and 64939358 0.

The Assessor's Office recommended approval of the following exemption applications pursuant to Idaho Code, Section 63-602D - Hospital Exemptions:

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for St. Luke's Regional Medical Center, PIN 64941679 0 and 64937764 0.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for the St. Luke's Regional Medical Center employee parking lot, PIN 01646010.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the exemption for St. Luke's Regional Medical for the north mob, PIN 30995012 0.

The Assessor's Office recommended approval of the following exemption applications pursuant to Idaho Code, Section 63-602C – Charitable Exemptions:

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the personal property exemption for Terry Reilly, PIN 64941714 0.

The Assessor's Office recommended approval of the following exemption applications pursuant to Idaho Code, Section 63-602B – Religious Exemptions:

Boone Memorial Presbyterian Church of Caldwell daycare center, Parcel 01341000 0 – The daycare provider who was the leasing space has left and now the church is using the space so the Assessor's Office is recommending the exemption be expanded to cover the full property.

Educational Media Foundation (tower only), PIN 64941674 0

Bible Believers Fellowship & Southern Idaho Church of God, Inc., PIN 18988000 0

Nampa First Church of the Nazarene, PIN 09825000 0 - They converted a house in to a medical clinic for people who are uninsured, and they are in partnership with Care House Partnerships. The Assessor's Office is recommending a full exemption.

Idaho Conference of Seventh Day Adventists, PIN 09488000 0 - They turned the property it into a free medical clinic and they will teach cooking classes and other classes. The Assessor's Office is recommending a full exemption.

Olivet Assembly, Inc., PIN 13715000 0, 13718000 0, & 15426010 0 – They have acquired the Sandstone Center and two parking lot parcels in downtown Nampa. The Assessor's Office is not doubting whether they are a legitimate religious organization, the concern is they only have four members for such a large facility.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the religious exemptions noted above pursuant to Idaho Code, Section 63-602B.

Nampa First Church of the Nazarene, PIN 09824000 0 – This is a residential lot and the church says it's being used as an activity field for youth ministry. This item will be tabled as the Board wants the church to show they are actively using the lot.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to table the request by Nampa First Church of the Nazarene (PIN 09824000 0) in order to obtain additional information in order to make a qualifying decision on the use of the lot.

The Assessor's Office recommended denial of the following exemption application - Idaho Code, Section 63-602GG – Low Income Housing Exemption:

Leap Charities, Inc., PIN 12985525 0 – This exemption is intended for organizations that are serving the ultra-poor, but the organization indicated they are receiving Section 42 tax credits and therefore the Assessor's Office does not recommend the property receive an exemption. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to remove the exemption as it does not qualify income-wise.

The Assessor's Office recommended approval of the following exemption applications pursuant to Idaho Code, Section 50-2014 - Urban Renewal:

Nampa Development Corporation, PIN 136010000 0 - Anything owned by urban renewal is exempt unless it is leased. They acquired this property in a land swap with the City of Nampa which is a parking lot in downtown Nampa. It is not being leased. The Assessor's Office is recommending the parcel be granted an exemption. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to grant the exemption.

The Assessor's Office recommended bulk approval of 26 exemption applications under Idaho Code, Section 63-602D as follows:

The Assessor's Office presented 26 applications that have been previously exempt under Idaho Code, Section 63-602D for certain hospitals. All parcels have been previously granted an exemption and the Assessor's Office feels comfortable recommending an exemption for 2021. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to grant 26 properties an exemption under Idaho Code, Section 63-602D as previously approved in prior years.

*\*See attached spreadsheet from the Assessor's Office which identifies 26 individual account numbers/PINs for the approved exemptions.*

The Assessor's Office recommended bulk approvals of 51 exemption applications under Idaho Code, Section 63-602E as follows:

All 51 parcels have previously been granted an exemption under Idaho Code, Section 602E – educational exemption - and the Assessor's Office is recommending they be granted the same exemption for 2021. Upon the motion of Commissioner Van Beek and the second by



Commissioner Smith, the Board voted unanimously to grant the education exemptions to the 51 applications as previously approved in prior years.

*\*See attached spreadsheet from the Assessor's Office which identifies 51 individual account numbers/PINs for the approved exemptions.*

The Assessor's Office recommended bulk approvals of 9 exemption applications under Idaho Code, Section 50-2014 – Urban Renewal:

The parcels have all been exempted previously under the urban renewal code and the Assessor's Office recommending they be granted again for 2021. Commissioner Smith asked to review the list of applications and questioned land that is held for development and asked if that's an allowed use. Ms. Loutzenhiser said the only way they wouldn't get an exemption is if they are leasing it. Joe Cox said the law was very loosely written. Commissioner Smith asked if the applications include the buildings located on Indian Creek off of 7<sup>th</sup> Avenue in Caldwell that urban renewal leases. Ms. Loutzenhiser said those properties are taxed. Mr. Cox said they have "arm wrestled" with them several years ago and since then they have not applied for the exemption. Commissioner Van Beek made a motion approve the 9 applications has presented for Nampa and Caldwell urban renewal. Commissioner Smith asked if the Nampa parking garage is exempt. Mr. Cox said that property is not exempt in his opinion, but a previous Board granted the exemption. Commissioner Smith said they charge the public to park there and so it's no different than charging the public to rent a building which we tax them on. Commissioner Van Beek withdrew her motion and discussion followed. Mr. Cox said where urban renewal leases space it changes their status for an exemption and he believes a parking garage does not qualify. Commissioner Smith said they can appeal the decision. She asked about the Nampa Public Library which is a public use, non-profit, and said that one makes sense because they are not leasing any of the building to private uses. She said with the exception of the Nampa Development Corporation parking garage, all of the properties can confirm they are not leasing anything. Commissioner Van Beek made a motion to deny the exemption for the Nampa Development Corporation (PIN 13415011 0) for the parking garage because it is a facility that charges for profit parking under their urban renewal. She noted they can appeal the decision under the board of appeals if they choose to. The motion was seconded by Commissioner Smith who said the value on this account is \$4.2 million and if it was a parking garage by any other organization it would be taxable. Commissioner Van Beek asked what caveats are afforded under urban renewal. Mr. Cox said it's about how they are using the property. The only caveat would be it's a city-owned parking lot and the city is exempt by statute just because they own it. Commissioner Smith said if urban renewal transfers it to the City of Nampa then it would become exempt. The motion to deny the property tax exemption carried unanimously. Mr. Cox said county properties are automatically exempt by statute, but he thinks they should put in a clause that states "*exclusively used by the county*" and that would force us to keep liquidating property we hold.

Commissioner Van Beek made a motion to grant the following exemptions pursuant to Idaho Code, Section 50-2014:

- Urban Renewal Agency of the City of Caldwell, PIN 04591000 0

- Urban Renewal Agency of Caldwell City, PIN 04561000 0
- Urban Renewal Agency of Caldwell City, PIN 04559000 0
- Urban Renewal Agency of Caldwell City, PIN 04558000 0
- Urban Renewal Agency of Caldwell City, PIN 04557000 0
- Urban Renewal Agency of Caldwell City, PIN 04556000 0
- Urban Renewal Agency of the City of Caldwell, PIN 04555000 0
- Nampa Development Corp, PIN 13415000 0

The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 2:23 p.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO      APRIL 21, 2021

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

#### APPROVED CLAIMS ORDER NO. 2116

- The Board of Commissioners approved payment of County claims in the amount of \$1,646,263.41 for a County payroll.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSES

- The Board approved an Alcoholic Beverage License renewal for La Ranchera Nampa Inc. dba La Ranchera – Nampa; Texas Roadhouse Holdings LLC dba Texas Roadhouse; Chop Shop LLC dba Chop Shop; Linda S. Barr dba Petes Tavern; CJTSAI LLC dba Tsai's Kitchen; Sushi Sushi LLC dba Sushi Sushi (Resolution nos. 21-061, 21-062 & 21-063.)

#### APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Goodwood Barbecue Company to be used 4/30/21 at Gilliam Wedding; Goodwood Barbecue Company to be used 5/2/21 at Kondeff Wedding; Raising Our Bar to be used 5/1/21 at Hartman Wedding; Raising Our Bar to be used 5/8/21 at Van Esch Wedding; Raising Our Bar to be used 5/15/21 at Salewski Wedding; Raising Our Bar to be used 5/22/21 at O'Toole Wedding; Raising Our Bar to be used 5/28/21 at Solis Wedding;

Raising Our Bar to be used 5/29/21 at White Wedding; and Raising Our Bar to be used 5/30/21 at Velasquez Wedding.

PUBLIC HEARING – REZONE REQUEST BY KENT BRADSHAW, CASE NO. RZ2020-0021

The Board met today at 9:01 a.m. to conduct a public hearing in the matter of a request by Kent Bradshaw for a rezone of two (2) parcels that total approximately 24.78 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential) zone, Case No. RZ2020-0021. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Kent Bradshaw, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject properties are located at 15361 Willis Road in Caldwell and the area consists of a mix of agricultural and residential uses, and there are 35 platted subdivisions within one mile of the subject property. Access will be provided via a private road and the project will be served by individual domestic wells and septic systems. The subject property is located within a nitrate priority area and the requirements of Southwest District Health will be adhered to. The Army Corps of Engineers concluded that the water features on the property are not waters of the U.S. and no further authorizations are required from the department. The P&Z Commission recommended approval of the request on March 4, 2021 and staff is also recommending approval. Following her report Ms. Almeida responded to questions from the Board. If approved, the method for creating lots will either be an amendment of the land division, or, if platting is triggered a subdivision plat will be required. The property contains two original parcels that have already went through the administrative division to divide each of those and what the applicant is requesting is beyond the administrative divisions so they are requesting to rezone it. This excludes the parcels that were created through the land division and only contains ag-only parcels that were approved through the land division. The applicant intends to rezone 24 acres of the property. The only parcels included in the rezone request are highlighted in green on exhibit 22. The other parcels that were created through the administrative land division are not part of the request, they stand on their own. The two lots to the north along Willis Road are not included in the rezone request. Commissioner Smith had questions about the property line boundaries and the transfers that have occurred. She wants to know what the original deed described because she doesn't want to be a part of something that violates five parcels on an original parcel. Kent Bradshaw testified in support of his request and described the original boundary and the resulting boundary line adjustment and administrative splits. He currently lives in an older house on the property split and wants to build a new house on the property. Commissioner Smith said there isn't anything in the ordinance that allows you to adjust the boundary of an original parcel; you can adjust it but you should still look at the original boundary of the original parcel to determine when platting is required. Director Nilsson said at the end of the day you have the same number of rights, you can't use a property boundary adjustment to get additional splits, but he didn't do that, he just needs the two. Commissioner Smith said this should have been a relocation of building permits because you relocated two from one original to another one. Commissioner Van Beek had follow-up questions for staff. The Board took a recess at 9:26 a.m. so that Commissioner Smith could ask a question of legal counsel regarding property boundary adjustments. The hearing

resumed at 9:42 a.m. Commissioner Smith wants to continue this hearing to have more time to decide if platting is required versus an administrative land division that was approved and then move forward with the rezone at that point. Commissioner Van Beek had additional questions and was seeking additional clarifications on process. It was decided that Ms. Almeida will work with Mr. Bradshaw on what the process looks like for a building permit relocation to transfer those two permits from the southern original to the northern two parcels. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue this hearing to April 28<sup>th</sup> at 2:00 p.m. The hearing concluded at 9:50 a.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 22, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 573504 to 573532 in the amount of \$54,123.25.

#### SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Prefunk Beer Bar II LLC dba Prefunk Beer Bar II (Resolution no. 21-064)
- The Board approved an Alcoholic Beverage License renewal for Caldwell Bowl Inc. dba Caldwell Bowl; Debbie Finch dba 1918 Lounge (Resolution no. 21-065)

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

The Board met today at 8:45 a.m. to consider matters related to medical indigency. Present were: Commissioner Leslie Van Beek, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross. Commissioner Keri Smith participated via teleconference.

Case nos. 2021-532 and 2019-1087 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Smith and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days.

Liens were presented for Board signatures.

The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:02 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioner Leslie Van Beek, Cpt. Mike Armstrong, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. Commissioner Keri Smith participated via teleconference. The action item was considered as follows:

***Meeting to receive public comment regarding Memorandum of Understanding with Idaho Transportation Department to install PIPS Technology IRIS multi-lane license plate reader cameras on ITD structures:***

No one appeared to offer comment and no other comments were received. Cpt. Armstrong gave an overview of what this technology will offer and assist with. Mr. Porter said these cameras will be purchased with monies from a federal grant. Additional MOUs for software and maintenance will come before the Board at a later time. Mr. Porter explained the reason for sole source as this vendor has worked with County partners previously and this particular camera and the software that goes with it integrate with the systems that Post Falls and other entities use to store the information. Commissioner Smith made a motion to approve the MOU. Mr. Porter clarified that a motion is not necessary, this was just to make a record that the notice was legally published and provided the opportunity for the public to offer comment. Commissioner Smith withdrew her earlier motion. The Board is supportive of this project continuing forward. The meeting concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

GO ON THE RECORD TO CONTINUE THE PUBLIC HEARING IN THE MATTER OF A REQUEST BY BORTON-LAKEY LAW REPRESENTING RIDGELINE VISTA, LLC, FOR A CONDITIONAL REZONE, CASE NO. CR2020-0012

The Board met today at 1:30 p.m. to go on the record to continue the public hearing in the matter of a request by Borton-Lakey Law representing Ridgeline Vista, LLC, for a conditional rezone, Case No. CR2020-0012. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith participated via conference call, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves.

Commissioner Smith was scheduled to be out of the office today and Commissioner White was not present so the Board had to reschedule the hearing. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to reschedule the hearing for Case No. CR2020-0012 to May 4, 2021 at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO      APRIL 23, 2021

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

#### APPROVED CLAIMS

- The Board approved claims 573554 to 573586 in the amount of \$12,915.52
- The Board approved claims 573542 to 573553 in the amount of \$6,209.00
- The Board approved claims 573421 to 573474 in the amount of \$25,449.09
- The Board approved claims 573233 to 573299 in the amount of \$117,758.35
- The Board approved claims 573159 to 573198 in the amount of \$56,558.02
- The Board approved claims 573602 to 573603 in the amount of \$1,725.00

There were no meeting held this day.

#### APRIL 2021 TERM

CALDWELL, IDAHO      APRIL 26, 2021

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 573587 to 573599 in the amount of \$16,414.47
- The Board approved claims 573300 to 573341 in the amount of \$59,678.50
- The Board approved claims 573386 to 573420 & 573601 in the amount of \$205,118.70
- The Board approved claims 573342 to 573385 in the amount of \$22,334.66
- The Board approved claims 573475 to 573503 in the amount of \$24,219.35

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Wall 2 Wall Flooring in the amount of \$4,795.32 for Facility Department
- Prime Construction & Asphalt in the amount of \$2,550.00 for Parks Department
- Mountain Home Auto Ranch in the amount of \$36,880.00 for Fleet Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Stephen Fultz, Development Services Director; Cassandra Lamb, Planner I

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Ridgewood Enterprises Inc dba Legacy Feed & Fuel (Resolution no. 21-070)
- The Board approved an Alcoholic Beverage License renewal for Sodexo America LLC dba Sodexo America; Jak\*s Place Inc dba Jak\*s Place Neighborhood Grill; Sodexo America LLC dba Sodexo America (Resolution no. 21-071)
- The Board approved an Alcoholic Beverage License renewal for Larosita Mexican Store Inc dba Larosita Mexican Store (Resolution no. 21-072)
- The Board approved an Alcoholic Beverage License renewal for Hutching Enterprises LLC dba H & M Meats and Catering (Resolution no. 21-073)
- The Board approved an Alcoholic Beverage License renewal for Nampa Hospitality LLC dba Best Western Plus; Cook's Two Hole Inc dba Cook's Two Hole Bar (Resolution no. 21-074)

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 5/31/21 for Sales Wedding

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

The Board met today at 1:05 p.m. for a weekly meeting with the Director of the Development Services Department to discuss general issues, set policy, and give direction, and to consider several action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. The action items were considered as follows:

***Consider signing a resolution granting a refund to Brandon Miller for a withdrawn comprehensive plan map amendment and rezone application*** – The applicant is choosing not to proceed with the application as he feels it does not stand a good chance of approval. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the refund in the amount of \$3,350 to Brandon Miller. (Resolution no. 21-067)

***Consider signing a resolution granting a refund to Gary Anderson for a withdrawn building permit application*** – The applicant was building on a hillside and did not want to pursue the required engineering. He paid a \$250 fee for a plan review deposit and zoning compliance. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution granting a refund in the amount of \$250 to Gary Anderson. (Resolution no. 21-069)

***Consider signing a resolution granting a refund to Kent Storer for a conditional rezone fee*** - Shoemaker Enterprises was the applicant, and Kent Storer acquired the property and it was found that he could do a relocation. Staff identified two options for consideration which comes down to the Board determining how much of the public noticing costs it wants to recoup. Following comments, Commissioner Van Beek made a motion to grant a refund in the amount of \$685 for a conditional rezone fee. The motion was seconded by Commissioner White and carried unanimously. (Resolution no. 21-068)

***Consider signing a resolution granting a fee waiver request to the Star/Middleton Fire Districts for a building permit*** – According to Director Nilsson, the Star Fire District and Middleton Fire District are building the first phase of a fire training center and they have applied for the building permit with an estimated fee of \$1,287.80. They have paid \$70 toward the fee leaving a balance owing of \$1,217.80 and are seeking a waiver although they did not indicate the amount they want waived. Commissioner Van Beek said it's a public agency that will collect impact fees and everybody else has to pay the fees so what's the counterweight to that? Commissioner Smith said it's a distribution of funds from one tax entity to another. She asked if we ever apply to them for things and do they waive our fees? Director Nilsson said the County does not have a need to apply to those districts for things. She said this would be part of an impact fee eligible cost. Following the Board's discussion Commissioner Van Beek made a motion to deny the fee waiver request for the Star/Middleton Fire Districts because in this building climate there is staff time involved and a



larger picture than just one entity involved. The motion was seconded by Commissioner White and carried unanimously. (The Board's minutes reflecting this decision will serve as the written directive to DSD staff. A resolution was not signed for this item.)

Following the consideration of action items, Director Nilsson gave an update to the Board on the following topics:

- This will be the last weekly meeting with Director Nilsson because she is retiring and her last day will be Monday, May 3<sup>rd</sup>. (The new director will begin on May 5, 2021.)
- Director Nilsson will write out an onboarding process for her successor.
- She gave a review of staff hiring plans, and provided a status update on staff evaluations.
- She spoke briefly of projects that require wrap-up
- Director Nilsson suggested the Board's staff contact the COMPASS and VRT offices and inform them that Director Nilsson will no longer be serving as an alternate on either of those boards.
- Director Nilsson will send the Board a memo regarding the summary of the water supply committee

The Board went 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 1:30 p.m. pursuant to Idaho Code, Section 74-206(1) (b) to discuss a personnel matter. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 1:43 p.m. The Executive Session concluded at 2:06 p.m. with no decision being called for in open session.

While in open session, Commissioner Van Beek made a motion to amend her earlier motion to go into Executive Session and expand it to include the following sections subsections: (a) and (b) regarding personnel matters, and (d) regarding records that are exempt from public disclosure, and (f) to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith noted that no decision was made, but there was discussion for the above-mentioned sections pursuant to Idaho Code, Section 74-206(1).

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

MEETING WITH DIRECTOR OF INFORMATION TECHNOLOGY AND AMBULANCE DISTRICT TO DISCUSS IT SERVICES

The Board met today at 2:09 p.m. with the IT Director and the Ambulance District to discuss IT services. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, IT Director Greg Rast, IT Operations Manager Don Dutton, Ambulance District Director Michael Stowell, Leann Axe, District Secretary, Chief Steve Blados, and Deputy Clerk Monica Reeves. Director Rast is offering to provide IT services to the Canyon County Ambulance District at a rate of \$45 per hour, which is roughly half of what the district is paying its current provider. There has been a history of frustrations, from the IT Department's perspective, with the response times and connectivity issues the district experiences when trying to access Spillman which is what initiated today's meeting. Director Stowell said the district has utilized the services of Valli Information Systems for at least 17 years and he is satisfied with the service they provide and he disagrees with the statement about frustrating issues and he wants to continue using the services of their current provider because that person built their system and has institutional knowledge. Commissioner Van Beek suggested Director Stowell accept the offer from Director Rast because she thinks he will be pleased with what the IT Department can provide and there will be the benefit of saving tax dollars. Discussion ensued regarding the services currently being provided, and there was discussion about the top-to-bottom services the County IT Department is offering. Director Stowell suggested another meeting be scheduled where his contractor could be present to speak about the level of service he offers. The company charges \$100 per hour and the district only budget \$20,000 annual IT services. He sees no reason to change his current IT contract. Director Stowell said this issue came up several years ago when the Board looked into having Legal and HR cover the ambulance district and the Prosecutor's Office weighed in and advised the Board not to do that. He has reached out to the County HR Department for a consultation but they are not solely the HR provider and they do not give direction. Commissioner White is leaning toward allowing the ambulance district to continue with their current provider. Commissioner Van Beek wants the opportunity to evaluate and talk with the provider and she said the best interest is served when we collaborate to provide efficiency and good service. She is in favor of IT providing the service. Commissioner Smith asked Director Stowell why he would not be in favor of a proposal that could support the existing infrastructure at half the price, and he responded that he would be very surprised if they didn't have to change things. Commissioner White is reluctant to tell Director Stowell what he should do with IT services. Commissioner Smith said the 50% cost difference is substantial so she would like Director Stowell be open to having a consultation visit with County IT services and explore the option to see if it would impact the services and to see whether there is some type of transition that would work for the district, and if there is not he should let the Board know. Commissioner Van Beek concurs, and she would like to see a service book from Valli Information Systems. Steve Blados said for the next meet he would interested to hear how Director Rast came up with his cost estimate and how Valli Information Systems came up with theirs and he'd like to see information regarding future price increases. The Board agreed.

No Board action was taken on this issue of providing IT services to the district. The meeting concluded at 2:51 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY M&T RANCHES, LLC, FOR PRELIMINARY PLAT APPROVAL OF COUNTRY SAGE RANCHES SUBDIVISION, CASE NO. SD2018-0031

The Board met today at 3:12 p.m. to conduct a public hearing in the matter of a request by Riley Planning Services on behalf of M&T Ranches, LLC, for approval of a preliminary plat with irrigation and drainage plan for Country Sage Ranches Subdivision, Case No. SD2018-0031. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Penelope Constantikes, Daren Taylor, Derritt Kerner, Keith Bowhan, Middleton Mayor Steve Rule, Becky Crofts, Amy Woodruff, Roberta Stewart, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 4:08 p.m. The original hearing date was March 29, 2021 and was continued to April 12, 2021 and that hearing was subsequently continued to today's date. Commissioner Smith disclosed that she drove by the site on her way to another event but that will not affect her ability to make a decision on this case.

Dan Lister gave the oral staff report. This was a rezone application and a plat application and the rezone portion was approved for an R-1 zone but the plat portion was continued for more information. On April 12, 2021 the Board continued this item and requested two items: 1) to provide a landscaping area at the frontage of Purple Sage Road, and 2) to have the applicant work with the City of Middleton to figure out a way for connectivity so it doesn't block the city's future services. The applicant is trying to understand the concerns in the sense that if they did go with city services, which would create 60-90 lots, it would still create concerns with the neighbors who want to preserve it as a rural residential zone. Staff reached out to SWDH regarding advanced treatment systems and they stated DEQ has a good system in the sense that each owner will have to demonstrate how they will be treated yearly and they have to have a contractor onboard to provide those services, however, DEQ is having a hard time enforcing that which is a concern. They recommend if city services are available, they should connect.

Testimony in support of the request was as follows:

Penelope Constantikes said the applicant met with the City of Middleton this morning and she will yield her time to Darin Taylor.

Darin Taylor said the developer is okay with the landscaping requirement on the north boundary. The P&Z Commission recommended denial of this application because at least one commissioner thought the storm drainage areas should be on a common lot for future maintenance purposes by the HOA rather than on an easement and they are okay with making that adjustment on the plat. If approved today it would take the developer 6 ½ months to finish the project and having lots to sell in November of 2021. If they extend city water and sewer there will be 3 lots per gross acre and they estimate they wouldn't have lots to sell until March of 2023. This morning the city

informed the developer that rather than extending water and sewer west from its current location the city would like them to extend services from the south, come up along the east side of Emmett Road and then go east on Purple Sage Road, so that changes the distance from ½ mile to nearly one mile, doubling the distance. Mr. Taylor submitted exhibits demonstrating the estimated costs to the developer showing it would cost half million dollars to extend water along the latest route. The lift station would be \$400,000, including other costs to engineer and design work for a total just under \$2 million. They recognize the importance of this area and the importance of extending services to provide municipal services. With this 40-acre site there are approximately 182 developable acres around this site and if they choose to go that route and incur the additional costs then what they are looking at is 182 acres of developable land. Once this property comes in the other parcels will come in and if they follow the same path and sign an agreement to extend services and for latecomers' reimbursement and extend the services the developer would be looking at 3 units per acre for all 182 acres for a total of 546 houses and his client would be directly competing with all the other properties around him. Although they recognize the city's decision and have thoroughly analyzed it, it does not make business sense for them to proceed in delaying this project. This morning they offered to the city to participate financially and/or take the lead in constructing and coordinating with the other developable properties. They would like the city to help them achieve their goal of not having a delay and added expense. Following his testimony, Mr. Taylor responded to questions from the Board.

Derritt Kerner responded to questions from the Board regarding conditions if the project is approved. They have been putting drainage ponds in easements successfully, but if the trend is to put them on common lots they can switch to common lots. They will have a condition to provide a common lot with a pathway per city standards. It will be shown in the construction drawings. He has met with the neighbors and they have no problem with the improvements that will be made to the irrigation system. He did not know the city was going to object to the proposal. With regard to the advanced septic treatment system, Mr. Kerner said they can put language in the CC&R's so the HOA can have control over making sure the homeowners comply with the requirements of their advanced treatment systems.

**Testimony in opposition to the request was as follows:**

Becky Crofts, the Middleton City Clerk, testified the city met with the developer twice. She referenced the developer's questions about a latecomers' agreement and said it did not seem like something the city could answer immediately if the developer was not participating in the water/sewer extension. She said the subdivision located to the east testified in opposition to this request because they had pulled water/sewer to their property. The goals in requesting the extension of services is to properly plan for orderly growth and with this area being a high nitrate area city services is the long-term environmentally sound solution to that problem. Ms. Crofts said the city is not in opposition to an R-1 density and if you adjust the numbers by the time the builder/owner spends \$40,000 that's nearly the same cost as the developer extending water and sewer which now provides a much larger regional planning tool rather than putting those costs back on the homeowner. The developer is made whole through a latecomers' agreement. The construction drawings are not complete so there is time to add the water/sewer. The city will

prioritize this project ahead of other projects to help with the timing. When city services are so close to the property and there is so much desire and conversation surrounding this property, not requiring the applicant to help with the extension of services impedes the city's ability to grow north. The timing is unfortunate but we are here today and we have to address the situations in front of us today not where we were two years ago. Following her testimony, Ms. Crofts responded to questions from the Board.

Amy Woodruff, the city's contract engineer, testified that in 2015 the City of Middleton did extensive planning in this area and developed a comprehensive sewer plan that would allow the area to develop with water and sewer for this type of density and it's really unfortunate that there was a misfire on timing in terms of communication. She spoke of how advanced treatment systems do not approach what is required for a community system. The city is looking for a long-term permanent environmental solution for the region and not having services for this 40-acre tract could be an impediment to transitioning and redevelopment. Following her testimony Ms. Woodruff responded to questions from the Board.

Mayor Steve Rule testified about his experience with selling advanced treatment systems in the early 2000's and his knowledge that those systems can fail. Elected officials must protect water tables and community growth and he urged the Board to deny the request stating and he stated that the city will work with the developer and provide a good service for them. If the developer brings services to the property he sees no reason why the city would not allow latecomer fees. Ms. Woodruff once again responded to engineering questions from the Board and said the city will work cooperatively with the developer to get the schedule in harmony. (The Board took a break at 4:43 p.m. and the hearing resumed at 4:54 p.m.)

Commissioner Smith spoke about the questions she wanted to ask Legal and DSD staff regarding the JEPA agreement requirements and hearing procedures for land use applications. The rezone application has been approved and the deadline for appeals has passed.

Darin Taylor offered rebuttal testimony and said he stands by the developer's cost estimates. With regard to latecomer fees, he said they want the same latecomers' agreement that others have. He disagrees with the city's message about costs and the time schedule. He said advanced treatment systems are being constructed with better technology, more durable materials, and better science so we have reason to believe these systems should last at least as long as they used to. Mr. Taylor said the developer's attempts at a cooperative approach have been thorough and good but unproductive mostly because of the timing because the developer filed so long ago and now the city sees things differently and has different pressures. The plat complies with the County's ordinance requirements:

- Storm drain ponds will be put in common lots,
- They will provide a common lot with landscaping to city standards along the north boundary of the property, including an 8-foot-wide asphalt pathway

- There will be a mechanism to maintain records and monitor maintenance of the advanced treatment systems and they can include in the HOA documents that homeowners provide that documentation to the HOA and DEQ

Mr. Taylor requested the County acknowledge that even if this 40-acre piece does not stop and change it will not get in the way of orderly growth because there is still a clear path forward to the other developable properties in the area. Commissioner Smith asked if the developer will agree to a condition that would allow for the subdivision to be annexed once it was contiguous. Mr. Taylor said yes. Deputy PA Zach Wesley said the proper time to require consent for annexation would be in the rezone phase, however, the Board could potentially require utility easements for city service to be extended to the property. Dan Lister said as part of their agreement to meet Canyon Highway District's requirements, they have to do a pre-annexation agreement when they do paving. Mr. Taylor said he's unsure what the annexation agreement is but they intend to build a pathway and continue Middleton's desire to have a connected pathway system. Commissioner Smith wanted to know if the conditions state that we are going to require them to meet all of Canyon Highway District's conditions or just that they have to do the 8-foot path. Mr. Lister said they just have to meet the district's requirements, however, on top of that it says recommended improvements although it's not a requirement. Mr. Wesley said that condition seems beyond the scope of their regular authority. Mr. Lister will remove letter from the attachment, and he will add the landscaping and asphalt pathway requirement as a separate condition. The Board agreed. Commissioner Smith wants a condition added that allows for utilities.

Review of conditions that were added at the previous hearing:

- #1 All improvements are completed or bonded
- Meet DEQ requirements for the storm water pollution prevention plan,
- Review by the irrigation district prior to final plat
- Final grades at subdivision boundaries match the final grades, runoff is maintained on the subject property
- Obtain SWDH signature and Canyon Highway District signature
- Water users' maintenance agreement that typically can be added to CC&R's
- Storm water prevention maintenance plan shall be recorded as part of the CC&R's
- All exterior lighting shall be shielded and directed downward to reduce light pollution, exterior lighting provisions shall be recorded as part of the CC&R's prior to the Board signing the final plat

Today the Board directed staff to add the conditions regarding the monitoring and maintenance of advanced treatment systems as part of the CC&R requirements; landscaping with asphalt pathway requirements and that they meet city requirements; and that maintenance measures be provided under the CC&R's. Also, provide for a utility easement for future city utility services as part of the plat. Commissioner Smith said it would help with the compliance issue to have something in the CC&R that addresses lack of compliance, perhaps language that says the CC&R's should include provisions for enforcement. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. (It was

noted that exhibits #17 through #22 have been entered into the record.) Commissioner Van Beek made a motion to include the four conditions regarding pathways and landscaping, the monitoring and maintenance of the advanced treatment systems, the allowance for a utility easement, and the removal of attachment C from Condition #6 as presented.

Commissioner Smith recommended changes to the findings as follows:

- Finding 2: Remove the sentence that R-1 zoning is being considered because the decision is final.
- Finding 5: The property is located within the Middleton city impact area and is designated as residential. The two-year-old letter is not applicable to the subdivision so she proposes to strike that reference.
- Finding 6: Doesn't seem to be applicable, however, adding the March hearing for the rezone would be an applicable finding. It's important to note that the NP study was already approved by SWDH.

Commissioner Van Beek accepted those recommendations as part of her motion. The motion was seconded by Commissioner Smith to approve the findings of fact, conclusions of law, and conditions of approval, and order to approve the preliminary plat. Commissioner White disagrees with some of the testimony because it's all based on personal opinions. We should be in front of development rather than chasing it and an excellent example of that is the pre-annexation agreement. She is strongly in favor of that she will support this with the pre-annexation agreement. Commissioner Van Beek said she didn't understand Mr. Taylor to oppose annexation into the city, and, the Board has made allowances for city services and easements to be brought to this property. The agency letter from SWDH was deemed sufficient according to County ordinance and she does not know how to unwind the clock and say two years later that it's not appropriate. The time to require that or deliberate on that issue has passed. She does not disagree that that would be in the best interest of the City of Middleton, but the developer went through the process and received agency comment which was accepted and that's the quandary we are in today. Deputy PA Zach Wesley said a condition requiring a pre-annexation agreement would be outside the scope of a preliminary plat approval. If we are going to require an annexation a rezone was the appropriate time for that. Commissioner Van Beek said even though she thinks the best application is to go with city services she has a policy basis for upholding where we're at. Commissioner Smith agreed and said the preliminary plat meets the technical requirements of the ordinance. She said we need to support the City of Middleton and amend the impact area agreement ASAP so we can help future development fall in line with the city's plan. Commissioner Van Beek agreed. The motion to approve the preliminary plat with the recommended changes for the FCO's carried by a two-to-one split vote. Commissioner White was opposed to the motion to approve. The hearing concluded at 5:38 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO      APRIL 27, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hiddleston Drilling & Pump Co. in the amount of \$20,887.98 for Solid Waste Department
- Blue Cosmo in the amount of \$1,267.98 for Parks Department

#### SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for The Chicago Connection LLC dba Chicago Connection (Resolution no. 21-075)
- The Board approved an Alcoholic Beverage License renewal for The Getaway Bar & Grill Inc dba The Getaway; City of Nampa dba Ridgecrest Golf Club; TV Hotels LLC dba Holiday Inn; GMRI, Inc dba The Olive Garden Italian Restaurant #1731 (Resolution no. 21-076)
- The Board approved an Alcoholic Beverage License renewal for The Chicago Connection LLC dba Chicago Connection; Muniz Family Grocers Inc dba Grocery Outlet of Caldwell; Krung Thai Restaurant LLC dba Krung Thai Restaurant; Galimofre LLC dba Italianesque; Howards Tackle Shoppe Inc dba Howard's Tackle Shoppe (Resolution no. 21-077)

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:04 a.m. with county attorneys for a legal staff update. Present were: Commissioners Leslie Van Beek and Pam White, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Commissioner Van Beek asked about a letter of reconsideration that was recently received regarding a land use case. Mr. Wesley said the county has 60 days to respond so the relevant information will be compiled and then he will review the options for response with the Board. The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE FAIR DIRECTOR TO CONSIDER AN ACTION ITEM



The Board met today at 9:32 a.m. with the Fair Director to consider an action item. Present were: Commissioners Leslie Van Beek and Pam White, Fair Director Diana Sinner, HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing a resolution to change the job descriptions of two positions at the County Fair:***

Director Sinner explained that they recently had an employee leave which gave the opportunity to make some adjustments to the structure of the department. She provided an overview of the changes that were made to the two job descriptions. There is no salary range change to either position. In response to comments from Commissioner Van Beek, Ms. Allen spoke about timeframes for updating job descriptions. Ms. Sinner spoke about her department's program plan for employee performance including goals, competencies and job knowledge which will be tied to compensation. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution to change the job descriptions of two positions at the County Fair (see resolution no. 21-109). The meeting concluded at 9:46 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:44 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Leslie Van Beek and Pam White, Chief Public Defender Aaron Bazzoli, IT Director Greg Rast (joined at 1:49 p.m. and left at 2:13 p.m.) and Deputy Clerk Jenen Ross.

Mr. Bazzoli updated the Board on the following:

- FY2021 budget is on track for this point in the year.
- Mr. Bazzoli spoke about how he spent some time with Director Rast along with other groups to discuss JustWare and what will happen once it's no longer supported which will happen in June. Mr. Bazzoli feels Director Rast has done a great job negotiating on behalf of the county, both for the PA and PD, and feels a potential agreement has been reached with a company that could end up saving a fairly significant amount of money over the last part of the fiscal year as well as provide support while new software programming is developed. The intent is to work with the company to design software that would be tailored for their office and needs. At the request of Commissioner White, Mr. Bazzoli gave an overview of the JustWare system. Mr. Bazzoli said he and Director Rast settled on a company called Pine Technologies, which is driven by former JustWare employees who've branched off to their own company. Director Rast spoke about the negotiated deal – currently the PD's office is paying \$74,000 for 47 licenses, the PA's office is paying \$56,000 for 79 licenses. Director Rast negotiated 60 licenses for the PD's office for \$30,000, for the

PA's office he negotiated 90 licenses for \$45,000 which equates to \$500 per license, collectively there would be \$55,000 in savings. All of this information was forwarded to Prosecutor Taylor for his consideration and Director Rast noted that each office is being negotiated separately. Pine Technologies is custom writing case management solution to replace JustWare and are looking for input from both the PD and PA offices to develop the modules and if the county continues paying over the next several years they will give the software to the county at no cost. Director Rast feels this is something worth trying as the county will be paying less per year and at the end will receive the software for free. The other portion Pine Technologies is willing to do at no charge is the data conversion which means they take all of the existing information and convert it in the new platform. This is usually an additional expense. Mr. Rast feels there is a potential savings of over \$750,000. The memo outlining the information was sent to Prosecutor Taylor on April 21<sup>st</sup> but Director Rast hasn't heard anything back as there is a lot of information to review. Mr. Bazzoli said that if in a couple years they don't like the product there isn't any long-term commitment. Commissioner Van Beek wants to make sure that all this information is provided to Commissioner Smith and there is the opportunity to speak with Prosecutor Taylor. She is in favor of this and always supportive of saving taxpayer money. Director Rast noted for the record that Mr. Taylor never requested these negotiations, he was simply in negotiations due to discussions pertaining to the public defense side but thinks it would be a good conversation with all parties involved. Some kind of new system will need to be in place by July 1<sup>st</sup> as that is when Journal Technologies is retiring the software currently being used.

- Mr. Bazzoli let the Board know that a purchase order will be coming down for the purchase of some MacBooks to replace several HP laptops. The purchase will be made with grant funds received last year that need to be accounted for this year. Changing over to the MacBooks will increase the replacement cycle to 7-8 years.
- With the addition of one new district judge and two new magistrate judges, Mr. Bazzoli spoke about the office organization structure and assignments in regard to court assignments, support staff and investigators assignments. Mr. Bazzoli intends to ask for one additional support staff position in the FY2022 budget to support the increase.
- Space constraints are really becoming an issue and will need to be addressed in the near future.
- Two new investigators will be starting next week.
- Interviews will be conducted next week for two attorney positions.

The meeting concluded at 2:22 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:22 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Leslie Van Beek and Pam White, Solid Waste Director David Loper and Deputy Clerk Jenen Ross.

Director Loper discussed the following with the Board:

- Waste amounts were up 12.20% in March, FY21 is up 7%.
- In order to change the domestic well into a commercial water right at the Stuart property the well needs to be re-drilled with casing all the way to the bottom so that it won't collapse again. Several issues were encountered with the drilling so the PO and claim will be approximately \$1500-\$1800 more than anticipated.
- The land use planning portion of the expansion is complete. Currently they are strategizing with the consultant to put all the data together for the geotechnical and hydrogeologic data. The next step is to have an informal meeting with DEQ to gauge what they are going to want for design submittal. The first thing that needs to be determined is if there will be need for a liner or no liner and what kind of information DEQ will require. A letter to DEQ will be drafted outlining the data that has already been collected. Mr. Loper would really like to have someone from the PA's office involved right from the beginning and is hoping to wait until June to see who has been assigned from that office.
- With the amount of growth in the county the landfill is getting 500-1000 cars daily and Saturdays are always in the 1000's range. Mr. Loper feels that at some point the county really needs to consider a transfer station. He feels it would reduce loads and traffic, be more convenient for trash collection companies, would reduce waste blowing on roadways and save costs on scales and infrastructure. He doesn't have an exact location in mind but thinks somewhere on the Nampa/Caldwell corridor near the interstate would be good and anticipates that 5-10 acres would be needed. The Enterprise fund is healthy and he's spoken with Mr. Laugheed who thinks a transfer station would fit under that fund. There are a lot of nuances and logistics to be worked thru still.
- In the FY22 budget he is proposing 4 new FTE's - an operator, a mechanic, a scale house operator and a screener/operator. He will be able to budget for those positions without changing the rate structure at this point. Some of the other large items being included in the budget include a service truck and a loader. Additional core drilling to do some geotechnical work for the expansion is anticipated to be a larger expense.
- In response to comments from Commissioner Van Beek, Director Loper spoke about the work his staff assisted with at the gun range and how it offered training and experience they wouldn't otherwise have. Discussion ensued regarding a closing plan for the gun range if that were to ever happen.

The meeting concluded at 3:07 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO      APRIL 28, 2021

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

APPROVED PURCHASE ORDER

- The Board approved a purchase order for Sunshine Window Cleaning in the amount of \$2,823.40 for the Facilities Department

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSES

- The Board approved an Alcoholic Beverage License renewal for Terry W Dice dba Tiny's Lounge; Caldwell Elks Home Association dba Caldwell Elks Lodge #1448; Cloudcroft Inc dba River Bend Golf Course (Resolution no. 21-078)
- The Board approved an Alcoholic Beverage License renewal for Craftsman Unlimited Haircuts LLC dba Craftsman Unlimited Haircuts; New Big Smoke LLC dba Big Smoke #109; New Big Smoke LLC dba Big Smoke #102; HFO LLC dba Tobacco Connection #37; HFO LLC dba Big Smoke #113; HFO LLC dba Big Smoke #115; Owyhee Motor Sales INC dba Owyhee Motor Sales Inc (Resolution no. 21-079)
- The Board approved an Alcoholic Beverage License renewal for Nampa Restaurant Ventures, LLC dba T.G.I. Friday's; La Copa LLC dba La Copa (Resolution no. 21-080)

MEETING WITH THE CITY OF STAR TO DISCUSS ANNEXATIONS

The Board met today at 8:47 a.m. with the City of Star at Star City Hall and via teleconference to discuss annexations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Mayor of Star Trevor Chadwick, City of Star Clerk Jacob Qualls, City of Star P&Z Administrator Shawn Nickel, Middleton City Planner Roberta Stewart, DSD Director Tricia Nilsson, DSD Planner Kate Dahl, Trace Leighton and Deputy Clerk Jenen Ross.

Commissioner Smith explained that the Board has heard concerns from constituents regarding plans being developed by the City of Star and thinks it's important for Canyon County to

understand the plan. There have been meetings with the Mayor of Middleton who understands that he is going to have to pull his impact area back and everyone is going to have to work together.

Key items of discussion included:

- Impact area boundaries for the cities of Star and Middleton
- Water rights in the impact area
- Suggested meeting with Keller and Associates to determine options for a lift station and on-going infrastructure maintenance costs
- Suggested meeting between Ms. Stewart, Mr. Qualls and other key staff to discuss the water sewer masterplan
- Service agreements with the Canyon County Prosecutor and Sheriff that may or may not still be in effect
- Agreement that is in place with Canyon Highway District #4 for managing the roads within Star
- Canyon County residents don't feel that they have representation and have not been allowed to offer input
- City of Star's policy on requested annexation vs. forced annexation
- Land use planning to evaluate the impact to all property owners
- As indicated in the letter sent to the City of Star last week Canyon County is initiating the 30-day notice
- Housing density near the river
- Greenbelt and open space plan along the river
- Ponds within the subdivisions and agreements that may or may not be honored by Hunter Homes
- Suggested meeting for staff to work together to agree on a process to move forward and use of the fiscal impact tool developed by COMPASS

The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner White made a motion to go into Executive Session at 1:36 p.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were:

Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Deputy P.A. Doug Robertson, Beth Ineck with the City of Nampa. The Executive Session concluded at 1:59 p.m. with no decision being called for in open session.

CONTINUED PUBLIC HEARING TO CONSIDER A REQUEST BY KENT BRADSHAW FOR A REZONE: CASE NO. RZ2020-0021

The Board met today at 2:07 p.m. for a continued public hearing to consider a request by Kent Bradshaw for a rezone, case no. RZ2020-0021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, DSD Director Tricia Nilsson, Kent and Alison Bradshaw, TJ Wellard (arrived at 2:09 p.m.) and Deputy Clerk Jenen Ross.

Commissioner Smith explained this hearing was continued from April 21, 2021. Ms. Almeida said that at the April 21<sup>st</sup> hearing the Board continued the case to allow the applicant time to apply for a relocation of building permits in an effort to legitimize the previous administrative division that was done on this parcel and to only have four parcels on each original. The applicant applied for the relocation on April 23<sup>rd</sup> and in doing so one of the parcels will be removed once the decision document is completed and recorded. Exhibit 25 shows the northern parcel, the applicant has applied to remove it from the previous approval and in doing so applied for a building permit relocation to recognize the transfer that took place for parcel 34502011. The remainder of the property will be rezoned to RR and with that Ms. Almeida believes all the ordinance requirements will be met. As previously stated staff is recommending approval of the request to rezone to RR along with recognizing the decision will be recorded by the applicant as part of the relocation process.

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

Commissioner Smith said she's reviewed the application, conclusions of law and finding of fact and this is consistent with the lot classification map that was provided, it is already identified on the future land use map as a residential area, identified as residential on the Middleton maps, it is not prime farmland, has pretty decent soil, 2 acre lots for rural residential will be a nice amenity in the area for some hobby farms and she believes it's a good fit. Commissioner Smith supports approval as written.

Commissioner Van Beek supports what Commissioner Smith said and the application. Commissioner Van Beek made a motion to approve the rezone on case no. RZ2020-0021 and sign the findings of fact and conclusions of law and order and the ordinance (see ordinance no. 21-011). The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:34 p.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross.

The following items were discussed:

- Draft copies of the State of the County packet were provided to the Board and reviewed:
  - Commissioner Van Beek doesn't want to lead with the COVID response. Commissioners Van Beek and Smith would like it at the end of the presentation. Commissioner White thinks maybe it should be first as that is how the year started.
  - Board asked that "the greater good" sentence be removed from their message.
  - Suggested highlights include the landfill expansion, HHW event, job statistics, percentage of tax collection, relationship between the PAs Office and the courts, completed picture of the renovations done at the Lake Lowell office.
  - Information has been received from most of the Board's department heads, however, nothing has been received from any elected official.
  - Discussion regarding order of presentation.
  - State of the County will be distributed via being posted online, probably a press-release to the media, social media and could be available at the budget hearing in August.
- Discussion regarding estimated \$30,000 renovation to the PIO office to expand into the courtyard.
- Commissioner Smith said she would finish the announcement about Steve Fultz today and get it to Mr. Decker.

The meeting concluded at 3:01 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 29, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- WASP Barcode in the amount of \$1,977.00 for Information Technology Department
- Jatheon in the amount of \$7,649.00 for Information Technology Department

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Brandi Beard, Investigator I; and Parker Hetherwick, Investigator II

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:51 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Sr. Admin Specialist Terri Salisbury.

The following case does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial with written decision within 30 days on the following case: 2021-561.

Liens were presented for Board signatures.

Director of Indigent Services Yvonne Baker presented case 2021-464 for a continuance from May 20, 2021 to June 3, 2021. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue a continuance on case no. 2021-464.

Director of Indigent Services Yvonne Baker presented a subordination request on case no. 2009-639. After discussion between Yvonne baker and the Commissioner it was requested that more information was provided by the applicant, before a decision is made. No decision was made.

The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Prosecuting Attorney



Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley (arrived at 9:04 a.m.), Deputy P.A. Alex Klempel, Deputy P.A. Mike Porter (left at 9:08 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:08 a.m.), Cpt. Harold Patchett (left at 9:08 a.m.), Lt. Martin Flores (left at 9:08 a.m.), Lt. Dale Stafford (left at 9:08 a.m.), Sheriff Kieran Donahue (arrived at 9:03 a.m. and left at 9:08 a.m.), Rachel Spacek with the Idaho Press (arrived at 9:02 a.m. and left at 9:08 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a legal notice and an invitation for bids for purchase of a thermal imaging kiosk for the Dale Haile Detention Center:*** Mike Porter explained that they are asking the Board to start the invitation for bid process for the x-ray machine in the Dale Haile Detention Center. Cpt. Patchett said the purpose of the machine is to stop drugs from coming into the facility. There have been some incidents lately that have really brought the issue to light and these sorts of incidents create a lot of liability. On May 27<sup>th</sup> the Board will open any bids that are received, then the review process would begin to see if any of the bids meet the scope of work and qualifications that are provided in the IFB. The bid amounts would then be considered for the qualifying bids. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign both the notice and invitation for bids for purchase of a thermal imaging kiosk for the Dale Haile Detention Center.

***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 program used by his office. This contract is for the bridge term of 3 months at \$2858.26 monthly. Mr. Laugheed explained that this 3-month bridge will put the contract on a better county fiscal year schedule. Upon the motion of Commissioner White and second by Commissioner Van Beek 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. 21-032).

Commissioner Van Beek spoke about the replacement of the JustWare system and asked if the Prosecutor's Office has had a chance to speak with the Public Defender or IT about the new system being discussed. Mr. Laugheed said they have not spoken but feels the best course of action for his office is to go thru the RFP process.

Commissioner Van Beek invited the Prosecutor's Office to the 4-day budget workshop in June and will forward the budget document created by the Board to Mr. Laugheed.

The meeting concluded at 9:27 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING TO CONSIDER A REQUEST BY AMY & CODY LORDS FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NO'S OR2020-0012 & RZ2021-0007

The Board met today at 10:01 a.m. to go on the record to reschedule the public hearing in the matter of a request by Amy and Cody Lords for a comprehensive plan map amendment and rezone, Case No's OR2020-0012 & RZ2021-0007. Present were: Commissioners Leslie Van Beek and Pam White and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to May 7, 2021 at 9:00 a.m. The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

#### APRIL 2021 TERM

CALDWELL, IDAHO     APRIL 30, 2021

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

There were no meetings held this day.

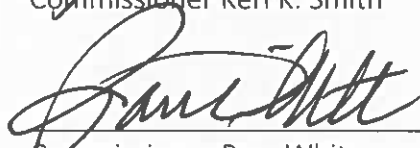
THE MINUTES OF THE FISCAL TERM OF APRIL 2021 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this 13 day of July, 2021.

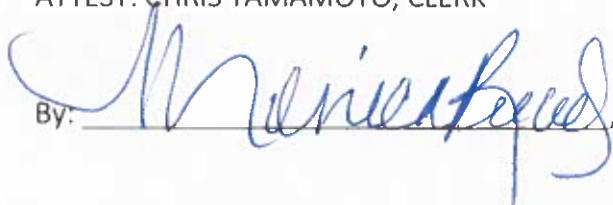
CANYON COUNTY BOARD OF COMMISSIONERS

  
Commissioner Leslie Van Beek

  
Commissioner Keri K. Smith

  
Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: , Deputy Clerk

MAY 2021 TERM  
CALDWELL, IDAHO     MAY 3, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Nathaniel Ashby, Juvenile Detention Supervisor.

APPROVED KEY AND SECURITY ACCESS REQUEST FORM

- The Board approved key access form for Stephen (Steve) Fultz, DSD Director.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Motorola Solutions in the amount of \$14,383.40 for Trial Court Administrator/District Court
- Hess Construction Inc in the amount of \$6,980.00 for Facilities Department
- Hess Construction Inc in the amount of \$34,980.00 for Facilities Department
- Action Target, LETC in the amount of \$1,700.00 for Canyon County Sheriff

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Black Cow Café to be used 5/14; 5/15; 5/16 at High Desert Station for the Mounted Shooting Event

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Caldwell Treasure Valley Rodeo Inc dba Caldwell Night Rodeo; Whiskey River LLC dba Whiskey River (Resolution no. 21-081)
- The Board approved an Alcoholic Beverage License renewal for Walmart Inc dba Walmart #2780; Walmart Inc dba Walmart #2781; Walmart Inc dba Wal-Mart #3739; Walmart Inc dba Walmart #4180; Walmart Inc dba Walmart #4494; Thrifty Payless Inc dba Rite Aid #5409; Kammi Reynolds dba Chaparral Sports Bar and Grill (Resolution no. 21-082)

## MONTHLY COMMUNITY INPUT MEETING

The Board met today at 9:01 a.m. for a monthly community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Darryl and Sheila Ford, Larry Olmsted, Hubert Osborne, and Deputy Clerk Monica Reeves. The following citizens offered comments:

**Larry Olmsted** questioned the amount of COVID funding the County has received from the federal government. He is concerned with the emergency declaration that's in place and he hopes the Board would reverse the classification because he wants to see events like the Snake River Stampede and the God and Country event move forward and he questions if part of the rationale for not allowing those events is because the County continues to have this emergency declaration in place. He hopes the Board will not extend the emergency declaration when it comes up this month. Commissioner Smith spoke of how the County will only spend the federal dollars on allowable expenses. She has personally hosted events the past 12 months under the emergency declaration and said there is not an event that's being stopped at the SWDH level or County level because of anything that's been passed. There have been no mandates or restrictions. Additionally, the County Fair will happen this year. Regarding the federal funding, she said there are economic recovery items that are included that can make a difference for our constituents and so closing the door on funding is not something she can do easily. Mr. Olmsted disagreed said it doesn't show a lot of integrity to hang on to the emergency declaration in the hopes we can get money. Commissioner White said if the funds benefit the people it is a tax relief in the broad sense, but we don't have all of the guidelines on it and she voted to extend it because she wanted to get the whole story. Mr. Olmsted encouraged the Board not to renew the emergency declaration. Commissioner Van Beek said she voted three consecutive times not to renew that declaration. She disagrees with the spending component. A portion of the funds may be used to purchase a body scanner for the Sheriff's Office for officer safety reasons when they are in close contact with an inmate. Mr. Olmsted supports the body scanner, but believes the Board should stop taking federal money.

**Hubert Osborne** presented the Board with a copy of the guest opinion he and Larry Olmsted wrote titled "*Growth should pay for itself*". He spoke of HB 110 concerning adding ambulance district to impact fees and the Board should look at that because every dollar raised through impact fees reduces property taxes. The bill passed the House and the Senate and was signed by the Governor and will go into effect July 1<sup>st</sup>.

**Darryl Ford** spoke about his concerns with housing developments occurring in rural areas of the County and the potential for compromising the water quality with the septic systems being put in, and the additional costs that may have to be borne by existing residents. He participated in the County's comprehensive plan survey and was moved to see that most of the people who left comments loved to be in the country. He is also concerned about the CUP's that do not have any conditions. Commissioner Smith said growth is really important and we want to make sure we

continue our current way of life and celebrating agriculture and the value it brings to this community. She said the Board is everything it can to make sure growth happens in an orderly fashion, and she pointed out that a lot of the growth is happening in the cities but the County does not have much say on the annexations but we do have a say on the impact areas and how the community grows. She encouraged Mr. Ford to keep watching because there will be more happening with the comprehensive plan on how we want to grow. She said there are large impact area proposals that need scaled back so we can look at how those communities are planning on growth versus those big swaths of land. SWDH spends a lot of time working on septic system approvals and how they are being managed to ensure they are being handled in a safe manner. Additionally, the County is working on impact areas to make sure growth happens where services are available.

**Sheila Ford** spoke about how the federal COVID funds are adding to the national debt which will have to be paid for by generations to come. Commissioner Smith said the County did not participate in adding to that debt; the legislature, Congress, and the President forced that upon us and when we keep allowing the money - that we are paying for - to go to the more liberal communities we empower them to grow while we get smaller and that's not something she is okay with. It is a terrible game none of us want to be in, but the Board did not make that decision and she is not willing to continue to allow handouts for those bigger cities and for our constituents to have no say in how the dollars are spent. Mrs. Ford said the Lord will honor honesty and the refusal to participate in dishonesty.

**Larry Olmsted** asked if there has been any action on impact fees in order for growth to pay for itself. He asked the Board a couple of months ago to free up enough money out of the capital fund to begin developing CIP's so we can get impact fees. Commissioner Smith said there is action from DSD on impact fees related to highway districts and Canyon Highway District will be the first in Canyon County to implement impact fees if it passes. Mr. Olmsted said bringing in Steve Fultz (the new DSD Director) will result in "development on steroids" and he wants to know who will pay for public safety and parks aspects all the growth brings? The citizens are tired of paying for everything and they want impact fees. Commissioner Van Beek said it's been discussed but there hasn't been any momentum forward because we don't have everybody on board with creating a capital improvement plan and then providing the funding to do that. She spoke of the potential to use revenue from funding sources, such as expiring tax incentives, to put toward the annual debt service. In 2018 the Commissioners approved using \$2.4 million in foregone taxes as part of the permanent tax base and that should be dedicated to the ongoing need for public safety. We need to identify what needs to be done and identify a funding source and look at how to stage it and set it up the long-term. Mr. Olmsted said another funding source is the sunseting of the urban renewal district. Commissioner Van Beek said Clerk Yamamoto is not onboard with establishing an ongoing capital improvements project plan because he doesn't like the funding that would have to be set aside year after year. We have to come to a resolution with what the public safety needs are. What is the longevity of Pod 6 because that will be impactful at the end of the lease contract and when it's over the money which is currently in the sheriff's budget should go back to the current expense account and be used to fund what we do going forward. Mr. Olmsted wants a jail advisory committee established that works with the Sheriff, a finance person,

an architect, a corrections person, and others to take a high-level look at where we want to go and what's involved.

Hubert Osborne asked if the highway district impact fee study been completed? Commissioner Smith said it's developed and they are sharing those numbers with the public and concerned groups and getting it in a format that will be set up for approval.

Commissioner White said the clerk and Controller committed to putting \$500,000 a year in the capital expense line item, and she believes that amount could be raised but that's something that can be discussed during the budget process. Commissioner Van Beek said that money is vulnerable and we can establish it be resolution to identify a percentage so that we have a way to protect it into the future. Commissioner White said a previous Board set money aside but those funds had to be used to shore up the health insurance fund in order to pay the claims coming against it. The meeting concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH ASSESSOR'S OFFICE TO CONSIDER VARIOUS NEW AND RENEWING PROPERTY TAX EXEMPTIONS UNDER CODES 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014

The Board met today at 10:35 a.m. with the Assessor's Office to consider various new and renewing property tax exemptions under codes 602W, 602D, 602P, 602B, 602C, 602E, 602GG, and 50-2014. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender (left 10:58 a.m.), Chief Deputy Assessor Joe Cox, Business Manager Jennifer Loutzenhiser, Imaging Specialist Helena Thompson and Deputy Clerk Jenen Ross. The tax exemptions were considered as follows:

##### **63-602W – Site improvement associated with land:**

- Canyon Creek #4 and Canyon Creek #5
- Carriage Hill West #3, Carriage Hill West #4 and Carriage Hill West #5

Commissioner Van Beek made a motion to continue these exemption requests to May 5, 2021 at 2:30 p.m. in order to collect additional information. The motion was seconded by Commissioner White and carried unanimously.

- Devlin Sub, Adler AB Owner V LLC
- Devlin Sub, Adler AB Owner XI LLC

Commissioner Van Beek made a motion to deny the exemptions for Devlin Sub, Adler AB Owner V and XI LLC. The motion was seconded by Commissioner White and carried unanimously.

##### **63-602P – Pollution control:**

The Assessor's Office is recommending a total exemption amount of \$68,810,168 applied to facilities for water or air pollution control. A copy of the spreadsheet detailing the exemptions is included in today's minutes. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve the exemptions for 63-602P.

**63-602B – Religious:**

- 09824000 0 First Church of the Nazarene

Commissioner Van Beek made a motion to approve the exemption. The motion was seconded by Commissioner White and carried unanimously.

**63-602E – Education:**

- 32717010 0 – Idaho Conference of Seventh Day Adventist Inc.

The Assessor's office is recommending a partial removal of exemption. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to remove the partial exemption.

**63-602GG – Low income properties owned by a non-profit organization**

- 06438102 0 - Advocates Against Family Violence Inc
- 06438106 0 - Advocates Against Family Violence Inc
- 06438114 0 - Advocates Against Family Violence Inc
- 32480180 0 - Advocates Against Family Violence Inc
- 32504483 0 - Advocates Against Family Violence Inc
- 32564318 0 - Advocates Against Family Violence Inc
- 35129131 0 - Advocates Against Family Violence Inc
- 35333212 0 - Advocates Against Family Violence Inc
- 35333236 0 - Advocates Against Family Violence Inc
- 19406000 0 - Elderly Opportunity Agency Inc
- 38770000 0 - Elderly Opportunity Agency Inc
- 36243000 0 - Idaho Friends Retirement Homes Inc
- 15438000 0 - Nampa Christian Housing Inc
- 12983500 0 - Trinity New Hope Inc

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant

**63-602D – Hospital:**

- 60664500 0 - St Luke's Regional Medical Center
- 61111025 0 - St Luke's Regional Medical Center
- 64940185 0 - St Luke's Regional Medical Center
- 64940186 0 - St Luke's Regional Medical Center
- 64940243 0 - St Luke's Regional Medical Center
- 64941410 0 - St Luke's Regional Medical Center
- 64941482 0 - St Luke's Regional Medical Center
- 64941492 0 - St Luke's Regional Medical Center



- 64941624 0 - St Luke's Regional Medical Center
- 64941625 0 - St Luke's Regional Medical Center
- 64936391 0 - St Luke's Regional Medical Center Ltd
- 11766000 0 - Mountain States Tumor Inst
- 01649000 0 - St Luke's Regional Medical Center Ltd
- 30995000 0 - St Luke's Regional Medical Center Ltd
- 30995011 0 - St Luke's Regional Medical Center Ltd
- 30995011B0 - St Luke's Regional Medical Center Ltd
- 30995011F0 - St Luke's Regional Medical Center Ltd

Commissioner Van Beek made a motion to approve the exemptions. The motion was seconded by Commissioner White and carried unanimously.

#### **63-602E – Education:**

- 60724000 0 - Greatamerica Financial Services Corporation
- 60724001 0 - Greatamerica Financial Services Corporation
- 64940104 0 - Greatamerica Financial Services Corporation
- 64941110 0 - Greatamerica Financial Services Corporation
- 64941357 0 - Insight Investments LLC
- 64941362 0 - Na Pali Coast Capital LLC
- 64941572 0 - Na Pali Coast Capital LLC
- 64935344 0 - Quadient Leasing USA Inc
- 64935345 0 - Quadient Leasing USA Inc
- 64936374 0 - TIAA Commercial Finance Inc
- 64941106 0 - TIAA Commercial Finance Inc
- 64941581 0 - TIAA Commercial Finance Inc
- 64940608X0 - Xerox Financial Services LLC
- 64941113X0 - Xerox Financial Services LLC
- 32716000 0 - Idaho Conference of Seventh Day Adventists Inc
- 00925000 0 - Idaho Conference of Seventh Day Adventists@@

Upon the motion to Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant the exemptions.

Van Beek, White

#### **63-602C – Charitable:**

- 64941025 0 - Canyon County Community Clinic
- 61111022 0 - Community Council (DBA)
- 64941254 0 - Deseret Industries
- 61111007 0 - Goodwill
- 61111004 0 - Grace Place (The)
- 61111015 0 - Idaho Youth Ranch

- 61111024 0 - Idaho Youth Ranch
- 61111026 0 - Idaho Youth Ranch
- 61111027 0 - Idaho Youth Ranch
- 64941540 0 - Terry Reilly Health Services
- 64941541 0 - Terry Reilly Health Services
- 64941542 0 - Terry Reilly Health Services
- 64941543 0 - Terry Reilly Health Services
- 64941544 0 - Terry Reilly Health Services
- 64941545 0 - Terry Reilly Health Services
- 61111023 0 - Terry Reilly Health Services (Clinic)
- 61111021 0 - Terry Reilly Health Services (Dental)
- 35091000 0 - Advocates Against Family Violence Inc
- 17607030 0 - American Legion Diven Slonecker Post 126
- 13286000 0 - American Legion Joseph H Murray Post 18
- 36736000 0 - Arena Valley Park Assoc Inc
- 37939000 0 - Blazing Hope Youth Family Ranch Inc
- 31304000 0 - Boise Rescue Mission Inc
- 31305000 0 - Boise Rescue Mission Inc
- 31312000 0 - Boise Rescue Mission Inc
- 31328011 0 - Boise Rescue Mission Inc
- 31328012 0 - Boise Rescue Mission Inc
- 16835000 0 - Boise Rescue Mission Inc @@
- 34971000 0 - Caldwell Chapter of The Izaak Walton League of America
- 01113000 0 - Caldwell Elks Home Assn Inc
- 04735000 0 - Caldwell Model Railroad Club & Historical Society Inc
- 35141010 0 - Caldwell Odd Fellow Lodge No 10
- 04770000 0 - Canyon County Historical Society Inc
- 05087000 0 - Canyon County Pet Haven Inc
- 16046000 0 - Canyon County Pet Haven Inc
- 02530501D0 - Community Council of Idaho Inc
- 02530502 0 - Community Council of Idaho Inc
- 02530505 0 - Community Council of Idaho Inc
- 16873000 0 - Community Health Clinic
- 28695010 0 - Community Health Clinic Db
- 03136000 0 - Community Health Clinic Db Terry Reilly Health Services
- 08759000 0 - Community Health Clinics
- 08760000 0 - Community Health Clinics Db
- 16880000 0 - Community Health Clinics Db
- 08777000 0 - Community Health Clinics Inc

- 14447000 0 - Community Health Clinics Inc
- 14447015 0 - Community Health Clinics Inc
- 16883000 0 - Community Health Clinics Inc
- 07900101 0 - Community Health Clinics Inc DbA Terry Reilly Health Services
- 27333105 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 27333106 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 14820000 0 - Fleet Reserve Assoc Branch 382
- 14822000 0 - Fleet Reserve Assoc Branch 382
- 01801000 0 - Grand Lodge of Id IOOF Inc
- 11805000 0 - Hands of Hope Northwest Inc
- 11805010 0 - Hands of Hope Northwest Inc
- 11805010A0 - Hands of Hope Northwest Inc
- 67340100 0 - Hispanic Cultural Crt Of Idaho
- 29196000 0 - Idaho Fish and Wildlife Foundation Inc
- 30505204 0 - Idaho Fish and Wildlife Foundation Inc
- 23660000 0 - Idaho Horse Therapy Inc
- 05779000 0 - Idaho State Chapter PEO Sisterhood Inc
- 01147500 0 - Idaho Youth Ranch Inc
- 01147501 0 - Idaho Youth Ranch Inc
- 37781011 0 - Idaho Youth Ranch Inc
- 37785000 0 - Idaho Youth Ranch Inc
- 00855000 0 - Lambda-Chi Chapter of Kappa Sigma House Corporation
- 15957000 0 - Lifeline Crisis Preg Cntr Inc
- 15954000 0 - Lifeline Crisis Pregnancy Center Inc
- 35790115 0 - Lifeways Inc
- 01788000 0 - Linc Living Independence Network Corp
- 33612000 0 - Lizard Butte Easter Sunrise
- 31060011C1 - Love Inc Of Treasure Valley
- 17540000 0 - Melba Valley Historical Society
- 35307103 0 - Metro Community Services Inc
- 22891000 0 - Mission Aviation Fellowship
- 31730000 0 - Mission Aviation Fellowship
- 67165204 0 - Mission Aviation Fellowship
- 67165255 0 - Mission Aviation Fellowship
- 04699000 0 - Mt Moriah Lodge 39 A F Am Inc
- 08640000 0 - Nampa Aerie #2103 FOE
- 08670000 0 - Nampa Aerie No 2103 FOE
- 08237000 0 - Nampa Lodge #1389 BPOE
- 14442000 0 - Nampa Valley Grange #131

- 31139000 0 - Pacific Press Publishing Assoc
- 38762010 0 - Parma Area Sr Citizs Cntr Inc
- 36402000 0 - Pleasant Ridge Grange #135
- 13576000 0 - Salvation Army
- 32548178 0 - Salvation Army
- 04887000 0 - Salvation Army The
- 13704000 0 - Salvation Army The
- 15988584 0 - Salvation Army The
- 67336800 0 - Shep Rock Foundation
- 13447000 0 - Society of St Vincent De Paul Southwest ID Dist. Council Inc
- 35818000 0 - St Vincent De Paul Of Caldwell Inc
- 00201000 0 - Theta Psi House Corporation
- 08154000 0 - Treasure Valley Transit Inc
- 19896000 0 - V F W Post 11065
- 67120000 0 - Warhawk Air Museum Inc
- 67120113 0 - Warhawk Air Museum Inc
- 67120114 0 - Warhawk Air Museum Inc
- 67120154 0 - Warhawk Air Museum Inc
- 67120154A0 - Warhawk Air Museum Inc
- 67371500 0 - Warhawk Air Museum Inc
- 67371501 0 - Warhawk Air Museum Inc
- 32109010B0 - Witco Inc
- 35865010 0 - Witco Inc
- 35865011 0 - Witco Inc
- 35865012 0 - Witco Inc
- 35723100 0 - Young Mens Christian Assoc Of Boise Inc
- 35723101 0 - Young Mens Christian Association of Boise Inc
- 01114000 0 - Caldwell Elks Home Assn Inc

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve the exemptions.

**63-602B – Religious:**

- 61111005 0 - KTSY Radio Station
- 61111016 0 - Praise Inc
- 61111020 0 - Refuge Counseling Center LLC
- 61111002 0 - Salt & Light Catholic Radio
- 04865000 0 - Antioch Miss Baptist Ch
- 12798000 0 - Apostolic Assembly of Faith in Jesus Christ Inc
- 01136000 0 - Apostolic Assembly of The Faith in Christ Jesus

- 01143000 0 - Apostolic Assembly of The Faith in Christ Jesus
- 08807000 0 - Apostolic Way Inc \$ @@
- 28615014 0 - Assemblies of God S Id Dist.
- 02016000 0 - Assembly of God Ch Central Latin American Dist. Council
- 02653000 0 - Assembly of God Ch of Ca
- 02657000 0 - Assembly of God Ch of Ca
- 29233000 0 - Bethel Ch of the Nazarene
- 70230000 0 - Bible Missionary Church of Greenleaf Idaho Inc
- 36165000 0 - Bible Missionary Church of Greenleaf Inc
- 13439000 0 - Bible Pentecostal Church Inc
- 13441000 0 - Bible Pentecostal Church Inc
- 13443000 0 - Bible Pentecostal Church Inc
- 01342000 0 - Boone Memorial Presbyterian Church Inc
- 01353000 0 - Boone Memorial Presbyterian Church Inc
- 01354000 0 - Boone Memorial Presbyterian Church of Caldwell Idaho Inc
- 17047000 0 - Bowmont Ch of the Brethren
- 17048000 0 - Bowmont Ch of the Brethren
- 21150000 0 - Buddhist Society of Idaho
- 35746000 0 - Caldwell Free Methodist Church Inc
- 01772000 0 - Calvary Chapel Caldwell Inc
- 31394000 0 - Calvary Chapel Nampa Inc
- 31395000 0 - Calvary Chapel Nampa Inc
- 23113000 0 - Calvary Chapel of Nampa
- 23112000 0 - Calvary Chapel of Nampa Inc
- 23118000 0 - Calvary Chapel of Nampa Inc
- 19936000 0 - Calvary Holiness Church Inc
- 04656000 0 - Calvary Temple Inc
- 04657000 0 - Calvary Temple Inc
- 17607033 0 - Canyon County Church of Christ Inc
- 04218000 0 - Canyon Hill Ch of Nazarene
- 04221000 0 - Canyon Hill Ch of Nazarene
- 04222000 0 - Canyon Hill Ch of Nazarene
- 04255000 0 - Canyon Hill Ch of Nazarene
- 33945000 0 - Canyon Springs Christian Church Inc
- 33946000 0 - Canyon Springs Christian Church Inc
- 32510010 0 - Centennial Baptist Ch Inc
- 02119000 0 - Ch of God of Prophecy
- 05096000 0 - Ch of God of Prophecy Regional Office Inc
- 08712000 0 - Ch of God Prophecy

- 08575000 0 - Ch of the Nazarene
- 08833000 0 - Ch of the Nazarene
- 12158000 0 - Ch of the Nazarene
- 12514000 0 - Ch of the Nazarene
- 08573000 0 - Ch of the Nazarene N Na Inc
- 32003000 0 - Christian Faith Center Assembly of God Inc
- 35797000 0 - Christian Faith Center Assembly of God Inc
- 35666000 0 - Church of Christ Cald Inc
- 19191000 0 - Church of Christ Of Parma Idaho Inc
- 20007000 0 - Church of God
- 01577000 0 - Church of God Apostolic of Id
- 04513102 0 - Church of God Inc
- 02157000 0 - Church of God of Caldwell Inc
- 31478010 0 - Church of God of Prophecy
- 17042000 0 - Church of The Brethren
- 31440010A0 -Church of The Brethren Inc
- 15502000 0 - Church of The Living God Inc
- 11205000 0 - College Ch Of the Naz Inc
- 11200000 0 - College Ch Of the Nazarene
- 11204000 0 - College Ch Of the Nazarene
- 10993000 0 - College Church of The Nazarene Inc
- 17535000 0 - Community Baptist Church of Melba Inc
- 25279000 0 - Corp Of Pres Bis Of the Church of Jesus Christ of LDS
- 34324000 0 - Corp Of Pres Bis Of the Church of Jesus Christ Of LDS
- 29411100 0 - Corp Of Presiding Bishop
- 14926000 0 - Corp Of Presiding Bishop
- 29179000 0 - Corp Of Presiding Bishop
- 34443011A0 - Corp Of Presiding Bishop Church of Jesus Christ of LDS
- 25279010 0 - Corp Of Presiding Bishop Of
- 32900101 0 - Corp Of Presiding Bishop Of
- 00631000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 00632000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 01367000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 01368000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 01369000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 01379000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 04100010A0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 04152000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 08988000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS

- 14096000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 16101000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 16195000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 19148000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 20155000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 20157000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 23934019 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 24709010 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 25279011 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 28688000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 29336013A0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 29729000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 30666011 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 31065000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 32041010 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 32400000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 32558010 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 32566010 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 33388000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 33395010 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 33400010 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 33401000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 33408000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 33409000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 33472000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 33483000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 33912000 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 33945011 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 34349100 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 34513011 0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 38686011A0 - Corp Of Presiding Bishop of Jesus Christ of LDS
- 32419253 0 - Corp Of Presiding Bishop-Church of Jesus Christ of LDS
- 34356011 0 - Corp Of Presiding Bishop-Church of Jesus Christ of LDS
- 34366201 0 - Corp Of Presiding Bishop-Church of Jesus Christ of LDS
- 05176000 0 - Cp Reformed Church Inc
- 74415000 0 - Crossroads Assembly of God
- 31793395 0 - Crossroads Community Church
- 31793394 0 - Crossroads Community Church Inc
- 31793399 0 - Crossroads Community Church Inc

- 10954000 0 - Evangelical Lutheran Zion Ch Of Na
- 35080000 0 - Evergreen Heights
- 14301000 0 - Fairview Church of The Nazarene @@
- 14302000 0 - Fairview Church of The Nazarene Inc
- 14303000 0 - Fairview Church of The Nazarene Inc
- 14327000 0 - Fairview Church of The Nazarene Inc
- 14329000 0 - Fairview Church of The Nazarene Inc
- 03684000 0 - Faith Evan Luth Ch Of Cald
- 03686000 0 - Faith Evan Luth Ch Of Cald
- 37169000 0 - Fargo Community Church
- 75203000 0 - Fargo Community Church
- 30381000 0 - Fellowship Baptist Church Inc
- 06161000 0 - First Baptist Ch-Ca
- 17769000 0 - First Baptist Church of Middleton
- 17779000 0 - First Baptist Church of Middleton
- 18469000 0 - First Baptist Church of Middleton
- 18857000 0 - First Baptist Church of Notus Inc
- 38996000 0 - First Baptist Church of Roswell
- 32596000 0 - First Ch of the Nazarene
- 15436000 0 - First Christian Ch
- 15437000 0 - First Christian Ch-Na
- 15439000 0 - First Christian Ch-Na
- 15441000 0 - First Christian Ch-Na
- 27439000 0 - First Christian Church of Caldwell Db a Caldwell Christian Church
- 27440000 0 - First Christian Church of Caldwell Db a Caldwell Christian Church
- 07347000 0 - First Church of Christ Scientist
- 09845000 0 - First Church of The Nazarene
- 13817000 0 - First Church of The Nazarene
- 13891000 0 - First Church of The Nazarene
- 32007000 0 - First Congregational Church United Church of Christ Nampa Inc @@
- 35436000 0 - First Friends Church of Caldwell Inc
- 00485000 0 - First Methodist Ch Of Cald
- 35389000 0 - First Methodist Ch Of Cald
- 35391000 0 - First Methodist Ch Of Cald
- 19935000 0 - First Methodist Epis Ch Wilder
- 18987000 0 - First Presbyterian Ch
- 00330000 0 - First Regular Baptist Inc
- 32186010 0 - First Romanian Church Inc
- 24563000 0 - First Southern Baptist Church of Caldwell Inc



- 29230010 0 - First United Methodist Ch
- 78392000 0 - First United Methodist Church
- 31968000 0 - First United Presbyterian
- 31971000 0 - First United Presbyterian
- 32918000 0 - Followers of Christ
- 32923000 0 - Followers of Christ Inc
- 34174000 0 - Franklin Community Ch Inc
- 37012000 0 - Free Holiness Church
- 37021000 0 - Free Holiness Church
- 33158000 0 - Free Methodist Church of North America
- 29261011 0 - General Assembly and Church of The First-Born Inc
- 19928000 0 - Golden Gate Baptist Ch
- 08588000 0 - Good News Community Church Inc
- 32001010a0 - Grace Bible Church Inc
- 13681000 0 - Grace Episcopal Ch Of Na
- 35616000 0 - Grace Evangelical Lutheran
- 14656000 0 - Grace Tabernacle Inc
- 11133000 0 - Greater Life Church Inc
- 11134000 0 - Greater Life Church Inc
- 28875000 0 - Greenhurst Bible Church Inc
- 36241000 0 - Greenleaf Friends Ch
- 36242000 0 - Greenleaf Friends Ch
- 36263010 0 - Greenleaf Friends Church
- 36264000 0 - Greenleaf Friends Church
- 31454000 0 - Harvest Life Ministries Inc
- 05061000 0 - Heritage Holiness Chapel Incorporated
- 33715011 0 - Homedale Church of Nazarene
- 33670010 0 - Homedale Friends Comm Church
- 19438000 0 - ID Dist. United Pentecostal Church Inc
- 04001000 0 - Idaho Conference of Seventh Day Adventists
- 17902114 0 - Idaho Conference of Seventh Day Adventists
- 05032000 0 - Idaho Conference of Seventh Day Adventists Inc
- 24428010 0 - Idaho Conference of Seventh Day Adventists Inc
- 19940000 0 - Iglesia Evangelica Mexicana De Wilder Inc
- 02090011 0 - Iglesia Misionera Pentecostes Inc
- 02091000 0 - Iglesia Misionera Pentecostes Inc
- 02092000 0 - Iglesia Misionera Pentecostes Inc
- 13611000 0 - International Church of The Foursquare Gospel
- 13490010 0 - Involve Church Inc

- 05799000 0 - Jehovah's Witnesses Caldwell Idaho Inc Central Congregation
- 01112011 0 - Jehovah's Witnesses Inc N Caldwell Congregation
- 26438000 0 - Jehovah's Witnesses Inc Nampa East Congregation
- 26436000 0 - Jehovah's Witnesses Nampa East Congregation
- 15216010 0 - Jehovah's Witnesses Nampa Id Inc Lake Lowell Congregation
- 31408000 0 - Karcher Church of The Nazarene Inc
- 76061000 0 - Karcher Church of The Nazarene Inc
- 25266000 0 - La Iglesia De Dios Inc
- 29578012 0 - Lake Shore Dr Baptist Church Nampa
- 32096000 0 - Lakeview Bible Church Inc
- 15234000 0 - Lutheran Brethren Ch Na Inc
- 31355010 0 - Maranatha Romanian Church of God No 10953
- 17544000 0 - Melba Friends Church Limited
- 17537000 0 - Melba Friends Church Ltd
- 16034010 0 - Mennonite Church
- 32135000 0 - Messiah Evangelical
- 73481000 0 - Messiah Lutheran Church
- 17993000 0 - Methodist Church
- 18689000 0 - Middleton Ch Of Naz Inc
- 30895000 0 - Midland Congregation of Jehovah's Witnesses Nampa Id Inc
- 27472000 0 - Midway Bible Missionary Ch
- 11081000 0 - Nampa 1st Southern Bapt Ch
- 16765000 0 - Nampa Ch Of Christ
- 13034011 0 - Nampa First Assembly of God of The City of Nampa Idaho Inc
- 14950550 0 - Nampa First Church of The Nazarene
- 16270500 0 - New Covenant Baptist Church
- 13530000 0 - New Direction Inc
- 13570000 0 - New Direction Inc
- 32097010 0 - New Hope Baptist Church Inc
- 00087000 0 - New Life Bible Fellowship Inc
- 04774000 0 - New Life Celebration
- 04778000 0 - New Life Celebration
- 07275000 0 - Northwest Latin Conference of The International Pentecostal Holi
- 02815545 0 - NW District Bible Missionary Church
- 34536000 0 - Oregon Trail Ch Of God Inc
- 19192000 0 - Parma Ch of the Nazarene
- 19367000 0 - Parma Miss Baptist Ch
- 02709000 0 - Protestant Episc Ch Of Id
- 19565000 0 - Revival Center Ch Inc

- 31460000 0 - Rock of The Christian And Missionary Alliance Inc
- 18975000 0 - Roman Catholic Dioc Of Boi Sacred Hearts of Jesus Mary Church
- 17503000 0 - Roman Catholic Dioc Of Boise Melba Church
- 15617000 0 - Roman Catholic Dioc Of Boise St Paul's Church
- 15227000 0 - Roman Catholic Diocese of Boise
- 15228000 0 - Roman Catholic Diocese of Boise
- 16238000 0 - Roman Catholic Diocese of Boise
- 17502000 0 - Roman Catholic Diocese of Boise
- 17607020 0 - Roman Catholic Diocese of Boise
- 24564010 0 - Roman Catholic Diocese of Boise
- 31822011 0 - Roman Catholic Diocese of Boise
- 32334000 0 - Roman Catholic Diocese of Boise
- 32334100 0 - Roman Catholic Diocese of Boise
- 12829000 0 - Rosa De Saron Pentecostal Holiness Church Inc
- 35252000 0 - Salt and Light Radio Inc
- 37691000 0 - Sandhollow First Baptist
- 09491000 0 - Southern Idaho Corp Of Seventh Day Adventists
- 09492010 0 - Southern Idaho Corp Of Seventh Day Adventists
- 09492010A0 - Southern Idaho Corp Of Seventh Day Adventists
- 25909000 0 - Southern Idaho Corp Of Seventh Day Adventists
- 38837011A0 - Southern Idaho Corp Of Seventh Day Adventists
- 38837117 0 - Southern Idaho Corp Of Seventh Day Adventists
- 15216000 0 - Southern Idaho District Council of The Assemblies Of God
- 29527000 0 - Southside Blvd Methodist
- 29542011A1 - Southside Blvd Methodist
- 15459000 0 - Sovereign Grace Fellowship of Nampa Inc
- 02033000 0 - Spanish Assemblies of God Church Rosa De Saron
- 39089010 0 - Sterry Memorial Presbyterian Church Inc
- 39122000 0 - Sterry Memorial Presbyterian Church Inc
- 39123000 0 - Sterry Memorial Presbyterian Church Inc
- 32273000 0 - Sunnyridge Assembly of God
- 22961000 0 - Teen Challenge International Pacific Northwest Centers
- 09006000 0 - The Church of The Rock Inc
- 09013000 0 - The Church of The Rock Inc
- 73546000 0 - The Way Assembly of God Inc
- 03678010 0 - Treasure Valley Christian
- 03683000 0 - Treasure Valley Christian
- 03685000 0 - Treasure Valley Christian
- 01413000 0 - Treasure Valley Christian Center Inc

- 01414000 0 - Treasure Valley Christian Center Inc
- 02759000 0 - Treasure Valley Christian Center Inc
- 31999000 0 - Trinity Evangelical Luth Ch
- 33003011A0 - United Reform Church of Nampa
- 35133000 0 - Valley Pentecostal Church Inc
- 22926000 0 - Wat Idahophoxaiyaraam Inc
- 17999000 0 - Way Assembly of God Inc
- 16040000 0 - Wesleyan Holiness Ch of Na
- 78097000 0 - Wesleyan Holiness Church
- 14990002 0 - West Valley Baptist Church Inc
- 37097000 0 - Wilder Assem Of God Ch
- 04945000 0 - Word of Truth Fellowship Inc

Commissioner Van Beek made a motion to approve the exemptions. The motion was seconded by Commissioner White and carried unanimously.

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

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

The Board met today at 1:18 p.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith arrived at 1:20 p.m., Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

Director Sinner spoke about the following:

- For fiscal year 2022 budget numbers she used 2017, 2018 and 2019 to get a more realistic view since there was no fair in 2020.
- Impacts to revenue include weather and the mainstage entertainment (which can be affected by the artists routing and competition from other area concert venues)
- Highlights for the Fair FY2022 budget include:
  - Correction to the office furniture line item
  - Potential purchase of a golf cart; Director Sinner will work with Director Tolman for a quote
  - AV for the Expo Building
  - New full-time position for an Agriculture Programming Coordinator
  - Specific revenue/expenses related to bringing the livestock show in-house
  - Additional ticket booths will be necessary on the Expo Building side and options for that are being evaluated
  - Attendance, food and sponsorship are all directly related to the mainstage act

- Commissioner Smith would like to see more money included in awards and would like to see Director Sinner redevelop the ribbon system with the inception of an open class livestock show
- Director Sinner will email her final version of the budget before she submits it to the Clerk and Controller
- Director Sinner has met with Carrie Clarich from the Extension office regarding the MOU and a draft document is being worked on. Director Sinner is also working on draft MOU with the FFA.
- 2021 Ticket sales are already at \$30,385
- Discussion ensued regarding allowing the building to be rented to multiple producers

The meeting concluded at 2:08 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:10 p.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Parks Director Nicki Schwend, Assistant Parks Director Laura Barbour and Deputy Clerk Jenen Ross. Director Schwend discussed the following with the Board:

- They are having a hard time filling Interpretive Specialist positions which has been posted 4 times. Usually the Interpretive Specialists help with the Canoe Science Camp but due to the lack of staff in that area they may look to hire an additional person for the camp.
- Two major requests for the FY2022 budget include the mezzanine for the Celebration Park Museum and the Parks Master Plan.
- There are a couple of open positions they are looking to interview and fill in the coming weeks
- The virtual and in-person field trips are being monitored to see how they continue to evolve.
- Improvements to the gun range are continuing; there is one open position on the advisory board; some fencing still needs to be completed.
- A spreadsheet of showing the grant award history between FY19-FY22 was provided to the Board and is on file with this day's minutes.
- A recommendation list from IT has not yet been received but Director Schwend doesn't believe her department is slated for any upgrades.
- Discussion ensued regarding the Parks Department's involvement in certain land use cases and how the preservation plan could be beneficial to certain aspects of Development Services.

The meeting concluded at 3:02 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:09 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider and action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Generalist Jennifer Allen (left at 3:28 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing resolution to add positions to the Development Services Department:*** Director Nilsson explained the Chief Building Inspector will be going out on FMLA for 2-3 month starting in June so they would like to have an additional Building Inspector on board in order for there to be some crossover training. The other is to change a Lead Administrative Specialist to an Office Manager. For years the position has been named Lead Administrative Specialist but that job description doesn't really cover what is being done in that role. The job description for the Office Manager is based on the same position in the Assessor's Office as they have similar roles and responsibilities. Based on a question from Commissioner Van Beek, Director Nilsson and Ms. Allen spoke about how the salary range was determined. Director Nilsson spoke about some of the succession planning they are working to get in place with the majority of the leadership nearing retirement. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution approving the addition of one (1) position and one (1) title, job description and FLSA change in the Development Services Department (see resolution no. 21-083).

Director Nilsson spoke briefly about some of the budget planning she's done to this point. The noted line items included training/education, travel and computer equipment.

Discussion ensued regarding the fire/water committee. One of Director Nilsson's recommendations is to look at the ordinance standards, developers feel that things are inconsistent and unfortunately will remain that way because there aren't any standards in the ordinance. There is a presumption that subdivisions are going to be annexed by the city and there can't be something created that is substandard for a city to inherit. However, on the other side Director Nilsson feels that the county can do a better job of delineating the areas that are exempt from water supply and thinks it would be beneficial to have some disclosure with a building permit, that the property owner acknowledges that there isn't a water supply. There are a lot of options for water supply depending on the site but she feels like if this is something that has been adopted by the state it's not something that can be overridden by the county. Additionally, there is the issue of clean-up of previous decisions and determining if the conditions are enforceable or not. The county needs to figure out its role in helping the fire districts because it hasn't been defined like it has with the health districts and the highway districts.

Discussion ensued regarding compensation for DSD staff who are unable to use their comp time hours. Director Nilsson suggested perhaps allowing certain staff to cash out their comp time balances.

The meeting concluded at 3:53 p.m. An audio recording is on file in the Commissioners' Office.

#### MAY 2021 TERM

CALDWELL, IDAHO     MAY 4, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 573605 to 573658 in the amount of \$145,074.03
- The Board has approved claim 573747 in the amount of \$1,595.00

#### SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Caldwell Housing Authority dba Farmway Store (Resolution no. 21-084)
- The Board approved an Alcoholic Beverage License renewal for El Guero LLC dba Pollos Y Mariscos El Guero; Roots and Company LLC dba Roots and Company (Resolution no. 21-085)
- The Board approved an Alcoholic Beverage License renewal for Caldwell Hospitality Group LLC dba Best Western Inn & Suites; Smashburger Acquisition-Idaho LLC dba Smashburger #1588 (Resolution no. 21-086)
- The Board approved an Alcoholic Beverage License renewal for Paleteria Y Neveria Mi Linda Michoacana dba Paleteria Y Neveria Mi Linda Michoacana Ice Cream LLC; Nampa Lodge #1389 BPOE Inc dba Nampa Elks Lodge #1389 (Resolution no. 21-087)

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

The Board met today at 8:30 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. Deputy P.A. Zach Wesley arrived at 9:01 a.m. As requested by the Board Director Navarro gave a brief review of his requested budget for FY2022. The highlights of his requests are as follows:

‘A’ Budget:

- Would like to retitle one position to a project manager/purchaser – this position would be responsible for coordinating supplies for projects in order to increase efficiency. Recommending this be a \$14-\$18/hour position.
- Asking for one additional maintenance technician position dedicated to the fairgrounds/expo building. This position would work odd hours, possibly Wednesday thru Sunday, 11:00 a.m. to 8:00 p.m. With the growth and need of county facilities Director Navarro doesn’t feel he is adequately staffed to be able to handle the fairgrounds and new expo building once it comes online. He probably wouldn’t need to fill this position until Spring of 2022.

‘B’ budget:

- Architects: \$85,000 broken down as follows:
  - \$42K for AE to design a warehouse for the Graye Lane property.
  - \$43K to evaluate the logistics of changing the ‘C’ wing of the juvenile detention center into additional space for juvenile and misdemeanor probation.
- Most budgeted numbers are based on a 3-year average.
- Idaho Power has applied a 4.2% increase.
- Snow plowing: this line item will be reduced because the grounds crew can do this so there will no longer be a need to hire a contractor for snow removal.
- Security systems: \$15,000 for cameras in specific areas of the courthouse campus.
- Computer equipment: based on recommendations from IT
- Trucks and pickups: two trucks need to be replaced and he would like to buy a used skid steer to be used for various tasks throughout the county during the year.
- Other items include:
  - Replace Trane Chiller on rooftop of JDC - \$84,900
  - Key cutting machine and software for Fleet – \$11,648
  - Fiber optic pull from Courthouse to Fairgrounds – \$37,970 (this will be a priority due to an agreement with the City of Caldwell)
  - Replace SPRUNG Roof on POD 5 – \$195,000 (this is a critical item as the current roof may only last another year or two)



- Replace store front doors on courthouse on 12<sup>th</sup> St. – \$20,000
- Replace windows in jail admin –\$ 8,000
- Replace roof at Extension office building – \$46,000
- Replace 8 MAU in courthouse (original 1974 equipment) -\$45,000
- Upgrade cellular dialers for fire alarm systems to 5G network - \$6,500
- Replace 2 hot water heaters in courthouse with re-circ pumps - \$9,500
- Replace 12 wall heaters in stairwells -\$5,200
- Expand Reliable DDC controls in Elections, building maintenance and animal shelter - \$33,000
- Add 3 HVAC units in crime lab/morgue into Reliable DDC program
- Replace windows at DMV building - \$9,800
- BOCC hearing room improvements - \$6,850
- Replace gate for Juvenile Probation parking area and controller - \$4,500
- Replace 2 gate openers for the fleet shop - \$6,500
- Remodel IT vault into usable office space - \$4,850
- LID improvement to Extension office - \$14,350
- Seal-coating and re-striping of parking lots in 3-year rotation - TBD

At the request of the Board, Director Navarro said he will email a list of offices/departments that have and have not contracted him regarding capital improvement plans.

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

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:14 a.m. with county attorneys for a legal staff update. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. There were no items for discussion. The meeting concluded at 9:14 a.m. An audio recording is on file in the Commissioners' Office.

#### RESCHEDULE PUBLIC HEARING - REQUEST BY BORTON-LAKEY LAW REPRESENTING RIDGELINE VISTA, LLC FOR A CONDITIONAL REZONE, CASE NO. CR2020-0012

The Board met today at 10:00 a.m. to go on the record to reschedule the public hearing in the matter of a request by Borton-Lakey Law representing Ridgeline Vista, LLC, for a conditional rezone, Case No. CR2020-0012. Present were: Commissioners Leslie Van Beek and Pam White, Todd Lakey, Darin Taylor, other interested persons, and Deputy Clerk Monica Reeves. The previous hearing was held on March 22, 2021 and was continued to subsequent dates of April 22

and May 4th so that all three Commissioners could be in attendance. Commissioner Smith was attending a special session of the Southwest District Board of Health and was unable to be present for today's hearing. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to May 6, 2021 at 1:00 p.m. The meeting concluded at 10:01 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:36 p.m. for an elected officials' meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Clerk Chris Yamamoto, and Deputy Clerk Monica Reeves.

#### SWDH update

Commissioner Smith reported on today's special meeting at SWDH where the board unanimously passed a resolution related to COVID-19 and making it clear they were giving people the right to assemble and operate their businesses without any restrictions. There will not be any recommendations on the size of gatherings out of SWDH. Although they never imposed mandates they were hearing from schools and other organizations that there were still heavy recommendations that were affecting their business. The resolution should eliminate the confusion and hopefully send us back to normal, however, if businesses choose to follow CDC or state guidelines they are free to do so; the health board will not tell them one way or the other how to operate their businesses moving forward. There were mandates, but online there were recommendations to follow the Governor's order and to follow CDC guidelines, but all of those recommendations are gone now and it now states you have the right to gather and to operate your business. Commissioner Smith hopes the board of health has set the path forward for other health districts to make a stand.

#### IT email address changes

Commissioner Smith reported that IT Director Greg Rast wants to accomplish a change in the canyonco.org email address to .gov, which provides a level of security and will also change the system so we have more secure emails. She also spoke about the need for continuity for contact information including business cards. The topic will be brought up to the larger elected officials' group.

#### Cell phone stipends

There are three different amounts people are paid each month for cell phone stipends: \$40, \$50, & \$55 but it doesn't appear there is any rhyme or reason as to who receives which amount so Commissioner Smith wants to look into that. The County pays approximately \$56,000 a year in stipends, not including the \$186,000 paid to Verizon each year for cell phone plans, hot spots and mobile wi-fi devices. Commissioner Smith spoke about how at a previous job she eliminated cell phone stipends for her team because most people carry a cell phone and it's a part of daily life and it's an expense they already have and so she questions whether the taxpayers should be

paying for that. Commissioner Van Beek supports Commissioner Smith's position. Clerk Yamamoto said we should look into the expense and see if all the people who receive it actually need it. Discussion ensued about the need for a policy and the qualifiers and what makes it essential, as well as the need to have one stipend amount of either \$35 or \$45. Clerk Yamamoto said we should go office by office/department by department and see what the needs are. Commissioner Van Beek supports evaluating it to see if they come back with justifiable reasons. The Clerk also said the Board should talk to the IT Director so he can manage it. Commissioner Smith wants to hear from elected officials and department administrators on why their staff need cell phones and stipends.

#### **Legislative issues:**

Assessor Stender reported that HB 389 will be heard today and if approved it will suspend every rule known to man. Clerk Yamamoto said the legislature killed the County's bill without even considering it. Chairman Harris and Representative Moyle rammed the bill through at the end of session and they rolled it out yesterday afternoon and are voting on it before noon today. The bill will raise homeowners' exemption from \$100,000 to \$125,000, which the Clerk believes won't help many people. One-third of the homeowners in the state will see their taxes go up and they will be the ones who can least afford it. In addition to that portion the bill will also change how new construction is calculated. It will also increase the PTR payout to \$1500, up from \$1320. If you qualify for PTR and your home is valued at more than 125% of the county median you won't qualify for property tax relief but you will qualify for tax deferral in exchange for signing a lien, similar to a reverse mortgage. Clerk Yamamoto said the backers of the bill don't want to see commercial or agriculture get any kind of increase and they think we do not have a value problem, but rather a spending problem mostly because the County did not take the federal government assistance. The County did not take the forgone amount, or the 3%, or new construction and we lowered the budget. The problem is the value disparity between residential and commercial and Canyon County homeowners are paying \$8 million that the commercial sector did not pay. The bill increases the personal property exemption from \$100,000 up to \$250,000 and they will replace that money from somewhere in the state. The Assessor and Clerk talked about how Canyon County has provided the legislature and the state tax commission more information than anyone else has.

#### **Miscellaneous:**

Commissioner Van Beek asked if the County has run out of PPE gloves. Clerk Yamamoto said we have been short on gloves and it's been a bit of a problem.

The meeting concluded at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

#### **MEETING WITH THE MAYOR OF MIDDLETON TO DISCUSS MIDDLETON AREA OF IMPACT**

The Board met today at 4:02 p.m. with the Mayor of Middleton to discuss the Middleton Area of Impact. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Middleton

Mayor Steve Rule, Middleton City Administrator Becky Crofts, Middleton City Planner Roberta Stewart, Middleton City Engineer Rachel Spear, Middleton Public Works Director Bruce Bayne, Attorney Mark Hilty for the City of Middleton, Amy Woodruff contract engineer for the City of Middleton, Attorney Chris Meyer with Givens-Pursley, DSD Planners Kate Dahl and Dan Lister joined at 4:27 p.m. and Deputy Clerk Jenen Ross.

Commissioner Smith explained that the Board has been approached by a constituent regarding annexation of land into the City of Star but that particular area is also in the Middleton Impact Area. The Board has initiated a 30-day notice to the City of Star letting them know that the county wants to start the impact area agreement negotiations with them.

Mayor Rule said when he was a Commissioner several years ago Star and Middleton were having this same battle. When he became Mayor, he started conversations with the City of Star to try determining where that line may or may not be. It became obvious to him that simply having conversations wasn't going to work well. In turn he hired Ms. Woodruff to do a geographical gravity flow concept, which he presented to the City of Star but they quickly dismissed it stating they have plans to go to Lansing and possibly Duff. He essentially walked away from the conversation and now it's to this point.

Becky Crofts said that the City of Middleton is taking a position of objecting to renegotiation based on the following information, especially the renegotiation of the eastern boundary which is CanAda. The current area of impact which was established in 2006, and the policies adopted with Canyon County was done in 2001 by ordinance. Since 2001 the area of impact grew a couple of times until 2006. The CanAda boundary was established in 2006, which was done by state code and in coordination with Canyon County. Star has not established an official area of impact west of CanAda, therefor the city is taking the position that the City of Star has been illegally annexing and developing in Middleton's area of impact in violation of state statute and county ordinance. The City of Middleton has been planning for nearly 20 years into their area of impact, they've engaged in long-term extensive land use, transportation and utility planning in this area. One major difference between Middleton and Star is that Middleton owns and manages its own critical municipal services, including water, sewer, streets and police that service the impact area. Star has recently engaged in land use planning into that area but unlike Middleton, the City of Star does not own or manage its own municipal services, they have land use authority only. All water, sewer, street and law enforcement services are contracted by a 3<sup>rd</sup> party. Middleton is their own utility and takes responsibility for the planning and development of those services throughout the impact area. Star only contracts with other districts and agencies for those services. The other important thing to understand about Star's planning is that Middleton believes they are adversely planning into Middleton's impact area. Middleton city council has taken a pretty hard position on R-3 density and not much higher than that in most of its land use planning. They've had several developers come to the city wanting to put in townhomes or apartments but Middleton wants to remain more of a rural community. The city council has been very strict on setbacks, 10' on each side, 25' in the front, 20' in the back. Star's planning into this area is much denser, they are allowing density of up to 5 dwellings per acre and their setbacks are much smaller, Ms. Crofts believes they go as low as 5'. There is a lot of complication with Star being inside Middleton's area of impact

with law enforcement services. Sometimes you can get up to 3 agencies responding. The City of Middleton is also somewhat concerned about unfair taxation, Star is collecting taxes on an overlay of taxes into Canyon County yet they are not paying for those services. Additionally, the City of Star has been annexing property and approving development in Middleton's impact area without first giving proper notice; Middleton was notified of the last annexation that came before Star city council by an adjoining property owner. Due to the lack of proper notification the City of Middleton plans to appeal that particular annexation request. Considering all the previous points, the City of Middleton perceives no basis to change the eastern boundary of its area of impact. The boundary has been properly established since 2006 with policy in place since 2001 and Middleton is in a position to serve efficiently and effectively all the property in its area of impact. They have invested millions of dollars in waste water treatment plants, a \$10M investment in the current plant with an \$8M expansion planned for 2023. They just built a booster station on the water system that serves the east zone which was a \$1M extension with water and sewer services extended to Kingsbury Lane. They don't believe based on the ordinance and where the city has been that they should agree to a renegotiation at this point.

Ms. Woodruff spoke about the ability to service this area and provided three maps for reference each of which are on file with this days' minutes. Map 1 was done in 2017 and shows the proposed water main extension from the city's existing facility. She spoke about how the city envisions the area being served. A portion of these items that were planned in 2017 have already been constructed and are in service. There are some areas where it would make more sense for the city to contract directly with Star Sewer and Water which is a district authority to provide service, however those are just judgements that will be made as developments come on. Map 2 is the City of Middleton's indicates the impact boundary and utility corridor. Ms. Woodruff spoke about the watermains and sewer sheds in the area and the directions in which they would flow. She also spoke about future watermains, gravity sewer and regional lift stations. The city has done a lot utility planning in the area and there is a good degree of confidence that it can be served planning and practically.

Commissioner Van Beek said that in the meeting with the City of Star it is her understanding that a part of their annexation went all the way to Kingsbury Rd. and asked Ms. Woodruff to speak to that. Ms. Woodruff said that on map no. 2 there is a brown shading which is the area of Star annexation, it is called out as 'Existing Star City Boundary'. There are not currently constructed utilities in the area, it's just a land planning boundary.

The 3<sup>rd</sup> map provided is the City of Middleton's transportation, schools and recreation map. This map has been used since 2014 and is the map that is referred to for transportation improvements, open space, parks and schools. This map is in the city code and the requirements of it are required to be reviewed and incorporated into developments that annex into the City of Middleton.

Mr. Meyer's doesn't really feel that this conversation should even be happening based on LLUPA (Local Land Use Planning Act), the whole concept of LLUPA is that this conversation happened years ago when the City of Middleton worked with the Board of County Commissioners to negotiate its area of city impact. The core principle of LLUPA is the concept of area of impact or

area of city impact, the idea is that the boundaries are worked out with the county and then they are honored, that has not happened here. Another provision of LLUPA that deals expressly with the question of a city annexing across a county line. The provision says that can happen but only by agreement with the city and county concerned, however, there is no such agreement in place here. The county is in a position to inform the City of Star that unless and until there is an agreement it cannot annex into Canyon County. That is something that has not been honored, it was not honored with the previous annexations into Canyon County and that's a big problem because as others have explained, the idea behind LLUPA is to allow cities and the people who live in and near cities to have some reasonable expectation of where growth is going to occur so that the millions of taxpayer dollars that is expended in planning and designing and building infrastructure and dollars from private enterprise that follow that can have a model to know this is the way it is expected to unfold. That did not occur in this case. The City of Star will say that they have an exception and point to a particular provision in the annexation statute that says they are authorized, that any city is authorized to annex beyond its area of impact if it is doing a voluntary category 8 annexation, which is true. They do have the ability to go beyond their area of impact, it does not say they have the ability to annex into somebody else's area of city impact. This can be unwound in any number of ways but his opinion is that Middleton has done everything right, and Star has done everything wrong. This is a situation where investments have been made and they should be honored. Right now, he feels it's very important for the Board to recognize that they have an investment. If the mechanism isn't honored then why go thru the exercise of having an area of city impact. The legislature has pages on how to resolve disputes on areas of city impact and it created complex mechanisms to resolve these issues. The statute states that the City of Star can annex beyond its area of city impact, meaning it can annex into some unincorporated area that no other city had staked out. He believes there needs to be conversations and that the issue can be resolved thru the kinds of discussions that have been had here today and to ask the question 'who can serve this area the best?'. The discussion needs to be had from the perspective that right now these annexations are illegal.

Commissioner Van Beek asked Mr. Meyer if perhaps a precedent is being set by the City of Star trying to annex into another jurisdiction. Mr. Meyer said this is unprecedented to his knowledge and reiterated that LLUPA solved this. This is very unusual, normally cities honor other areas of city impact. Commissioner Smith asked that since this happened years ago with a different Board of Commissioners and a different Mayor who didn't object to it, what precedent did that set at this point? Mr. Meyer thinks there two things to contemplate: 1) are we going to allow any more of these illegal annexations? and 2) are we going to attempt to undo previous illegal annexations? He has no idea how this will go, perhaps there will be some compromise that will allow some or all of the previous annexations to remain in place, but if someone wanted to challenge them they could do that in court. If these previous illegal annexations were category 'B' or 'C' annexations they would be subject to judicial review. Category 'A' annexations are not subject to judicial review which means they are subject to an action for declaratory judgement in district court.

Commissioner Van Beek said it sounds like there is already development into the area of annexation that she would like to know what the City of Star's position is. For clarification she confirmed with Mr. Meyer that things could be unwound based on the grounds of illegal

annexation by the City of Star. Mr. Meyer said it could be done by either forcing it as court dictated or the parties could simply agree. Star could de-annex some or all of those annexations which could be moved over and re-annexed by the City of Middleton. If a negotiation were successful that is how you'd implement it. Mayor Rule said he really does see both sides, that was why one of the first things he did as mayor was set up a meeting with the mayor of Star. Unfortunately, he started to feel like it was just a mechanism for the City of Star to gain commitment and information and it became obvious to him that no discussions between him and Mayor Chadwick were going to work. Mr. Meyer said that since Mayor Rule has not had any success in discussions with Mayor Chadwick perhaps what is needed is something of a wake-up message. Right now, the City of Star is being told they can do this and that no one can stop them. The county has a dog in this fight because the statute says you can't annex into this county without an agreement with the county.

Based on a question from Commissioner Smith, Mr. Meyer said that the argument that the City of Star is collecting taxes but not paying for any portion of the services would probably become part of the argument but it's not the thing that makes the annexation illegal. Once you recognize that the annexation is illegal then you have the question of what to do about it – will there be a de-annexation? At that point the county has a role to play in bringing the parties together so that some of the common-sense questions can be answered.

Commissioner White asked about MOUs in place for law enforcement. Ms. Crofts said that Middleton has an MOU in place with Canyon County. Middleton has an agreement that if it's outside of city limits that they respond anywhere within the impact area and outside if Canyon County needs support services. She doesn't know if Ada County Sheriff's Office and Canyon County Sheriff's Office have an MOU in place. She explained that dispatch centers are largely tax code or area based for 911 services so there are a lot of questions from residents on who is going to respond. They get regular calls from frustrated residents about addresses whose property has been annexed by the City of Star, it is in Canyon County but also in the Middleton impact area so addressing is problematic and they don't know who to call for services.

Commissioner Smith said the frustrating part for her is the claim by the City of Star that the county was notified of the annexation, however, the notification seemed to be an email to DSD staff about a road name for the subdivision but that is not legal notice of land use.

Commissioner Van Beek confirmed for the record with Ms. Crofts that the City of Middleton is not willing to pull back their area of impact. They are holding the line at CanAda. Mr. Meyer thinks the county can play a very important role, at this point the only option for the City of Middleton is to go to court. He feels it would be preferable for elected officials who are responsible to the taxpayers to play a role in this. The county has the ability to ask for an agreement. Commissioner Smith said that LLUPA provides in section C where there is requested overlap the cities can first negotiate and if they can't reach an agreement then it spells out that the BOCC makes that decision. The Board met last week with the City of Star who have their own thoughts and opinions on the subject but as the chairman pointed out there is no area of impact agreement with Canyon County. Mayor Rule reiterated that he got the sense it was just a game being played by the City of Star and felt like they were trying to see how far they could push him. Any time he would present

any kind of possible solution he was told it wouldn't work – he felt like he couldn't reach any resolve.

Commissioner Smith confirmed that either city can make a request that the Board make a decision within 30 days. The county has put the City of Star on 30-day notice which they are currently in the middle of right now. She is not sure what the legal position is on waiting for a proposal to come from them and then possibly some kind of agreement request from the City of Middleton. Mayor Rule said they are ready to make that presentation today based on the 2001 agreement and to work with Canyon County. Mr. Meyer said perhaps it would be worthwhile to pause for a moment on this allowing him time to speak with the county's legal counsel. Commissioner Smith referenced code 67-6526C on areas that overlap which she recognizes that as of right now there is no overlap but the county has asked the City of Star to stop annexing into the county without an impact area agreement. The county has put them on notice that they need to start negotiating an impact agreement and noticed them that they are requesting an area that has overlap and that they needed to work with Middleton. Mr. Meyer is struggling a bit as to if this really falls under subsection C because the first words in the statute are "...if areas of city impact overlap..." and they don't so he's not sure how it can be under subsection C. Additionally, if it does fall under subsection C, if all else fails it could take an election to resolve the issue. Mr. Meyer said the statute as he reads it contemplates a situation where the county for some reason allowed 2 areas of city impact or the city unilaterally extended an area of city impact into the county. The City of Star has not unilaterally extended its area of city impact into Canyon County so in order to be under the statute he thinks they would first need to adopt an ordinance declaring that the area of city impact extends way over into Canyon County then it would fall under subsection C but they haven't done that yet. Commissioner Smith agrees with that statement. She said that the county has said that they need an area of city impact so then the city council is going to make their recommendation that it goes to Kingsbury and at that point it would appear that there would be overlapping ones which fall under C then pushing it to the Board to make a decision on where it would be. Commissioner Van Beek asked, if you have a city [Middleton] that has it [an area of impact agreement with the county], how come it doesn't become a moot argument and we just don't say you [Star] need to push your line back because you don't have an agreement and you're coming in after the fact trying to develop an area of impact that has clearly been established by another city. Mr. Meyer said that you could say that, that would be a great thing to say. You don't need to engage with the City of Star on this, the county is in the driver's seat. Commissioner Van Beek said she likes the options and wants to know what the pros and cons are. She said in reference to the LLUPA legislation if it's interpreted in its truest sense it makes this a non-argument, if the county allows them to go forward and the city council to meet and declare an area of city impact then we're in unprecedented territory that jeopardizes other cities in the county and their areas of impact. Mr. Meyer said that the City of Star must not simply act unilaterally, they cannot simply ignore somebody else's area of city impact. If they want to move into or annex land that is in another city's area of city impact they need to do something to move the previous area of city impact. It could overlay its own area of city impact right on top so it conflicts with the City of Middleton's area of city impact which would put this under subsection C and then you can have the mechanism to resolve it then if that fails it goes to an election. Commissioner Smith said the problem with that is that they are annexing in accordance with section A of the annexation which



is still a problem and goes back to the county sending the demand letter for compliance with the impact area agreement so they've been asked to do that. Commissioner Van Beek said section A implies that you're not infringing on the area of impact of another city. Being that this Board has taken a posture of being very policy, ordinance and rule based, she is struggling to find a basis for allowing that invasion and she doesn't know what it looks like from a legal standpoint, if you took that line of thinking what does that look like for everything they've annexed and built on that is in the City of Middleton's area of impact? Mayor Rule feels that the point that has lost focus is the question of which city has the ability to serve and the plans that have been in place since 2001. Middleton is at Kingsbury right now, Star is trying to annex past Kingsbury without services. Their city water and sewer are approximately 1 ½ miles away from where they've annexed to without the overlay in place.

Commissioner White said that when the Board met with Star they indicated that the area between Kingsbury and Lansing was "no-man's land" and that Middleton doesn't have the ability to get to CanAda. Mayor Rule said that the "no-man's land" [between Kingsbury and Blessinger] was proposed by the Mayor Chadwick, however it wasn't anything the City of Middleton agreed on. As indicated earlier by Ms. Woodruff, Middleton can get to CanAda and can hire the Star Water and Sewer Company as a private enterprise or they can take a lift station out near there and take care of it with the Middleton municipal services.

Mr. Meyer said that in his opinion at this point there is no appeal to be filed what would need to be done is a petition for declaratory relief.

Commissioner Smith would like to have county legal staff work with Middleton's legal representation to get a consensus on timeframes, what's been asked of Star and to reconvene once the attorneys have had a chance to meet.

Commissioner Van Beek spoke about the lack of noticing and concerns about any assurances the City of Middleton and the county may or may not have that the City of Star won't continue to move forward. Commissioner Smith said there are no assurances in place but that the Board did specifically ask Mayor Chadwick to provide notice and that the Board can monitor their land use hearing calendar.

The meeting concluded at 5:06 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2021 TERM  
CALDWELL, IDAHO    MAY 5, 2021

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

APPROVED CLAIMS ORDER NO. 2116

- The Board of Commissioners approved payment of County claims in the amount of \$1,733,307.81 for a County payroll.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- International Pip & Steel Corp in the amount of \$26,689.50 for the Parks Department
- BOE in the amount of \$1,060.00 for the Information Technology Department

APPROVED FEBRUARY 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

PUBLIC HEARING – REQUEST BY GREG SCHATZEL FOR A REZONE FROM AGRICULTURE TO SINGLE-FAMILY RESIDENTIAL, CASE NO. RZ2020-0027

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Greg Schatzel for a rezone from an “A” (Agricultural) Zone to an “R-1” (Single Family Residential) Zone, Case No. RZ2020-0027. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Dan Lister, Greg Schatzel, Alan Mills, Chaz Fitzgerald, Mikel Bartol, Jakob Bourgoin, Richard and Priscilla Anderson, Middleton City Planner Roberta Stewart, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that the applicant contributed campaign funds on her last election but that should not interfere with her ability to make an unbiased decision in this case.

Dan Lister gave the oral staff report. In 2006 a conditional use permit was approved to allow 17 residential lots and 3 common lots which came in through a preliminary plat as Serenity Creek Subdivision in 2007, however, the subdivision was never completed and therefore the CUP and the subdivision expired. The applicant is seeking a rezone to develop the property as was approved in 2006/2007. The R-1 zone allows for a one-acre average minimum lot size if served by individual wells and septic systems, or no less than 12,000 square feet if connected to city services, or a community system. The total acreage of the parcel is 26.38 acres so there is a potential of 25

lots if the rezone is approved without any development agreements locking in lot sizes, or there could be a lot more if the project is connected to city services. This request does not have a development agreement so there is not a condition to lock in that number of lots. The property and surrounding area consist predominately of the "A" (Agricultural) zone. The future land use plan designates this as residential. The property is located within the City of Middleton's area of city impact and their comprehensive plan also shows this to be residential. The property is surrounded by 36 subdivisions within a one-mile radius. Similar rezones were approved in this area due to the proximity to other residential zones. The property has a mix of moderate to best suited soils, most of the land is considered prime farm ground if irrigated and drained. Mr. Lister reviewed the agency comments noting that Canyon Highway District will require future development to meet their requirements at the time of platting. One of the requirements is a right-of-way dedication, internal streets, and the planned development of a collector road that connects Whisper Creek Drive through the division that's planned on the functional classification map. A traffic impact study (TIS) is not required at this time. ITD advised that no direct access is allowed from Highway 44 unless a TIS is completed and requires that access. The City of Middleton is opposed to the proposal and is requesting a pre-annexation agreement and extension of city services. According to Mr. Lister, DSD staff accidentally added a letter from the City of Middleton which referenced the same name, but it's for a different case. After talking to the city, they indicated that is the same letter they would have applied to this case so even though the city's letter is not referencing this project, their concerns are the same. The city wants the applicant to work with them regarding the City of Middleton's future plans and how future development is not to impact those plans. Concerns from neighbors included: number of lots, lot sizes, increased traffic, impacts to existing irrigation and irrigation users, there is not enough information about future development and no conceptual plan, lack of information regarding privacy fencing, CC&R's to reduce noise, light pollution, dust, and livestock, and they questioned why this is not being annexed into the city or connecting to city services. On March 18, 2021, the P&Z Commission recommended denial mostly due to concerns with traffic and the cumulative impacts of traffic in the area, and a lack of information about how it's being addressed. Based on recommendations by the P&Z Commission and the City of Middleton staff provided findings of fact, conclusions of law and order (FCO's) recommending denial of the rezone application. Following his report, Mr. Lister responded to questions from the Board.

**Testimony in support of the request is as follows:**

Alan Mills testified in support of the request. He referenced the FCO's which erroneously stated the case was being recommended for approval when in fact the case was recommended for denial. He still has not received corrected FCO's. Mr. Mills said the first staff report delineated the issues, had a recommendation for approval and then a hearing was held, and the traffic issue came up. He thinks the traffic issue will resolve itself with impact fees because there is very good chance they will be implemented and in effect by the time this project would be done. The City of Middleton has impact fees for transportation and the County does not but that will be negated by this new impact fee and they will be equalized between the City of Star and the City of Middleton and this sub-district of the Canyon Highway District. He received the staff report two days ago and there was no recommendation, but today he learned there is a recommendation for denial. Since

receiving the staff report two days ago he has not had time to work on the letter from the City of Middleton. According to Mr. Mills, the neighbors are adamantly opposed to city densities. He hopes this is not a step towards forced annexation. State code allows forced annexation of anything under five acres and a good share of the properties are under that which is creating a lot of questions. Mr. Mills said the neighbors do not want the Whisper Creek access and neither does the developer. Lansing Lane has a turn land and a deacceleration lane and the developer will work with the highway district to try to get that access to Lansing Lane and make a nice access. It is much safer to have one access at Lansing Lane rather than to have two accesses in that area. They put in 17 monitoring wells but they will not know until October what density will be allowed because they have to wait for the results of the monitoring wells and that will set the standard for the type of septic systems that go in. It could be that nitrate reducing systems will be required. They plan to make big improvements to the irrigation system for the neighbors and for this development. Jeremy Cox has agreed to help with design the irrigation and drainage. The tax base will be greater for the contemplated homes than it will be in the city. It's perplexing that 17 homes will be an impact to traffic, but somehow 50 homes won't be an impact. Mr. Mills said the city had no comment the first time around and but today think this project will stop them from growing, but that's not the case. He referred to letters of support from residents of Whisper Creek Subdivision. He said the developer has no ownership that would allow city services to come to the property because the people who own the lots between the subject property and the city services do not want it. In his opinion it would be a taking to require services be brought to this location. Following his testimony Mr. Mills responded to questions from the Board. Commissioner Smith said this is a straight rezone request therefore the Board cannot put any conditions on it. (The Board took a brief recess at 10:06 and went back on the record at 10:11 a.m.)

Greg Schatzel is the project developer and he testified in support of the request stating he has no intention to have more than 17 lots. With regard to fencing, he will do whatever the neighbors want, and he will fence the property before he sells a lot. He wants to keep the access to Lansing Lane and keep traffic away from Whispering Creek. It will be a nice entrance and it will be a up to the highway district on whether it's private or public. He referred to a "headache" on the south that connects to Highway 44 and said it could be an emergency fire lane in the future, or, he could give it to a neighbor and get rid of the "headache".

**Neutral testimony was offered as follows:**

Mikel Bartol stated Alan Mills and Greg Schatzel eloquently explained everything he was thinking; however, he had questions about process. Are there any resources we can use to look at the ramifications of city, county and state in terms of zoning requirements? Commissioner Smith said the state gives that authority to the local jurisdictions, and there is a lot of control given through state statutes for cities to annex land through various processes and the county loses all control. The city can force annex if they want to, and Middleton has done that in the past. They are one of the cities in Canyon County that's actively forced annexed. Regardless of the decision the Board makes today they could still come through and force annex. Mr. Bartol had concerns about the logistical requirements of having any ingress/egress points built into his subdivision. The only ingress/egress are from State Street on both Whisper Creek Drive and Buskirk. He understands

the logic behind traffic flow, but it doesn't solve the problem, it just moves the problem. The Whisper Creek neighborhood does not want that connection through to this new proposal. If it means he can be forced into using city water and sewer he would be opposed to that because it'd be a complete uproot to what they have done to develop their water and sewer system. There are also secondary considerations to the water table that Mr. Mills articulated. He believes it will be a substantial problem no matter what you do. He sees the movement toward what we currently have as the best solution in terms of impact to the area. He'd choose an R-1 designation over a city annexation with higher density.

Jakob Burgoin testified about his concerns with negative impacts to irrigation delivery and traffic, specifically with the use of Lansing Lane which is a very busy road. He spoke with Alan Mills and Greg Schatzel about his concern with irrigation and they assured him they will do improvements for his irrigation rights.

**Testimony in opposition was as follows:**

Roberta Stewart, Middleton City Planner, testified the city opposes this application and is seeking denial since there are no conditions that can be attached, or, tabling it to turn it into a conditional rezone. She was approached about this property in the last few months at least three times and she begged them to consider pre-annexation because the city is getting hemmed in and it's ruining long-term planning goals, but there was no response to her request. The city just heard of this project in the last few hours so they could not reach out to Alan Mills because they did not know this project had gone this far. She submitted a map (Exhibit 9) showing water and sewer is 1400 linear feet. There are two alternatives to bring sewer and water depending on if there are problems with topography. The cost to bring in services is \$100 per linear foot and it would cost \$280,000 to bring in city water and sewer. Compare that to people putting in septic and well that's about \$40,000 per lot – so someone is going to pay to bring services to these lots - either the developer (through latecomer fees or agreements with the city) or they can dump it on the future landowners. If the developer brings it in this booming market he just has to raise the price of his lots and the homeowners will get a better deal that way because it's cheaper in the long run for the purchasers. It's important to bring sewer and water for environmental concerns because this is riverbed bottom and septic and well are bad (given the nitrates) and you want to get people on to city services even if it may cost more. The benefit far outweighs the burden. The city does not want higher density; R-1 is perfect for their long-term planning which shows rural lots so this plan is fine with them. This is what the city would want in an agreement: sewer and water throughout the subdivision and they need to bring it to the property. The city wants them to build the roads to city standards (no curb, gutter, or sidewalks), and to do frontages to city standards and the only frontage is Lansing Lane. They want the developer to pay the city's impact fees for fire, police, parks and traffic impact fees. When the city does get out there then annexation is completed automatically. Ms. Stewart said Alan Mills' argument that this is a country subdivision and there is no place for Middleton to go is not true because a lot of the subdivisions' septic systems and wells will fail some day and this subdivision is the beginning of the safety net for when they fail. We'll be able to clean up the groundwater and have a long-term planning. The City of Middleton has spent millions of dollars on water and sewer treatment upgrades just for this and if you keep

saying no it's county, it just concretes in more the city's ability to fix things in the future. Following testimony Ms. Stewart responded to questions from the Board.

**Rebuttal testimony was as follows:**

Alan Mills said the highway district met Wednesday to discuss a connection for Kingsbury from Purple Sage to come all the down through the Dick Phillips property, that is imminent, so that will be another connection. A lot of traffic currently funnels to Lansing Lane because there is not a good connection for Blessinger Road nor Kingsbury Road. Very soon we will have two more connections and the traffic on Lansing will diminish significantly. He does not agree with the numbers stated by the city because when you're in high water table and you're trying to lay sewer 15 feet deep \$100 a foot will not cover it. The other issue is you have 1,500 feet of length within the interior and \$100,000 will not bring it there. He will obtain bids/quotes and bring them to the Board at a later date. He disputes reports that septic systems will fail and he referenced many older systems in the area that have not failed. There is a shallow aquifer and a deep aquifer and nobody can explain how they are going to contaminate the lower aquifer. When you drill through the impervious layer at 20-30 feet the pressure is upwards. Mother nature has protected our deep aquifer better than we ever could because you'd have to force contaminates by pressure to get that deep aquifer contaminated. These septic systems stay in the confined shallow aquifer. The majority of contaminates come from agriculture and we have to live with the fact that their contamination is far greater than any other single source and we live with that because it hasn't hurt anything. He takes exception to the fact that the City of Middleton is growing this direction. This is truly an enclave that we'd be putting a minor city inside of a rural development. Following rebuttal remarks, Mr. Mills responded to questions from the Board.

Commissioner Smith said the FCO's that were signed by the P&Z Commission were incorrect. They took staff's original FCO's from the case packet where staff had originally recommended approval and signed that document versus signing the FCO's where they rendered a decision of denial. She noted that the minutes from the P&Z Commission hearing correctly indicate the recommendation was a denial. Mr. Mills said he is not questioning the validity of the recommendation for denial, it's just a matter of the paperwork coming out wrong. Dan Lister said staff can bring back the corrected FCO's to the P&Z Commission for signature on May 6. He suggested the Board table the matter to get the correct information/record. He then addressed the statements that were made during the testimony:

- Middleton said they never received a notice of this case, but they did receive notice in December, and it was probably during the time when they had staff changes. They were also noticed on April 10, 2021 but they did not respond. DSD staff reached out to the city to see if they had any comments.
- If the Board feels a development agreement is necessary this is the opportune time to include those conditions.
- The FCO's should be corrected and brought back to the Board.

Commissioner Smith said the finding she struggles with is Finding E. – *Will adequate facilities and services including sewer, water, drainage, and irrigation be provided.* We did not receive a response from SWDH and we could solicit responses from SWDH and possibly DEQ so that the Board has more information to make an adequate finding. We have testimony from Alan Mills, and although he has a lot of experience he does not have the expertise to say there are adequate services. Commissioner Van Beek said the Board cannot condition a straight rezone, but she just heard staff say this is the point to add conditions. Commissioner Smith said you cannot condition it, but the developer could request a change to a conditional rezone. If we cannot find adequate findings to support a rezone request it would be a recommendation for denial and the reason for denial would be that we would recommend a conditional rezone so we can address some of these questions. Mr. Lister said if the applicant asks for a continuance to bring in as part of this decision a development agreement it would be a \$385 application fee and we would table the hearing to allow for notification. It would not have to go back to P&Z Commission because they denied the application and so it would be a hearing before the Board. After the development agreement is submitted and with notification, we are looking at a month or two to come back before the Board to consider the agreement. Commissioner Smith said she wants it to be a conditional rezone. Mr. Lister said the P&Z Commissioner did not find anything they could condition to make it right so it wouldn't necessarily have to go to the P&Z Commission. If the request is denied today they would have to go through the full process and reapply for a conditional rezone and it would be about six months out. Commissioner Smith's recommendation is to get more information on the services, keep testimony open, and solicit a response from SWDH which will give the applicant time to get cost comparisons. She doesn't know if we should be doing that because it's land use, not the Board determining which one is the most affordable for them. She wants to know if there is adequate water and sewer in the area and she doesn't know that the Board has that information today. Commissioner Van Beek said that's a compromise where it doesn't push the developer off for six months. Mr. Mills said they would consider a conditional rezone if it's clearly delineated what the conditions would be, but they are not going to open Pandora's Box. Commissioner White said forced annexation is problematic for her because it's an overreach. She likes the idea of a pre-annexation agreement because it's a defined situation for future growth.

Mr. Lister said it sounds like the direction is to get some time to fix the FCOs; get comments from SWDH and allow time for the city and the applicant to bring back cost comparisons. Commissioner Smith wants to hear from IDWR and DEQ as well. That is one reason for services to be brought to the property if there are concerns with the well levels in the area. Commissioner Van Beek wants clarification on a pre-annexation agreement because that says to her there is imminent annexation and so whether it's now or delayed, it is still government saying this is what we are doing. Commissioner Smith said the Board would have the choice on whether to require the applicant to have a pre-annexation agreement as part of the conditions of approval. She does not want to see growth going north into the farm ground; the growth should be centered around our transportation systems and our cities and so taking away that opportunity for the community to grow along those and enclaving it is hard for her to swallow. Commissioner Van Beek said Mr. Mills' testimony is credible in that the Commissioners are the people they vote for and are the elected officials that have jurisdiction over what that looks like and how it develops. Commissioner Smith asked if we have enough information to understand if there will be undue interference with

existing or future traffic patterns. She believes Mr. Mills is up to the challenge of looking at undue interference with existing traffic patterns and bringing back information that will help the Board with that, and also with services. Mr. Lister recommended the Board keep testimony open for the following new information:

1. Staff will contact IDWR and DEQ regarding well levels and the water table.
2. SWDH requirements regarding the lot and potential future development.
3. Cost comparisons shall be provided to address the comparison between bringing services or allowing individual wells and septic systems.
4. Obtain more information about pre-annexation agreements.
5. Have a review by Canyon Highway District regarding their request versus one access for future development.
6. Correct the FCOs.

Commissioner Smith wants the information removed from the staff report about the letter of opposition received from the City of Middleton. She wants to exclude the letter (Exhibit 5b) since it does not reference this property, however, the city is welcome to submit a specific letter if they would like to. Additionally, she wants to include Exhibit 9 from the City of Middleton. Late exhibits will be entered into the record. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing for Case No. RZ2020-0027 to June 2, 2021 at 1:30 p.m. in order to allow staff and the applicant to gain additional information. (Testimony will remain open.) The hearing concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS UPON DEATH FLOW CHART

The Board met today at 2:03 p.m. to discuss the upon death flow chart. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Coroner Jennifer Crawford, Chief Deputy P.A. Sam Laugheed, Chief Deputy Treasurer Jennifer Mercado, Director of Indigent Services Yvonne Baker, Case Manager Camille Tilden, Controller Zach Wagoner, PIO Joe Decker and Deputy Clerk Jenen Ross.

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

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

*Note for the record: As properly noticed the Board met today at 2:10 p.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 2:10 p.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on



the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Coroner Jennifer Crawford, Chief Deputy P.A. Sam Laugheed, Chief Deputy Treasurer Jennifer Mercado, Director of Indigent Services Yvonne Baker, Case Manager Camille Tilden, Controller Zach Wagoner and PIO Joe Decker. The Executive Session concluded at 2:44 p.m. with no decision being called for in open session.

MEETING WITH ASSESSOR'S OFFICE TO CONSIDER VARIOUS NEW AND RENEWING PROPERTY TAX EXEMPTIONS UNDER CODES: 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014

The Board met today at 2:55 p.m. with the Assessor's Office to consider various new and renewing property tax exemptions under codes: 602W, 602D, 602P, 602B, 602C, 602E, 602GG, and 50-2014. Present were: Commissioner Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Imaging Specialist Helena Thompson, Chief Deputy P.A. Sam Laugheed and Deputy Clerk Jenen Ross. A motion was made by Commissioner Van Beek to continue this meeting to May 7, 2021 at 11:45 a.m. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 2:55 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2021 TERM

CALDWELL, IDAHO      MAY 6, 2021

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

APPROVED CLAIMS

- The Board has approved claims 573659 to 573717 in the amount of \$200,940.19

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Cloverdale Nursery in the amount of \$4,449.60 for Facilities Department
- Prime Construction & Asphalt in the amount of \$10,549.38 for Facilities Department

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for JP Thailand Express LLC dba JP Thailand Express; Williamson Orchards Inc dba Williamson Vineyards; Maverik Inc dba Maverik #595; Maverik Inc dba Maverik #551; Maverik Inc dba Maverik #552; Maverik Inc dba Maverik #430; Maverik Inc dba Maverik #298; Maverik Inc dba Maverik #287; Maverik Inc dba Maverik #178; Walgreen Co dba Walgreens #05648 (Resolution no. 21-088)
- The Board approved an Alcoholic Beverage License renewal for JTT Enterprises Inc dba Dutch Goose; 4T Sports Bar LLC dba 4T Sports Bar; Agave Cantina LLC dba Agave Cantina (Resolution no. 21-089)
- The Board approved an Alcoholic Beverage License renewal for Idaho Center Chevron Inc dba Idaho Center Chevron; Pantera Market & Mexican Restaurant #2 LLC dba Pantera Market #2; Asia Market Inc dba Asian Grocery; Pilot Travel Centers LLC dba Pilot Travel Center #638; Spuds Baseball Club LLC dba Spuds Baseball Club (Resolution no. 21-090)
- The Board approved an Alcoholic Beverage License renewal for Koda Bear Winery Inc dba Koda Bear Winery (Resolution no. 21-091)
- The Board approved an Alcoholic Beverage License renewal for Belle Event Center LLC dba Belle Event Center; Luna Blu LLC dba Luna Blu; Apple Idaho LLC; Applebee's Neighborhood Grill & Bar (Resolution no. 21-092)
- The Board approved an Alcoholic Beverage License renewal for Walgreen Co dba Walgreens #07276; Walgreen Co dba Walgreens #10672; Walgreen Co dba Walgreens #11541; Walgreen Co dba Walgreens #12483; City of Caldwell dba Purple Sage Golf Course; City of Caldwell dba Fairview Golf Course (Resolution no. 21-093)

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

The Board met today at 8:46 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions issued within 30 days on case nos. 2021-576, 2021-570 and 2021-573.

Liens and releases of liens were presented for Board signatures.

The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:50 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley (arrived at 9:02 a.m.) and Deputy Clerk Jenen Ross.

Director Baker spoke about the following cases:

Case no. 2009-639: This case was previously approved by the county but there is now a request to have a subordination agreement signed in order to refinance. The applicant will be receiving \$60,000 from the refinance and in an email from the applicant that was provided to the Board she plans to use it for her education and to pay back her spouse's student loans. The medical indigency lien is always subordinate but the financial institution likes to have it in writing. \$57,650 is still owed to on this case. Commissioner White feels it's a misuse of county taxpayer monies and would like to see some kind of payment made to the county, at least 50%. Commissioner Van Beek said she doesn't feel like the numbers provided by the applicant add up and would like additional information to substantiate the numbers provided. The Board would like to see some kind of agreement of payment to the county before they will sign the subordination agreement. Commissioner White made a motion to require 50% of \$57,650 be paid prior to a subordination agreement being signed. The motion was seconded by Commissioner Smith. Commissioner Van Beek is opposed. The motion passed with a 2-to-1 split vote.

Case no. 2020-467: The applicant is requesting a temporary lift of the lien in order to allow the purchase of a home. The current lien is a blanket lien which is not on a home. If she is able to purchase a home that would serve as collateral to the county's lien. This transaction cannot happen without the lien being lifted. Commissioner Van Beek said she doesn't feel that the numbers work. Director Baker recommends requesting a payment before lifting the lien. Currently the amount owed to the county is \$19,560. The applicant is current on payments and once a home is purchased the county lien will be placed on the real property. Commissioner Van Beek made a motion to deny the request to lift the lien. The motion was seconded by Commissioner Smith. Commissioner White is opposed to the denial. The motion carried in a 2-to-1 split vote.

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

## MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-462

The Board met today at 9:13 a.m. to conduct a medical indigency hearing for case no. 2021-462. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to deny the case. The hearing concluded at 9:23 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-216

The Board met today at 9:26 a.m. to conduct a medical indigency hearing for case no. 2021-216. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson for St. Luke's, Michelle Davis for St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve the case. The hearing concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-365

The Board met today at 9:47 a.m. to conduct a medical indigency hearing for case no. 2021-365. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson for St. Luke's, Michelle Davis for St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue the case to July 1, 2021. The hearing concluded at 9:50 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:53 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Case no. 2021-373 meets the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue an approval on the case.

Case no. 2021-217 meets the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue an approval on the case.

Commissioner Van Beek made a motion to continue case no. 2021-375 to July 1, 2021. The motion was seconded by Commissioner White and carried unanimously.

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

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

*Note for the record: As properly noticed the Board met today at 10:00 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 10:01 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 communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, HR Benefits & Training Coordinator Nicole Ahlstrom and Deputy P.A. Mike Porter. Ms. Klempel, Mr. Porter and Ms. Ahlstrom left the meeting at 10:28 a.m. The Executive Session concluded at 10:44 a.m. with no decision being called for in open session.

CONTINUATION OF PUBLIC HEARING - REQUEST BY BORTON-LAKEY LAW REPRESENTING RIDGELINE VISTA, LLC FOR A CONDITIONAL REZONE, CASE NO. CR2020-0012

The Board met at 1:04 p.m. for a continuation of the public hearing the matter of a request by Borton-Lakey Law representing Ridgeline Vista, LLC, for a conditional rezone, Case No. CR2020-0012. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, DSD Director Steve Fultz, Todd Lakey, Alan Mills, Kevin McCarthy, Matt Drown, Darin Taylor, Debra Bruner, Melissa Wieland, Roger Craig, and Deputy Clerk Monica Reeves. Today's hearing was continued from March 22, 2021 because the Board asked for additional information. Commissioner Smith disclosed that she has a friend who lives in the subdivision and since the first hearing she has been there multiple times for team roping and she has viewed the site, but that will not affect her ability to participate in this hearing.

Dan Lister gave the staff report. On March 22, 2021 the Board tabled this item and requested the applicant provide the following information: Response from Idaho Dept. of Water Resources (IDWR) regarding the existing irrigation well and the transfer of water rights to 20 residential lots; a response from the Middleton School District regarding existing school bus transportation issues; a response from the Middleton Fire District regarding the secondary access requirements; review the development agreement conditions related to lot sizes, private road construction, restriction of secondary dwellings, agricultural uses outside the building envelopes, and incorporating floodplain, drainage, fire, and Idaho Dept. of Fish and Game requirements into the conditions. The

applicant submitted a letter from KM Engineering regarding stormwater drainage and the floodplain. The stormwater will be retained on site, and barrow ditches and infiltration facilities will be used along roadways. Future development is planned to stay outside the existing floodplain, and drainages will be maintained to allow for historic runoff flows. A letter was provided from Middleton Fire District stating they have reached an agreement which will exempt the development from secondary access requirements subject to installation of a fire hydrant, and fire sprinklers in each home and establishing fire-wise best management practices. The applicant did not submit any information regarding the school bus transportation issue or any information from IDWR regarding the transfer of rights. Mr. Lister reviewed the revised conditions. Based on the Board's concerns, staff is recommending additional conditions:

- At the time of subdivision plat submittal, an agriculture preservation and irrigation plan shall be submitted and include: 1. Adequate irrigation uses and methods shall be demonstrated to ensure ongoing agricultural uses can be supported without disturbing neighboring irrigation uses; and 2. Lots and building envelopes shall be configured to support ongoing agricultural uses, preservation, and irrigation. The conceptual plan may be modified subject to the limitations stated in Condition No. 2A.1 (which is the lot sizes) to best support ongoing agricultural uses, preservation, and irrigation.
- At the time of subdivision plat submittal, the applicant shall submit evidence that the owner/developer reviewed and discussed school bus transportation improvements to support the development of the subject property and benefit existing development on Shalako Street. (This is based off of not receiving any information.)
- Staff is recommending the removal of Condition No. 2B regarding the base flood elevation study. As it's currently written it allows a caveat that if they do not build within that area they do not have to do the study. Staff would rather rely on Condition No. 1 where they have to comply with federal, state, and county laws. Staff does not want to lock in the language that they don't have to do a study. The Board can make that decision at the time of review.

Commissioner Van Beek said the Board has typically backed away from requiring sprinklers in houses, but this project includes sprinklers, a fire-wise plan, and a hydrant. Mr. Lister said the applicant has agreed to provide the measures to find a way to not consider a secondary access requirement and so it's not the County requiring it, it's an agreement between the fire district and the applicant so they don't have to do the secondary access requirement. Discussion ensued regarding the conditions. Commissioners Van Beek and Smith want to remove Condition No. 2B.

**Testimony in support was as follows:**

Todd Lakey stated they are in agreement with the conditions of approval. They have an agreement with the fire district but they are not subject to the fire code, they are exempt based on the location and the type of project. They are exempt from the requirements regarding access and water supply. They met with the fire chief and his letter states that since the project is exempt from the international fire code requirements they appreciate being able to reach a mutually acceptable agreement. The agreement doesn't make the project compliant with the fire code, it

garners the full support of the fire district and it's something the developer is willing to do. The letter reflects the terms of the agreement and it will be recorded. They agree to use the residential fire sprinklers in the homes, and to have a fire-wise plan, and they offered the fire hydrant that will come from the existing well that provides a water source and supply for fire trucks to refill as well as enhances fire protection for the project and neighbors. He appreciates the recommendations regarding the floodplain and he said they intend to stay out of it. They will comply with the ordinance and any federal requirements. They will comply with County road standards to widen the road and do improvements. They request not to have a pathway due to neighbors who have put improvements within the road lot, outside and off their property. They are not going to have a common irrigation system. There will be individual wells so the irrigation plan for each lot will be fairly general. They will provide irrigation to the landscaped areas, but when it comes to the agricultural areas they can describe the types of irrigation and the location and the main point of delivery and how that will be handled, but they cannot pin down the specific type of irrigation that will continually exist on a lot. They intend to be consistent with what has been happening in the area and allow for other creative agricultural uses. Mr. Lakey said the development agreement signature line needs to be changed to reflect Mr. Drown's name as he is the manager of the LLC. In response to question from Commissioner Smith about utilizing a water source or sprinklers, Mr. Lakey said they agreed to do both but if the Board wants to remove the requirement for the well the developer will probably do it anyway, but doubts the developer would have a problem removing that requirement. Following his testimony Mr. Lakey responded to questions from the Board.

Alan Mills testified that he met with the bus company and they are not prepared at this point to take any action because there is only one child in the neighborhood, but they are open to travelling down Shalako Road. They would like to see a preliminary plat and as it develops they will count the kids and that will trigger what they are willing to do. He met with IDWR staff and they are willing to work with us, but they say it's premature and want to see a preliminary plat. They are willing to help appropriate the waters and it will be similar to the High Plains Estates development with a few exceptions. On the parcels to the west that are fully covered by the deep well water right, they will drill their domestic well and get a new half-acre water right which can be transferred to the dry ground and enhance the irrigation ability for the entire project. He gave testimony regarding wells and hydrants. Following his testimony Mr. Mills responded to questions from the Board.

Kevin McCarthy, the project engineer, responded to questions from Commissioner Smith who asked about the dam that was constructed in the floodplain. He said anything that's been constructed in the floodplain is not supposed to be there so the dam needs to be removed so the floodplain can return to the previous condition. This project will be designed around the floodplain.

**Neutral testimony was as follows:**

Darin Taylor represents the High Plains Estates HOA. Regarding the secondary house issue, he said the HOA prefers the Board let the existing code prevail and not have any special/unique requirements. Keep it plain, simple, and consistent. The HOA prefers there be no pathway. In

High Plains Estates some of the properties have an established water source and some have sprinklers in their buildings, and some don't have anything. They want the landowners to use their properties how they would like to. Most of the existing development does not have water rights, it's dry and the landowners have made good use of their properties. Following his testimony, Mr. Taylor responded to questions from the Board.

Debra Bruner testified she wants the road brought to private county standards so the neighbors don't inherit the burden of the repair that could eventually happen. The road needs the base layer; they do not support a band-aid approach to resurface and widen it. Commissioner Smith said the current conditions require them to improve the entire road at their expense and they have agreed to that. Commissioner Van Beek said they did not agree to ongoing maintenance after improving the road to 24 feet which would fall to any homeowner. Ms. Bruner said secondary housing should be based on code. She has secondary house (a barn) on her property that has a small apartment that's used as a guest house. Commissioner Smith said with the way the code is written they can build two very large homes and rent the property. Ms. Bruner is not in favor of that. Mr. Lister said the new development has agreed to abide by the CC&R's that were in the High Plains Estates.

Melissa Wieland's concerns include the secondary access issue and who will maintain the well that is used for hydrants and who will pay for the repair costs if it fails. There is no turn around or round about so are they looking to extend that. Commissioner Smith said it was testified that it was an oversight and there would be an end, whether it be a hammerhead or a bulb but they will meet code on that and have sufficient turnaround. There is no secondary emergency access which is why they have been working with the fire district and agreeing to the standards. Ms. Wieland said she built her home last year and was required to install fire sprinklers.

**Testimony in opposition was as follows:**

Roger Craig has concerns about the flooding that occurs on the property, as well as the wildlife that lives on the property. He said the reason the school buses won't go into the subdivision is because it was a private road and there was no secondary access out of there. There are six kids in the neighborhood. If there was a walkway kids would have to walk a ½ mile down Emmett Road then Hollow Road to get to a bus stop. He wants to make sure the project is done right and conditions are followed. Following his testimony Mr. Craig responded to questions from the Board.

Todd Lakey offered rebuttal testimony. The developer appreciates the flexibility but they are willing to stick with the original commitment. If they work it out where they don't have a hydrant and do sprinklers instead then it's not an issue; if they decide to go with a hydrant instead of sprinklers the expense to that would be minimal. There would be potential maintenance on that well and pump. They prefer to work it out with the HOA, but if necessary the CC&R's do provide for a condition on certain lots under the umbrella of the CC&R's so they can impose a condition that those 20 lots simply maintain that fire hydrant. They will meet county road standards either with specified base and different types of materials, but ultimately that's an engineering question. The developer's use will be better and different than the more concentrated ag use where more



water is put on a limited period of time where now it will be spread out among the different parcels and people will water at different times so the amount of water impacted will be different. He appreciates Mr. Craig recognizing that he did build in the floodplain and that comes with some responsibility on his part. Stormwater will be kept on site and they will maintain the existing floodplain and stay out of it. Regarding the concerns about wildlife – these are 9-acre lots if the neighbors have lived in harmony with the wildlife the new lot owners will do the same. This project will be different than High Plains Estates in that they don't have a development agreement or conditions of approval like this project does. His clients are developers and they plan on developing, but if that changes, whoever moves forward will be subject to those conditions. The developer has no problem with the HOA's position that we just comply with code and/or the CC&R's which state no building shall be constructed on any lot or parcel other than one single-family dwelling and attached garage as well as any approved outbuildings or other approved structures. No split-level dwellings or homes manufactured or built elsewhere shall be permitted. All buildings shall be a brick, frame, stone, stucco construction. The project is exempt from the water supply requirements so that includes the secondary access.

Dan Lister is concerned about Condition No. 2D regarding the biological assessment, because allowing that as a plat note puts the enforcement on staff. He is concerned about adding any type of restrictions to how something is built as a plat note versus a CC&R. He reminded the Board that the original condition for the fire district was not based on access or water supply, it was based on the high fire risk in that area so staff added that they maintain the best practice management requirements for the high-risk fire areas and adapt those into the development. With regard to wildlife, Commissioner Smith said let's make that a condition of approval on the rezone that they have to submit that information at platting. Mr. Lakey said they could provide a copy of that report to the landowners so they understand the pros and cons and what is going on out there. If it comes to an existing species on the site maybe they could monitor for that and delay construction. Commissioner Smith wants to remove the plat note and manage it how we have it, except for it being on the plat. There was a review of language for conditions. Commissioner Smith said this is an agricultural area, but because of her site review and knowing it is surrounded by BLM ground there is not going to be an impact to an agricultural community that this development would hinder. It's a great location for a continued ag-related subdivision and it's compatible with the surrounding land uses. There was a continued review of conclusions with some revisions being made based on the testimony and discussion. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. It was noted that all exhibits were admitted into the record. Based on the testimony provided today and the changes to be made to the FCO's, Commissioner Van Beek made a motion to approve the request by Ridgeline Vista, LLC, for a conditional rezone, Case No. CR2020-0012 and to continue the matter for review of the amended FCO's on May 13, 2021 at 10:15 a.m. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:05 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2021 TERM

CALDWELL, IDAHO     MAY 7, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Yadira Cruz, Permit Tech I
- The Board approved an employee status change form for Amanda Hudgins, Seasonal Weed & Gopher Tech
- The Board approved an employee status change form for Kathy Frost, Office Manager

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Oracle America, Inc in the amount of \$4,000.00 for Information Technology

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Inter Mountain Management LLC dba Fairfield Inn & Suites; Messenger LLC dba Messenger; Crescent Brewery LLC dba Crescent Brewery (Resolution no. 21-094)
- The Board approved an Alcoholic Beverage License renewal for Don Ulmer dba Airport Inn; Firehouse Sports Pub & Pizza LLC dba Firehouse Sports Pub (Resolution no. 21-095)

FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for March 2021, and the Quarterly report for October 1, 2020 thru December 31, 2020.

CONSIDER FINAL PLAT FOR BRITANIA HEIGHTS SUBDIVISION 5 AND 6, CASE NOS. SD2020-0021/SD2020-0022

The Board met today at 8:49 a.m. to consider the final plat for Britannia Heights Subdivision 5 and 6, Case Nos. SD2020-0021 and SD2020-0022. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Jeff Hess, and Deputy Clerk Monica Reeves. Commissioner Smith asked about the time requirements associated with this case noting that the preliminary plat was approved in 2016. Dan Lister said the project is being done in phases and there is a two-year period and so with this being phase 5 and phase 6 it is within the allowed time limits. Jeff Hess said the phasing for this project is unique in that a road goes through the property which is why it's in two phases. They will be presenting the next two phases back-to-back and then there will be one or two phases after that. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the final plat for Britannia Heights Subdivision 5 and 6, Case Nos. SD2020-0021 and SD2020-0022. The meeting concluded at 9:01 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY CODY AND AMY LORDS FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NO. OR2020-0012 & RZ2021-0007

The Board met today at 9:05 a.m. to conduct a public hearing in the matter of a request by Cody and Amy Lords for a comprehensive plan map amendment from "Agriculture" to "Residential" and a rezone from "A" (Agriculture) to "R-R" (Rural Residential), Case Nos. OR2020-0012 & RZ2021-0007. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Cody Lords, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The property was divided through a land division in 1991, and was further divided by deed after that without going through County process so therefore this property does not have a building permit available. Within a one-mile radius there are 11 platted subdivisions with a total of 150 lots with an average lot size of 2.05 acres. The property will utilize individual wells and septic systems. It is within a nitrate priority area therefore SWDH requirements need to be adhered to. A review of agency comments was given. The P&Z Commission recommended approval on March 11, 20221 and staff is recommending approval finding the request complies with the comprehensive plan. Following his report Mr. Lister responded to questions from the Board. Cody Lords testified in support of this request. He spoke of the historical splits that have occurred on the property noting that he owns two parcels (Parcel 11B and Parcel 12) that were combined through a recorded deed. There is an ingress/egress easement for use of the parcels and to the agricultural parcel east of Parcel 11B that will remain in place. He asked the highway district for a variance because he needed a residential access. He wants to build one home on the 5.5-acre combined parcel; he does not want a development. According to Mr. Lords it is not prime farm land. Following his testimony Mr. Lords responded to questions from the Board. Commissioner Smith asked if he knew a building permit was not available, and if he thinks a residential designation is a more appropriate designation for this agricultural area. Mr. Lords said he knew he needed to go through a process to get a permit for the property which he's owned since December 2020, but he was not aware of what was involved. He wants to use one acre for a home and yard the remaining four acres will be for agricultural use for livestock and alfalfa. Discussion ensued. Commissioner Smith said once you introduce a comprehensive plan map change you will be changing the character of

the area, one rezone at a time and there is no planning in that. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to close public testimony. Commissioner Smith said the area is predominately agriculture with some limited commercial and industrial uses closer to the city along the highway. This is not in an area of impact planned for growth. It is not in accordance with the map or the agricultural policies of the comprehensive plan. There is a subdivision to the west but it's been there since the 1970's and expanding on that with a residential designation does not seem conducive to agriculture in the area. There are no trends in the area for residential development. Commissioner Van Beek referenced divisions that have occurred in the area, some of which predate the comprehensive plan. Commissioner White said the subject property borders an established subdivision and the applicants are seeking only one home and they are keeping four acres for a hobby farm therefore, she has no problem with this request. Commissioner Smith said there are ways to get access and improve existing easements by buying them and it could be developed into 2-acre lots with appropriate access so we are not just looking at one home today. This is a straight rezone and comprehensive plan map change and there are all sorts of uses that could be on that property that are not conducive to agriculture. There needs to be another process for people to be able to have an agricultural parcel and create a hobby farm, but the rural residential zone does not accomplish that. Commissioner Van Beek said the Board has wrestled in a period of growth and it's been painful for many as we struggle to get ahead of the growth. If we could find a way to do this that was conforming and didn't require a variance. When the County develops a process, she would be in favor of entertaining this again without cost to the applicant. The argument on changing the nature and the character of the area is a point that we are asked to base our decision on and so while it is consistent with the adjacent property, it is inconsistent with the County ordinance. Dan Lister said a change to a comprehensive plan is a serious thing and the findings we have to make have to say that area has changed so much that our comprehensive plan is wrong and it needs to be changed, but the facts are the area has not changed. The area has been agriculture for a very long time. Staff wants to add some caveats to how to do a split in the ag zone and maintain the agricultural character and allow for it, but we don't have that process. Commissioner Van Beek made a motion to deny the comprehensive plan map amendment for Case Nos. OR2020-0012 direct staff to update the FCO's to support that. The motion was seconded by Commissioner White for discussion. She said the property is bordered by a subdivision and the applicants are only seeking one house therefore she does not think the request is incompatible. She then withdrew her second. Commissioner Smith seconded the motion and said she appreciates the sentiment; however, she believes the criteria has not been met for a comprehensive plan map amendment and is comfortable moving forward with a denial on that portion. She asked staff how comfortable they would feel holding a decision on the rezone and allowing for a modification to the application, maybe even holding it until we are able to pass a zoning ordinance amendment so that the applicant doesn't have to incur additional fees. Perhaps it can be held for an indefinite period of time. Commissioner Van Beek supports that concept. The motion to deny the comprehensive plan map amendment carried by a two-to-one split vote with Commissioner White voting against the motion to deny. Staff will bring back updated FCO's to be signed at later date. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to table the rezone request to allow the applicant time to reconsider a path

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

### BOARD REVIEW OF FY2022 BUDGET MATTERS

The Board met today at 10:40 a.m. to review FY2022 budget matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross.

The following items were discussed:

- Employee needs: Commissioner Smith suggested a joint person just to address the influx of emails. Discussion ensued regarding more use of the Public Information Officer.
- Salary increase: Discussion regarding increase for Board members; Commissioner White would like to see a COLA between 3-5% for all employees. Commissioner Van Beek feels that the margin between the need for services and requested budget is the available amount for raises and/or hiring personnel. At this time a 5% COLA will be added to the budget.
- Outside counsel: Commissioner Van Beek would like to add one attorney into the budget to meet the needs of certain departments that require a dedicated attorney. Discussion ensued as to how this would be funded.
- Cell phone: Increase to cover cost of cell service on cell phones and iPad service
- Document shredding: \$100
- Advertising: \$17,000
- Postage: \$250
- Fed Ex: Board would like to see this line removed
- Meals: \$2,000
- Mileage: \$3,000
- Taxi: \$200 (Board would like the title of this line changed to 'Transportation')
- Parking: \$200
- Hotel: \$2,500
- Gas/oil: \$100
- Local mileage: Board would like to see this line removed
- Education and training: Commissioner Smith would like herself and/or the Board to attend some Rapport Leadership trainings. Commissioner Van Beek is supportive of the Board attending leadership training. Commissioner Smith will be able to provide a budget number once she meets with a representative from the company next week.
- Board meeting room: Commissioner Van Beek said she met with Director Rast last week and the A/V improvements are estimated at \$60,000 to \$70,000. Commissioner White feels this is not a good year for this to be added to the budget. Commissioner Smith suggested hearing the proposal prior to a decision being made; she is not in favor of raising property tax to pay for it.
- Hotel: 3-year average is \$0
- Airfare: No change

- Association dues: Memberships to the chambers of commerce; additional information is necessary as to the exact amount for each organization.
- Subscription: Idaho Press Tribune which allows for both the paper and digital editions.
- Employee appreciation: \$500 (Board would like this line to be added).
- Office equipment: \$3,000 which includes upgrades to two desktop computers for the front office staff; Commissioner Smith is requesting a different desktop so her current one will be recycled to the front office staff and a new one will be purchased for her and one for the front office.
- Office supplies: \$750

The meeting concluded at 11:24 a.m. An audio recording is on file with the Commissioners' Office.

#### MEETING WITH REPRESENTATIVE FROM SENATOR RUSS FULCHER'S OFFICE TO DISCUSS LOCAL ISSUES

The Board met today at 11:30 a.m. with Dirk Mendive from Senator Russ Fulcher's office to discuss local issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Dirk Mendive with Senator Fulcher's Office and Deputy Clerk Jenen Ross. The discussion items included the dual taxation regarding Middleton Parks and Rec, site improvement exemptions, Congressman Simpson's dam removal plan and the federal stimulus money. The discussion was general in nature and there were no decisions made by the Board. The meeting concluded at 11:50 a.m. An audio recording is on file in the Commissioners' Office.

#### CONTINUATION OF MEETING WITH ASSESSOR'S OFFICE TO CONSIDER VARIOUS NEW AND RENEWING PROPERTY TAX EXEMPTIONS UNDER CODES: 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014

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

Commissioner Van Beek made a motion to go into Executive Session at 11:50 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Chief Deputy P.A. Sam Laugheed and Deputy P.A. Doug Robertson. The Executive Session concluded at 12:26 p.m.

At the conclusion of the executive session the following exemptions were considered:

- Toll Southwest LLC for Canyon Creek Nos. 4 and 5 and Carriage Hill West Nos. 3, 4 and 5. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve the exemptions.

The meeting concluded at 12:27 p.m. An audio recording is on file in the Commissioners' Office.

#### MAY 2021 TERM

CALDWELL, IDAHO MAY 10, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 573873 to 573919 in the amount of \$63,518.76
- The Board has approved claims 573920 to 573977 in the amount of \$179,613.51
- The Board has approved claims 573978 to 574007 in the amount of \$19,383.14
- The Board has approved claims 573718 to 573763 in the amount of \$80,991.42
- The Board has approved claims 573764 to 573814 in the amount of \$187,224.83
- The Board has approved claims 573815 to 573839 in the amount of \$13,410.84
- The Board has approved claims 573840 to 573872 in the amount of \$58,867.02

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Smoky Mtn Pizza & Pasta Nampa LLC dba Smoky Mountain Pizzeria Grill; WW Ink LLC dba Rocca's Roadhouse (Resolution no. 21-097)
- The Board approved an Alcoholic Beverage License renewal for Golden Place Inc dba Golden Palace; Ridley's Family Markets Inc dba Ridley's Family Markets; THD LLC dba Mongolian Fire Grill (Resolution no. 21-098)

#### COMMISSIONERS OFFICE STAFF MEETING, AND FY2022 BUDGET REVIEW

The Board met today at 8:38 a.m. for an office staff meeting, and to review FY2022 budget matters. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. The staff meeting portion of the meeting concluded at 8:44 a.m. and then the Board's budget review followed and the highlights from that discussion were:

- Board requested a spreadsheet showing the funding history of community groups who are seeking County funding this year
- The HR budget will be completed by HR staff
- The Board's meeting room audio/visual project will be included in the IT Department budget
- \$2,000 for computer equipment – The Board will accept IT's recommended upgrades this fiscal year; (Commissioner Smith's computer will be repurposed and utilized by one of the BOCC secretaries)
- \$500 for office furniture (If the Board buys chairs this year with the current budget, the office furniture line can be reduced to \$500)
- \$0 for machinery
- \$500 for employee appreciation
- \$3,000 for mileage
- \$200 for transportation
- \$200 for parking
- Possible increase to cellphone plan and copier contract line items
- The Board discussed budgeting for conflict counsel fees, but no decision was made because further discussion is necessary.

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

#### MEETING TO DISCUSS FY2022 PRELIMINARY BUDGET REQUEST FOR COMPASS

The Board met today at 9:02 a.m. to discuss the Fiscal Year 2022 preliminary budget request for COMPASS. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Executive Director Matt Stoll, and Deputy Clerk Monica Reeves. Director Stoll reviewed the proposed membership dues and noted this year they are requesting \$118,802 from Canyon County. The amount represents an increase of \$4,027 over last year's requested amount and is based on the County's increase in population. Controller Wagoner said in 2021 the County did not budget for the requested amount of \$114,775, we budgeted \$109,594 making the decision to not raise the amount from 2020-2021. Director Stoll said this is the first he's heard of that and it will be brought to the COMPASS board on whether Canyon



County's membership will continue. Discussion ensued. Clerk Yamamoto said it would be good to know what benefits the County receives through its funding of COMPASS. Commissioner Van Beek wants to see the numbers in terms of value vs. expense. Commissioner Smith said the reason for a regional transportation organization is because we are connected by a road system network and it's not fair to only look at Canyon County's numbers. We should be evaluating the return on investment of the traffic coming in. Commissioner Van Beek supports that. Director Stoll talked about the various transportation grants COMPASS has been instrumental in obtaining and he said if a coordinating entity like COMPASS didn't exist the County would not receive federal funds for local transportation projects nor for state transportation projects. Controller Wagoner said last year the County did not take a 3% property tax increase or a new construction increase and some entities such as VRT, Jannus, and the Western Alliance for Economic Development (which are funded with property tax) and they followed the County's plan of property taxes staying the same. He said the Board has options for the current year on whether they want to fund COMPASS at the \$114,775 amount, and then they will also need to make a decision at what level will be funded for FY2022. Commissioners White and Van Beek want to have further discussion, but Commissioner Smith would rather fund the additional \$5,000 for COMPASS. Another meeting will be scheduled where the Board can make a decision on the next steps for the FY2021 amount. The meeting concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

#### DETENTION CENTER INSPECTION CONDUCTED

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

#### FY2022 BUDGET PRESENTATION FOR VALLEY REGIONAL TRANSIT

The Board met today at 1:08 p.m. for a FY2022 budget presentation by Valley Regional Transit. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner and Kelli Badesheim with Valley Regional Transit and Deputy Clerk Jenen Ross.

- A PowerPoint presentation was provided showing the Annual Service Update. A copy of the presentation is on file with this day's minutes.
- Highlights of the presentation included the following: Initiatives, COVID-19 Response, CARES impact in 2021, Services supported by Canyon County and the Regional vanpool study.
- Several models were provided to show the local cost allocation flow chart.

- Total funding request for FY2022 is \$47,687 and a breakdown of the funding allocation methodology is provided in the PowerPoint presentation.
- A review was provided of the resiliency action plan, FY2022 assumptions, strategic objectives by 2025 and Canyon County focused work.
- Additional discussions ensued regarding the availability of Recovery Act monies and the benefits and subsidizing of the program.

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

#### CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO MAVERIK INC DBA MAVERIK #661

The Board met today at 2:00 p.m. to consider signing a resolution granting a new alcoholic beverage license to Maverick Inc. DBA Maverik #661. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Van Beek briefly reviewed the application and made a motion to sign the resolution granting a new alcoholic beverage license to Maverick Inc. DBA Maverik #661. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 21-096). The meeting concluded at 2:02 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:03 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross.

The action items were considered as follows:

Director Fultz explained that both these cases are deep in the rural area and due to the unfavorable decisions that have been recently rendered in these situations the applicants chose to withdraw.

***Consider signing a resolution to grant a refund to Mitchell Vermeer for a rezone and comprehensive plan amendment application fee:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to Mitchell Vermeer for a rezone and comprehensive plan amendment application fee (see resolution no. 21-100).

***Consider signing a resolution to grant a refund to Brian & Janet Starr for a rezone and comprehensive plan amendment application fee:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to Brian & Janet Starr for a rezone and comprehensive plan amendment application fee (see resolution no. 21-099).

***Consider signing a resolution to grant a refund to Aleksey Strelyuk for a building permit:*** Commissioner Van Beek made a motion to approve the resolution granting a refund to Aleksey Strelyuk. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 21-101).

Director Fultz updated the Board on the following:

- Each day becomes a little easier. There is a good team in Development Services but a shortage of staff. A building Permit Tech started today and a Planner II will be starting later this month. He will be meeting with Zach Wagoner this afternoon to discuss some open positions and talk about potential expansion of the DSD office.
- Based on a question from Commissioner Van Beek about a letter of support requested by Western Alliance for Economic Development, Director Fultz spoke about the possibility of bringing an economic development person in-house. He anticipates hiring someone for the position, although economic development is his strong suit he really needs to put his focus on running the entire department. He would support funding the WAED for this fiscal year to allow time to create and exit plan for next year.
- In regard to an email received from Commissioner Smith, Director Fultz said he would be happy to serve on the Ada/Canyon Trail meetings.
- Kate Dahl is continuing to work on the Comprehensive Plan. She needs 4 good days to complete the verbiage so she will work from home 2 days this week and 2 days next week to get the draft completed. Director Fultz spoke about elements that will be removed and how that will be done.
- Commissioner Smith asked about having an in-house engineer to do subdivision reviews and a hearing examiner. Director Fultz said he is working on both of these. He has reached out to Mr. Mapp at the City of Caldwell who said he will forward the information regarding the person they use. Director Fultz will be looking at some of the expenses related to the P&Z Board and once he is able to evaluate all the information he will bring it back to the Board.
- Director Fultz attended a recent P&Z meeting and feels there is a strong need for training for the Commissioners. He is looking into a training opportunity for the planners, additionally there is a manual being sent to him that he will review to determine if he can do the training or will need to hire someone.
- Development Team meetings are being implemented. The first one took place today, Deputy P.A. Zach Wesley was able to join where there was a lot of discussion regarding

current projects and how they may be able to assist one another thru the process and discussion regarding staffing.

- A letter to applicants has been drafted asking for patience and offering a refund if necessary; he feels that communication is key. Discussion ensued regarding potential expiration dates on applications and/or the timeline of when an application should be closed out if there hasn't been any activity after a certain amount of time.
- Kate Dahl has been working with IT regarding online applications and payments.
- There will be discussion tomorrow at the legal staff update with Zach Wesley about the Star/Middleton situation. Commissioner Van Beek said she will forward a letter that was received over the weekend from Trace Leighton to Director Fultz.
- Director Fultz met today with the City of Caldwell regarding their potential new revenue allocation area on the north end.
- In response to a question from Commissioner Smith about the parcel inquiry process, Director Fultz said they are trying to figure it out and understand it while also working to prioritize projects.

The meeting concluded at 3:42 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2021 TERM

CALDWELL, IDAHO      MAY 11, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial Supply, Inc in the amount of \$5,940.00 for Canyon County Sheriff
- Intermountain Wood Products in the amount of \$5,132.02 for Facilities Department

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Mother Earth Brew Co. LLC dba Mother Earth Micro Brews (Resolution no. 21-102)

- The Board approved an Alcoholic Beverage License renewal for O seafood Inc. dba O Crab; Chapala Mexican Restaurant #7 Inc. dba Chapala Mexican Restaurant #7; Fiesta of Nampa Inc. dba Fiesta Guadalajara (Resolution no. 21-103)

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:11 a.m. with county attorneys for a legal staff update. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Chief Deputy P.A. Sam Laugheed and Deputy P.A. Mike Porter arrived at 9:24 a.m.

Discussion ensued based on a question from Commissioner Van Beek regarding letters received about masks in schools and recommendations from Southwest District Health. Additionally, she asked about public meeting violations; Mr. Wesley indicated that the Prosecuting Attorney has an independent obligation to investigate public meeting violations.

Commissioner Van Beek said there was an email from Mike Greiner regarding addressing which she has forwarded to Mr. Wesley [the letter is in regard to using a family name for a road name]. Mr. Wesley said he met with Tony Almeida, they did a review of state law as well as looking at a number of other jurisdictions and they were not able to find why the requirement was in place, it appears to be something that was adopted by a previous Board. Mr. Wesley feels this would be a good conversation for the Board to have with the DSD Director and Mr. Almeida. Commissioner Van Beek is supportive of meeting with Mr. Fultz and Mr. Almeida and revising the ordinance.

Annexation issues surrounding the cities of Middleton and Star will be discussed at Thursday's legal staff update.

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

*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 communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy P.A. Zach Wesley. Chief Deputy P.A. Sam Laugheed and Deputy P.A. Mike Porter arrived at 9:24 a.m. The Executive Session concluded at 9:48 a.m. with no decision being called for in open session.

The meeting concluded at 9:48. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### FY2022 BUDGET PRESENTATIONS

The Board met today at 9:49 a.m. for FY2022 budget presentations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Randy Jensen, Terry Harrell, Kelly Powell, Jeff Davis and Vince Carter with the Veterans Council (left at 10:12 a.m.), Tina Freckleton and Charlotte Schmidt with Third District Youth Court, Controller Zach Wagoner (arrived at 9:58 a.m.), Clerk Chris Yamamoto (arrived at 10:02 a.m.), Grant Jones with Metro Community Services and Deputy Clerk Jenen Ross. The following budget presentations were given to the Board:

***Caldwell Veterans Council:*** This year they are asking for \$32,000. They provided information regarding their civic purpose, groups who use the hall and spoke about humanitarian outreach programs. The average yearly cost is about \$50,000 to keep the hall open and the Veteran Service Officer who works full-time is paid by the V.A. Caldwell Veterans Memorial Hall. Commissioner Smith encouraged the group to look into grant opportunities. A copy of the presentation is on file with this day's minutes. The presentation completed at 10:12 a.m.

***Third District Youth Court:*** A review of Fiscal year 2021-2022 budget and income was provided. Youth Court activities, demographics and success rate was shared with the Board. Clerk Yamamoto spoke about this program being a direct correlation to reduced numbers in Juvenile Detention. On average they serve between 30-40 youth but ideally, would like to serve between 50-60 youth. \$10,000 is being requested for FY2022. A copy of the document provided to the Board is on file with this day's minutes.

The Board took a brief break from 10:30 a.m. to 10:42 a.m.

***Metro Community Services:*** A review of the past year was provided. In 2020 all services were affected and Mr. Jones spoke about how they repurposed a lot of employee tasks to keep everyone whole and not have to lay anyone off or furlough any employees. An overview of some of the changes that were made as a result of COVID challenges was given. They are looking to have collaboration meeting with other service providers in the area who provide similar services such as food pantry and mass transit. For FY2022 they are requesting \$125,000.

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

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

The Board met today at 11:20 p.m. for a meeting with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, IT Director Greg Rast, Assistant Director of IT Eric Jensen, Team Lead Mark McMinn and Deputy Clerk Jenen Ross. Commissioner Smith left the meeting at 11:42 a.m. The following update was provided to the Board:

- The phishing campaign recently done was at only a .6% click and because of the low percentage the County qualified for a 1% discount with ICRMP
- A Fiscal 2022 Request packet was provided to the Board for review. A copy of the packet is on file with this day's minutes. Some of the items reviewed include the following:
  - Comparison of FY21 and FY22
  - Asking for one new position, a Systems Administrator I, annual base salary would be \$56,465.97 (\$82,112.05 with benefits)
  - Revenue projections and optional forecasts: \$23,000 for services provided to the animal shelter, family court services/Third District, Ambulance District and the Mosquito Abatement District
  - Fiscal year 2022 'B' budget overview and itemized breakdown comparing FY2022 to FY2021 and averages of FY2018-FY2020 and FY2012-FY2020
  - Discussion regarding redesign of the business cards and the cost of \$6600 for an embossing machine
  - Remodel of the BOCC A/V, \$60,000 is the estimated amount at this time

The meeting concluded at 12:00 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH CORONER'S OFFICE TO DISCUSS FY2022 BUDGET

The Board met today at 1:33 p.m. with the Coroner's Office to discuss the FY2022 budget. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Coroner Jennifer Crawford, Controller Zach Wagoner and Deputy Clerk Jenen Ross. The following budget items were discussed:

- As of right now no new positions will be requested but as the population continues to increase that may change.
- Going to ask for an increase of \$3500 for morgue supplies. Currently 'hand-me downs' from other medical facilities are being used and in need of replacement.
- An older model Jeep needs to be replaced.
- Worked with Director Navarro on an office remodel which has an estimated cost of \$39,500. Mr. Wagoner said that based on information recently received he thinks that American Rescue Plan monies may be able to be used for the remodel in order to create

social distancing within the office. He also created a line item for Capital Improvement contracts where information on the office remodel can be added.

- In comparison to Ada County, Deputy Coroners are making roughly the same amount but Canyon County Deputy Coroners are having to wear many more hats and are responsible for a greater number of tasks. Coroner Crawford would like to see the salaries evaluated so that there will be retention once they're trained. Commissioner Smith would also like to see the salaries evaluated, something beyond just the COLA increase. Commissioner Van Beek would like to see specialty pay assigned to these kinds of positions.

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

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 2:35 p.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, DSD Director Steve Fultz, Mr. and Mrs. Tague and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider approving final plat for Kestrel Estates #2, case no. SD2019-0048:*** Mr. Lister said this case came before the Board on March 17, 2021 as a short plat. This is a one lot subdivision created by a legal division that has been through both the rezone and platting process. There were only two conditions as part of the approval which have been met. The final plat has been signed by the all pertinent entities and staff is recommending the plat be signed by the Board. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the final plat for Kestrel Estates #2, case no. SD2019-0048.

***Consider signing the FCOs regarding Country Sage Ranches Subdivision preliminary plat, case no. SD2018-0031:*** Mr. Lister explained that the Board requested a few corrections on the FCOs. The findings have been updated and a condition has been modified stating that they have to meet the requirements of the Canyon Highway District no. 4 and obtain a signature on the plat. The Board requested additional conditions regarding stormwater, landscaping to be in compliance with the City of Middleton, a utility easement and DEQ compliance for installation and maintenance of advance treatment systems which have been added. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the FCOs for Country Sage Ranches Subdivision preliminary plat, case no. SD2018-0031.

The meeting concluded at 2:42 p.m. An audio recording is on file in the Commissioners' Office.



MAY 2021 TERM

CALDWELL, IDAHO     MAY 12, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Elizabeth Allen, Planner II
- The Board approved an employee status change form for Samuel Dickinson, Deputy Public Defender I
- The Board approved an employee status change form for Christopher Thompson, Deputy Public Defender I

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Prime Construction & Asphalt in the amount of \$2,052.00 for Facilities Department
- Frontier Precision in the amount of \$6,295.00 for Canyon County Sheriff
- Mobile Mini Storage Solutions in the amount of \$7,172.10 for Facilities Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 6/26/21 for Unrein Wedding; Eastside Tavern to be used 6/12/21 for Schoonover Wedding; Eastside Tavern to be used 6/05/21 for Henson Wedding.

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Chapala Nampa Inc dba Chapala Mexican Restaurant III; Mariscos El Viejon LLC dba Mariscos El Viejon (Resolution no. 21-104)
- The Board approved an Alcoholic Beverage License renewal for Costco Wholesale Corporation dba Costco Wholesale #734; Target Corporation dba Target Store T-2206; Short Stop Inc dba Lake Lowell Market; Kebob LLC dba Tobacco Connection #1; Kebob LLC dba Tobacco Connection #6; Kebob LLC dba tobacco Connection #12; Kebob LLC dba Tobacco Connection #16; Kebob LLC dba Tobacco Connection #22; Kebob LLC dba Tobacco

Connection #23; Kebob LLC dba Tobacco Connection #32; Tacos El Rey LLC dba Tacos El Rey Restaurant #5 (Resolution no. 21-105)

#### MEETING TO DISCUSS FY2022 PRELIMINARY BUDGET REQUEST FOR WESTERN ALLIANCE FOR ECONOMIC DEVELOPMENT

The Board met today at 9:36 a.m. to discuss the Fiscal Year 2022 preliminary budget request for Western Alliance for Economic Development (WAED). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Tina Wilson, the Executive Director of WAED, Lee Belt from the City of Greenleaf, David Lincoln from WAED Chairman, and Deputy Clerk Monica Reeves. Ms. Wilson provided a draft budget and spoke about public and private sector funding along with grant monies they are looking to obtain. She also reviewed the projects that are in process. WAED is seeking \$27,650 in county funding for FY2022. There was discussion about an economic development district that would serve as a multi-county organization with a planning element. Commissioner Smith said the Board sees a demand for economic development in-house and she asked Ms. Wilson how she sees WAED pivoting related to the possibility of the County bringing economic development in-house. Ms. Wilson said it depends on what Steve Fultz (the newly hired DSD Director who has an extensive economic development background) envisions for a plan. If the County pulls its funding to WAED she won't be eligible to make application for salary. She does more than just write grants; she provides "boots on the ground" services, develops marketing plans and financing packages, as well as provides a lot of services to the cities. Commissioner Smith said she sees the value of having an economic development person in-house who is managed by Director Fultz. It would be expansion, retention and recruitment role. Ms. Wilson asked if the Board will support WAED in 2022; she would like to know ASAP as grant application with the Department of Commerce is due May 27<sup>th</sup>. (The grant is for \$30,000 and she needs a match of \$15,000 in order to be eligible.) Commissioner Smith asked Ms. Wilson to meet with Director Fultz and get a preliminary vision and come back before the Board after that meeting has occurred. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS FY2022 PRELIMINARY BUDGET REQUEST FOR NATIONAL SERVICE PROGRAMS OF JANNUS

The Board met today at 10:10 a.m. to discuss the Fiscal Year 2022 preliminary budget request for National Service Programs of Jannus. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Program Director Melissa Radloff, Volunteer Coordinator Lisa Underwood, Judy Whitworth, who serves as a volunteer, and

Deputy Clerk Monica Reeves. Ms. Radloff spoke about the volunteers and training for the volunteers for the different programs. She provided a handout illustrating the funding partners and the economic impact her programs have on the community. This year the organization is requesting \$18,000 in county funding which represents a \$3,000 increase over last year's request. Ms. Underwood and Ms. Whitworth spoke of the foster grandparent program and the valued services the program provides. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 10:33 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS FY2022 PRELIMINARY BUDGET REQUEST FOR ADVOCATES AGAINST FAMILY VIOLENCE

The Board met today at 10:33 a.m. to discuss the Fiscal Year 2022 preliminary budget request for Advocates Against Family Violence. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, AAFV Executive Director Kim Deugan, Michelle Stimmel, Tricia Lofton, and Deputy Clerk Monica Reeves. Ms. Deugan reviewed the organization's statistical and budget information. This year the organization is requesting at least a 50% increase over last year's amount and so they would like to receive \$45,000 to \$60,000. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 11:01 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:36 p.m. for a monthly meeting with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Probation Elda Catalano and Deputy Clerk Jenen Ross. Commissioner Keri Smith joined the meeting at 2:37 p.m.

Director Breach reviewed the following with the Board:

- Review of budgets for both the Probation division and Community Service division
  - No changes to the 'A' budget – he is not requesting any new positions.
    - There is one open PO position which he will be leaving vacant for now but will reevaluate in July.
    - No pay increases have been added, he is waiting to see what will be recommended by the compensation committee.
  - Cost of supervision revenue has been reduced – he is forecasting \$390,000.
- Service contracts line was increased for the support of two radio they intend to purchase.
- Misc. supplies increased from \$300 to \$500.

- Small office equipment line was increased to \$7700 for the purchase of two handheld radios, two security cameras and one stand-alone battery lock.
- \$11,000 was added to a new budget line for soft body armor protective gear.
- Total budget request for FY2022 is \$986,100.

Director Catalano reviewed the following with the Board:

- There are currently five divisions within Juvenile Probation although one is going away.
- Juvenile Probation budget
  - No increase to the 'A' budget until she hears from the compensation committee; she will not be requesting any new positions.
  - \$200,000 has been budgeted in the Community Incentive, Re-entry & Mental Health line item which is just pass-thru money to be reimbursed by the Department of Juvenile Correction.
  - Cost of Supervision revenue is being projected at \$15,000.
  - Projecting \$20,000 in revenue from Juvenile Probation diversion fees.
  - Contingency Management for Juveniles and Juvenile Probation Officers, this is money from Oregon Social Learning to apply a contingency management program that is being studied in the states of Oregon and Idaho.
  - \$2500 will be received from Optum.
  - Review of specific line items such as shredding, copier contract and CMS service contract include only minor changes.
- Parole Block
  - Projected to receive \$404,000 from the Idaho Department of Juvenile Corrections
  - Line items that were reviewed include cell phones, meals, fees related to travel for training, association dues, subscriptions, employee appreciation, office supplies, uniforms and computer equipment.
- Cigarette tax
  - \$463,000 is the projected revenue however it is contingent upon how much is collected; \$5000 for other miscellaneous revenues.
  - Line items that were reviewed include uranalysis testing, psycho/sexual evaluations, family counseling, electronic monitoring, sex offender youth counseling, mentors, gasoline/oil, restoring justice, juvenile detention center, office supplies, auto repairs and office furniture.
- Lottery Tax
  - \$50,000 is the projected budget.
  - Line items that were reviewed include misc. professional service for DocuSign program, radio equipment for maintenance and travel/training.
  - Budgeted to replace three vehicles in FY2022.

The meeting concluded at 2:42 p.m. An audio recording is on file in the Commissioners' Office.

## FY2022 BUDGET PRESENTATIONS

The Board met today at 2:42 p.m. for FY2022 budget presentations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Karly Cantrell and Brittany Sundell for the West Valley Humane Society (left at 3:15 p.m.), Aaron St. George with Canyon Recovery Community Center (arrived at 2:58 p.m.), Bill Larsen with Treasure Valley Partnership (arrived at 3:13 p.m. left at 3:42 p.m.) and Deputy Clerk Jenen Ross.

***FY2022 budget presentation for West Valley Humane Society:*** Karly Cantrell and Brittany Sundell gave the year in review providing the following information:

- Numbers on adoptions, return to owner, return to community, transfer to rescue and participation in low cost services.
- Review of communities served, breakdowns of how the animals came into the shelter and type.
- Shelter data and numbers regarding surgeries, returned to owner, live outcome rate, increase in TNR & RTF Services.
- Shelter trends regarding increased adoptions, cat owner reclaims, return to home, increased adoption interest, most common stray breeds.
- Review of shelter programs.
- Review of the creation and success of the Community Cat program.
- For FY2022 they are requesting \$200,000 for shelter expenses and \$100,000 for building maintenance. Commissioner Smith would like to have follow-up on repair and maintenance specific costs and suggested they work with Director Navarro to get a specific planned project list.
- Discussion ensued regarding fundraising and Commissioner Smith asked if there is a plan to move forward after COVID.

The Board took a brief break from 3:15 p.m. to 3:19 p.m.

***FY2022 budget presentation for Canyon Recovery Community Center:*** Aaron St. George provided the following information:

- Last year they had 742 intakes which is a 32% increase in the past year. For FY2022 he is requesting \$125,000 in order to maintain the staff and facility, both of which have been downsized. Mr. St. George gave a review of the population they serve and why it makes them different from other crisis centers. Generally, they serve 120-180 people monthly but also spoke about how there has been an increase in services since the pandemic. Commissioner Smith asked for a breakdown of their budget.

***FY2022 budget presentation for Treasure Valley Partnership:*** Bill Larsen provided the following information:

- An overview of what the Treasure Valley Partnership does was given.
- This year they hope to increase the salary of the SAUSA.
- The request for FY2022 is \$5918 which is the same as several previous years.

The meeting concluded at 3:50 p.m. An audio recording is on file in the Commissioners' Office.

#### MAY 2021 TERM

CALDWELL, IDAHO MAY 13, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Carbon Networks LLC in the amount of \$1,153.00 for Information Technology Department
- O'Reilly Auto Parts in the amount of \$6,909.00 for Fleet Department
- Gunarama Wholesale Inc. in the amount of \$4,800.00 for Canyon County Sheriff

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Brick 29, LLC dba Brick 29; Amano Restaurante, LLC dba Amano (Resolution no. 21-107)
- The Board approved an Alcoholic Beverage License renewal for Bitner Vineyards. LLC dba Bitner Vineyards; Campos Market Nampa, LLC dba Campos Market Nampa (Resolution no. 21-108)

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

The Board met today at 9:31 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Mike Porter (left

at 10:35 a.m.), Deputy P.A. Doug Robertson, Facilities Director Paul Navarro (left at 9:51 a.m.), Fair Director Diana Sinner (left at 9:51 a.m.), Assistant Fleet Director Dawn Pence (left at 9:33 a.m.), DSD Director Steve Fultz (joined at 10:36 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing resolution consenting to the sale of surplus county property to Caldwell Police Department:*** Ms. Klempel explained this resolution is to sell a pick-up truck from Canyon County Fleet to the Caldwell Police Department. This is a vehicle that has been taken out of rotation by the fleet department. Director Tolman has previously discussed this with the Board. Ms. Klempel said there is no legal reason not to sign and that selling the vehicle is in the public's best interest. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution consenting to the sale of surplus county property to Caldwell Police Department (see resolution no. 21-106).

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

EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 9:34 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters concerning named personnel, records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Mike Porter (left at 10:35 a.m.), Deputy P.A. Doug Robertson, Facilities Director Paul Navarro (left at 9:51 a.m.), Fair Director Diana Sinner (left at 9:51 a.m.) and DSD Director Steve Fultz (joined at 10:36 a.m.) The Executive Session concluded at 10:58 a.m. with no decision being called for in open session.

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

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:58 a.m. to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of DSD Steve Fultz (left at 11:01 a.m.), DSD Planner Dan Lister (left at 11:01 a.m.), Todd Lakey for Ridgeline Vista (left at 11:01 a.m.), Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom, Clerk Chris Yamamoto and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing FCO's, development agreement, and ordinance for Ridgeline Vista, LLC: Case no. CR2020-0012:*** The Board indicated that they've had time to review the documents and are satisfied with them. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the FCO's, development agreement (see agreement no. 21-033) and ordinance (see ordinance no. 21-012) for Ridgeline Vista, LLC; Case no. CR2020-0012.

***Consider approval/denial of indigent decisions and signing of liens:*** Jenniffer Odom stated that the following cases do not meet the eligibility criteria for county assistance: 2021-581, 2021-671, 2021-577, 2021-578 and 2021-658 and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days on the cases as read into the record.

Commissioner Van Beek made a motion to issue an initial approval on case no. 2021-670 with written decision within 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

Liens and lien releases were presented for Board signatures.

Director Baker addressed two cases that have been previously discussed with the Board as follows:

Case no. 2009-639: Last week the Board made a motion that the applicant was to pay 50% of the remaining \$28,825 in exchange for the subordination agreement. The applicant asked if that payment would satisfy the entire debt? Consensus among the Board is that the 50% does not satisfy the debt and the remaining amount will still be owed. The applicant has indicated to Director Baker that if the debt is not considered paid in full they will not be moving forward with the refinance.

Case no. 2020-467: The applicant has requested a temporary lift of lien in order to finance the purchase of a home. This request was denied by the Board last week. The applicant offered a counter proposal to pay \$5,000 toward their debt and sign a promissory note to make \$140 monthly payments. The applicant has indicated that the monthly mortgage payment will be approximately \$1800. Director Baker has concerns that this could potentially be setting this person up to not be successful in repaying debts and noted that there has been a history of inconsistent payment amounts made over the past year. Commissioner Van Beek is not supportive of this request as the numbers that have been provided don't make sense to her.

The meeting concluded at 11:13 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS FY2022 PRELIMINARY BUDGET REQUEST FOR CANYON SOIL CONSERVATION DISTRICT



The Board met today at 11:18 a.m. to discuss the Fiscal Year 2022 preliminary budget request for the Canyon Soil Conservation District. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, and Lori Kent, Mike Swartz, Bob McKellip, Mike Summerville, and Dave Dixon from the Canyon Soil Conservation District, as well as Deputy Clerk Monica Reeves. (Controller Zach Wagoner arrived at 11:37 a.m.) A PowerPoint presentation was given showcasing the services the district provides. This year the organization is requesting \$15,000 in county funding. Mr. McKellip spoke of a concern the district has regarding the transition from agriculture to development and the importance of making sure development is done in a controlled manner. Commissioners Smith and Van Beek said it's very helpful to the Board to hear from agriculture professionals regarding the impact development has on agriculture and they encouraged the district to respond to agency notifications (hearing notices) and provide feedback on proposed development projects. No Board action was required or taken as the meeting was held for information purposes only. The meeting concluded at 11:40 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:34 p.m. regarding code enforcement matters. Present were: Commissioners Pam White and Leslie Van Beek, Code Enforcement Officers Eric Arthur and Nick Edwards, and Deputy Clerk Monica Reeves. Commissioner Keri Smith arrived at 1:37 p.m. Deputy PA's Zach Wesley and Doug Robertson arrived at 1:38 p.m. Officer Arthur submitted a list of current code enforcement cases broken out by violation type (weed, zoning, building, junk). His also report included data on cases from January 1, 2018 to May 13, 2021:

- Total number of cases open: 509
- Public nuisance violations: 245
- Zoning violations: 191
- Building permit violations: 40
- Non-violations: 4
- Number of cases closed: 104
- Total active cases: 405

Part of today's discussion will be in executive session because they will be discussing specific cases. The Board reviewed the code enforcement process and changes and there was discussion about whether to abate or issue a citation. Commissioner Smith wants to add a new process for infractions which will require an ordinance amendment. Zach Wesley said the infraction element may be part of the last page of the Officer Arthur's flowchart. The Board previously discussed modeling an ordinance revision after the City of Middleton's ordinance. The County ordinance is currently structured that all violations (public nuisance or zoning violations) are misdemeanor

offenses. The City of Middleton uses a process where they use an infraction with a fixed fine in place that escalates three infractions and with the fourth it becomes a misdemeanor. Discussion ensued. The amendment related to the zoning ordinance would have to go through the P&Z Commission but the public nuisance amendment can be done quickly, and could model Middleton's ordinance. Officer Arthur would like firm direction from the Board as to are we going for voluntary compliance with multiple chances or is it an infraction after one letter/warning. He suggests a notice of violation, then an infraction and said we could extend the time period to 14 days or 30 days depending on the severity of the cleanup. Commissioner Van Beek had questions about extending it from 10 days to 14 or possibly 30 days. Discussion ensued. Commissioner Smith said staff can work out the ordinance amendment for the public nuisance and the zoning ordinance and make sure there is one for the building department as well because if there are building violations we want the same infraction process. Mr. Wesley said we can include language about the danger to public health; if there's not a danger to public health we will use a longer timeframe for them to remedy the violation and if there is a danger it will be on a quicker turnaround. Commissioner White had questions about enforcement. More discussion followed about enforcement and abatement. Commissioner Smith asked staff to update the flowchart to include by violation, and include the Board's role which will fall in line with our monthly meetings, and then an amendment will be done for each of those sections. An Executive Session was held as follows:

EXECUTIVE SESSION – 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 1:57 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss 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, Code Enforcement Officer Eric Arthur, Code Enforcement Officer Nick Edwards, Deputy PA Zach Wesley, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. The Executive Session concluded at 2:27 p.m. with no decision being called for in open session.

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

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

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for **Craft Lunge LLC dba Craft Lounge** (Resolution no. 21-110)
- The Board approved an Alcoholic Beverage License renewal for **Maria Samiento dba Alondras Store; Tacos Colimas LLC dba Tacos Colimas** (Resolution no. 21-111)

#### APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 6/27/21 at Hahn Wedding; Raising Our Bar to be used 6/26/21 at UTT Wedding; Raising Our Bar to be used 6/25/21 at Gist Wedding; Raising Our Bar to be used 6/19/21 at Arrillaga Wedding; Raising Our Bar to be used 6/17/21 at Homer Wedding; Raising Our Bar to be used 6/13/21 at Bian Wedding; Raising Our Bar to be used 6/12/21 at Bradley Wedding; Raising Our Bar to be used 6/10/21 at Guerra Wedding; Raising Our Bar to be used 6/6/21 at Blackburn Wedding; Raising Our Bar to be used 6/5/21 at Baney Wedding; Raising Our Bar to be used 6/4/21 at Dee Wedding

#### FISCAL YEAR 2022 PRELIMINARY BUDGET REQUEST FOR GENESIS COMMUNITY HEALTH – CANYON COUNTY CLINIC

The Board met today at 9:03 a.m. to discuss the FY2022 preliminary budget request for Genesis Community Health – Canyon County Clinic. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Steve Davis and Cathy Simpkins from Genesis Community Health/Canon County Clinic, and Deputy Clerk Monica Reeves. Steve Davis said last year Genesis Community Health merged with the Canyon County Community Clinic and he shared what the clinic accomplished last year and what their vision is for providing free medical, dental, mental, social, and spiritual support. The organization is requesting \$75,000 (\$35,000 for patient costs and \$40,000 for personnel/admin costs) in County funding for FY2022. Commissioner Van Beek had questions about federal funds and Mr. Davis advised that they are not federally funded. For every dollar invested the clinic generates over \$4 in free medical care to the community. They are affiliated with the national free and charitable clinics and they help us provide standard rates. They also have a volunteer physicians' network and they are able to get care, including labs and imaging, for free. In response to questions from Commissioner White, Mr. Davis spoke of the community organizations they partner with. They received KIVI's *Shine the*

*Light* award for doing telemedicine and providing services to the community during COVID. Clerk Yamamoto asked if the clinic ever turns people away. Mr. Davis said they will serve only the amount of people the Lord provides with funding and volunteers. He's had to be very careful with the marketing side of things because if they don't have the funding or volunteers they have to stop accepting new patients. He also spoke of the clinic's need for more space and how they want buy or building something in Canyon County. No Board action was required or taken. The meeting concluded at 9:30 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE COUNTY AGENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:34 a.m. with the County Agent to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Jerry Neufeld, Debbie Lowber, Carrie Clarich and Nic Usabel with the University of Idaho Extension Office and Deputy Clerk Jenen Ross.

The following budget items were discussed with the Board:

- There are no changes to the 'A' budget.
- County Agents contract line increased \$1000 to \$48,542 for FY2022
- \$2500 was removed from the budget for the Fair Aide position under the assumption they will no longer have that responsibility.
- Additional \$3000 is being requested for the Master Gardener program; Nic Usabel provided reasoning for the increased request.
- Other line items reviewed with minor changes included the reimbursement U of I, auditing services and the 4-H Program Coordinator.
- Most numbers stayed at the 3-year average; overall the 'B' budget was reduced by about \$7400.

Commissioner Smith asked about the status of the MOU, Ms. Clarich said she hasn't received the updated version from Director Sinner yet.

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

#### MEETING WITH THE PUBLIC DEFENDER TO DISCUSS FY2022 BUDGET MATTERS AND CONSIDER AN ACTION ITEM

The Board met today with the Public Defender to discuss FY2022 budget matters and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli (left at 10:37 a.m.), Assistant IT Director Eric Jensen (left at 10:17

a.m.), Clerk Yamamoto (arrived at 10:28 a.m.), Chief Deputy P.A. Sam Laugheed (arrived at 10:29 a.m.), Controller Zach Wagoner (arrived at 10:31 a.m.) and Deputy Clerk Jenen Ross.

Mr. Bazzoli said that the PDC gave a one-time grant to be used as best seen fit. The Public Defenders department used some of the money to build one office and two cubicles but there is still a fair amount remaining that they'd like to use for the purchase of 28 MacBooks and necessary accessories for an approximate total of \$92,000. Mr. Bazzoli said he would forward the quote from IT to the Board and at the request of Commissioner Van Beek will upload a copy into PowerPlan. A purchase order will come before the Board at a later date.

***Consider signing the Public Defense Commission Fiscal Year 2022 grant:***

Mr. Bazzoli a review of Public Defense Commission monies and how they're allotted and the formula to determine funding. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Public Defense Commission Fiscal Year 2022 grant application.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:38 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Clerk Chris Yamamoto and Controller Zach Wagoner. The Executive Session concluded at 11:05 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.

FY2022 PRELIMINARY BUDGET REQUEST FOR THE NAMPA FAMILY JUSTICE CENTER

The Board met today at 11:07 a.m. for the FY2022 preliminary budget request for the Nampa Family Justice Center. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Director Jeannie Strohmeyer and Deputy Clerk Monica Reeves. Ms. Strohmeyer gave an overview of the services the organization provides to the community. The center experienced significant reductions in funding last year totaling \$60,000. This year they are requesting \$40,000 for FY2022. The meeting concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

MAY 2021 TERM

CALDWELL, IDAHO    MAY 17, 2021

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

There were no meetings held this day.

MAY 2021 TERM

CALDWELL, IDAHO    MAY 18, 2021

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

APPROVED CLAIMS

- The Board has approved claims 574065 to 574099 in the amount of \$22,079.75
- The Board has approved claims 574100 to 574129 in the amount of \$28,369.51
- The Board has approved claims 574166 to 574202 in the amount of \$26,132.97
- The Board has approved claims 574035 to 574064 in the amount of \$33,653.68
- The Board has approved claims 574130 to 574165 in the amount of \$22,662.19

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved employee status change forms for Lindsay Thompson, Office Coordinator; Nicole Brock, Event Coordinator.

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 5/29/21 at Edmy Vega Wedding; Slicks Bar to be used 6/12/21 at Parma Ruel Fire Department Inferno Bull Riding; Capital City Events Center to be used 6/12/21 for Schmid Wedding; Slicks Bar to be used 5/28/21 at P'Pool residence for Graduation Party.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for TNT's Dynamite Bar & Grill LLC dba TNT's Dynamite Bar & Grill (Resolution no. 21-112)
- The Board approved an Alcoholic Beverage License renewal for Red Robin International Inc dba Red Robin Gourmet Burgers & Brews; Nampa Aerie #2103, Fraternal Order of Eagles dba 2103 Aeris (Resolution no. 21-113)
- The Board approved an Alcoholic Beverage License renewal for City of Nampa dba Centennial Golf Course; Fred Meyer Stores Inc dba Fred Meyer #226; Uppercuts Barber Shop LLC dba Barber Shop/Upperclass Beauty Salon; Destination Caldwell Inc dba Destination Caldwell; D&S Panasiuk LLC dba Grocery Outlet of Nampa; Dan's Ferry Service LLC dba Dan's Ferry Service; Gallegos Meat Market 2 LLC dba Gallegos Meat Market #2 (Resolution no. 21-114)

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 1:06 p.m. to consider action items. Present were: Commissioners Keri Smith and Pam White, Commissioner Leslie Van Beek via teleconference, Prosecuting Attorney Bryan Taylor, Assessor Brian Stender, Coroner Jennifer Crawford, Treasurer Tracie Lloyd, Chief Deputy P.A. Sam Laugheed, Controller Zach Wagoner, EOM Christine Wendelsdorf and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider establishing the Board of County Commissioners as the County's "Authorized Representative" for all purposes relating to the American Rescue Plan Act (ARPA); AND Consider authorizing and directing Chairwoman Smith to act on behalf of the Board as the Authorized Representative for the limited purpose of submitting certification documents relating to ARPA eligibility; AND Consider establishing County Controller Zach Wagoner as the "Contact Person" for administrative purposes relating to ARPA:***

Mr. Laugheed provided a brief overview of each of these items; the first is substantive to consider approval for submission of the request for funding. The other actions are to establish the Board as the authorized representative, authorize the Chair to act on behalf of the Board as the authorized representative because the certification process requires an individual and to establish the county Controller as a contact person for administrative purposes. By doing it this way the county is able to comply with federal requirements and makes sure there are two separate elected offices on

the frontend who are both directly involved. All of this is done in the interest of redundancy, transparency and accountability. Mr. Laugheed indicated that there seems to be a fair amount of concern among the elected officials about how the money will be spent so making sure the redundancy is in place is in everyone's best interest. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to approve all three of the above noted action items.

***Consider approving submission of request for Coronavirus State and Local Fiscal Recovery Funds under ARPA effective this 18th day of May, 2021:*** Mr. Laugheed explained that in order to receive deposits of these funds there needs to be a submission request. Treasure Lloyd has set up a separate back account just to hold these monies which will essentially be a trust so that the Board and other stakeholders have input on specific projects. Mr. Laugheed noted for the record that by accepting these monies or submitting this request the County is not committed to spending any of the money or committing to any program nor will the County be incurring any liability. Controller Wagoner said the money will be deposited in two separate deposits approximately a year apart and can be spent between now and December 31, 2024. There is time to put together a plan to best utilize the monies for the community. Commissioner White made a motion to approve the submission of request for Coronavirus State and Local Fiscal Recovery Funds under ARPA effective this 18<sup>th</sup> day of May, 2021. The motion was seconded by Commissioner Smith. Commissioner Van Beek said she spoke with a Representative this morning and in that conversation, she understood his position to be that the State of Idaho did everything they could to safeguard and protect state and local government from potential overreach by the federal government and understands that the strongest arguments for taking that; she knows there are two sides to this. There is also a side, this particular Representative did not vote for this either, she is going to stand on the other side knowing this will pass and having confidence that the collective body, when it does pass this will be looked at carefully. She understands when the second wave of this comes thru there will be different, additional strings attached but she still fundamentally believes that government can exist on solid fiscal policy and she is not able to support this at this time. A vote was taken on the motion with Commissioners Smith and White voting in favor and Commissioner Van Beek in opposition. The motion carried in a 2-to-1 split vote.

The meeting concluded at 1:16 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2021 TERM

CALDWELL, IDAHO      MAY 19, 2021

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



#### APPROVED CLAIMS

- The Board has approved claims 574272 to 574291 in the amount of \$13,471.00
- The Board has approved claims 574292 to 574305 in the amount of \$5,288.01
- The Board has approved claims 574410 to 574439 in the amount of \$12,636.76
- The Board has approved claims 574262 to 574271 in the amount of \$3,424.00
- The Board has approved claims 574333 to 574368 in the amount of \$ 24,252.26
- The Board has approved claims 574203 to 574231 in the amount of \$24,972.98
- The Board has approved claims 574232 to 574261 in the amount of \$18,665.13
- The Board has approved claims 574306 to 574332 & 574367 in the amount of \$24,884.92
- The Board has approved claims 574008 to 574034 in the amount of \$23,657.00
- The Board has approved claims 574369 to 574409 in the amount of \$136,000.23
- The Board has approved claim 574440 in the amount of \$1,180.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Right! Systems Inc in the amount of \$2,145.40 for Information Technology Department
- Data Bank IMX in the amount of \$3,700.00 for Information Technology Department
- SHI in the amount of \$2,767.80 for Information Technology Department
- Apple, Inc in the amount of \$1,356.00 for Information Technology Department
- HP Inc in the amount of \$3,049.00 for Information Technology Department

#### SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Garbonzo's Pizza Inc dba Garbonzo's Pizza (Resolution no. 21-115)
- The Board approved an Alcoholic Beverage License renewal for Alejandras 1 LLC dba Alejandra's Mexican Restaurant; Wild Heart Springs LLC dba Wild Heart Springs (Resolution no. 21-116)
- The Board approved an Alcoholic Beverage License renewal for Fiesta's Arts Inc dba Fiesta Gudalajara; Double Barrel Enterprises LLC dba Double Barrel Bar & Grill; Kickback Bar Inc dba Kickback Bar (Resolution no. 21-117)

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

The Board met today at 10:02 a.m. for a monthly meeting with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Assistant Director of Juvenile Detention Shawn Anderson, Fleet Director Mark Tolman (arrived at 10:25 a.m.) and Deputy Clerk Jenen Ross.

***Director Brown updated the Board on the following:***

- Spoke about the benefit of the Wits writing program and provided a booklet of poems and stories written by the juveniles.
- Currently they have 21 juveniles in custody – 18 from Canyon County, 1 from Washington County and 2 from Gem County. In the last month it has fluctuated between 15 and 27.
- A review was done of 'B' budget line items. On the revenue side he has increased the national school lunch program and board and room of juvenile's line items. All other lines will remain the same.
- In the 'A' budget, he has increased the holiday pay from \$48,672 to \$55,200. Overtime will remain the same to cover mandatory training. Reduced part-time pay to \$25,000 as it is near impossible to hire part-time staff. Asking for one position in order to complete one of the core teams. Director Brown proposed increasing the starting pay for part-time to \$15/hour, Commissioners Van Beek and White are supportive of this suggestion.
- In the 'B' budget, there is an increase to miscellaneous professional services to \$3000, inmate medical services will increase \$9000 and janitorial supplies will be increased by \$1000. Other line items will remain the same or decrease. He is requesting a line for 'years of service' be added to his budget with a budgeted amount of \$600 for employee recognition awards which Commissioners Van Beek and White are in favor of.

The meeting concluded at 10:33 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:33 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross.

***Director Tolman updated the Board on the following:***

- Two technicians recently completed ASE Master Mechanic
- Review of FY2022 budget items:
  - Vehicle recommendations and realignment of vehicles. 14 vehicles for CCSO (12), Corner (1) and PA (1) will be purchased from the Justice fund. Several other vehicles

will be purchased from individual budgets including Weed & Pest, DSD, Facilities, Juvenile Probation, IT, Fleet and Solid Waste.

- Auto maintenance service increased by \$2300 to \$4500, vehicle license increased \$500, county fuel increased to \$75,000
- Would like to add \$16,000 for a part-time person since inmate workers are not currently available. Additionally, he suggested that a touchless carwash system could be installed into one of the already existing bays for \$162,000 which would save on both water and labor time running cars to area carwashes regularly. By Director Tolman's estimation, each wash would be approximately \$.36. He feels there may be monies available for this purchase and Commissioner Van Beek gave her support for him to move forward in looking into that.

The meeting concluded at 11:33 a.m. An audio recording is on file in the Commissioners' Office.

MAY 2021 TERM

CALDWELL, IDAHO    MAY 20, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Right! Systems Inc in the amount of \$2,000.00 for Information Technology Department
- College of Western Idaho in the amount of \$1,795.00 for Information Technology Department
- Dell in the amount of \$37,831.58 for Information Technology Department
- Jamf in the amount of \$7,200.00 for Information Technology Department
- HP Inc in the amount of \$3,900.00 for Information Technology Department
- Apple, Inc in the amount of \$44,900.00 for Information Technology Department
- Amazon in the amount of \$7,968.45 for Information Technology Department

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Jalapeno's Bar & Grill LLC (Resolution no. 21-118)

#### CONSIDER MAY 20, 2021 AGENDA ITEMS, AND LEGAL STAFF UPDATE

The Board met today at 1:07 p.m. for a legal staff update and to consider the May 20, 2021 agenda items. Present were: Commissioners Leslie Van Beek and Pam White, Chief Civil Sam Laugheed, Deputy PA Mike Porter, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Deputy PA Alex Klempel, Chief Deputy Sheriff Marv Dashiell, Indigent Services Director Yvonne Baker, Assessor Brian Stender, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Treasurer's tax charge adjustments by PIN for April 2021:*** The Board will reschedule this item for a time when the Treasurer is available to answer questions.

***Consider Change Order No. 1 to the Motorola Solutions, Inc., Communications Systems and Services Agreement No. 20-131:*** Chief Dashiell said with the change order is for a swap for equipment and services with no financial obligation. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign change order no. 1 to the Motorola Solutions, Inc., Communications Systems and Services Agreement No. 20-131. (Mr. Porter and Chief Dashiell left at 1:13 p.m.)

***Consider indigent decisions and signing of liens:*** Yvonne Baker presented four cases and said per the Clerk's statement of findings the following cases do not meet eligibility criteria for County assistance: Case Nos. 2021-589, 2021-593, 2021-602, and 2021-604. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to deny the four cases read into the record with a written decision to be issued in 30 days. The Board also signed liens. There was discussion regarding the subordination agreement for Case No. 2015-253, which is an approved case with an active reimbursement. The request is for a subordination agreement for a HELOC (home equity line of credit). The total equity in the home is \$124,000 which is also the amount of the HELOC. There is an amount owing on the mortgage of \$84,000. The original indigent balance was \$21,857, and today the outstanding balance is \$19,044.57. The applicant makes regular payments ranging from \$20-\$50 each month. The value of the home is \$201,000. The Board asked questions of Director Baker and discussion ensued. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to ask the applicant to pay off \$19,044.00 which will allow him more room to borrow. (Director Baker left at 1:24 p.m.)

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

*Note for the record: As properly noticed the Board met this afternoon for a legal staff update. A request was made to go into Executive Session to discuss records exempt from*

*public disclosure and attorney-client communication. The Executive Session was held as follows:*

Commissioner White made a motion to go into Executive Session at 1:25 p.m. pursuant to Idaho Code, Section 74-206(1) (d). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Leslie Van Beek and Pam White, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Deputy PA Alex Klempel, Assessor Brian Stender, and Deputy Clerk Monica Reeves. The Executive Session concluded at 2:02 p.m.

While in open session, Commissioner Van Beek said there was discussion regarding the contract to award the bid for the Fair Expo building and out of that discussion there is an action item to sign a letter. Mr. Wesley said there is an action item for the Board to formally do this tomorrow at 3:00 p.m. with 48-hours' notice, but because this project is evolving rapidly they want to give the parties the most time available to respond if they wanted to. This is the next step in the process, this action does not bind the Board whatsoever or enter us into a contract. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the letter to CM Company, Inc.; Scott Hedrick Construction; ESI; and HC Company, Inc., regarding the Fair Expo Building Project. The meeting concluded at 2:03 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office. The Board will sign the letter today and it will be on the agenda formally tomorrow.

#### MAY 2021 TERM

CALDWELL, IDAHO    MAY 21, 2021

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

#### APPROVED CLAIMS ORDER NO. 2117

- The Board of Commissioners approved payment of County claims in the amount of \$1,627,888.09 for a County payroll.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Conrad & Bischoff Inc dba Garrity 66; Carniceria Mi Tierra Inc dba Carniceria Mi Tierra; 2C Wine Down LLC dba 2C Wine Down (Resolution no. 21-119)
- The Board approved an Alcoholic Beverage License renewal for Blazin Wings Inc dba Buffalo Wild Wings #592; Macabi Inc dba Acapulco Mexican Restaurant; Paleteria Y Neveria Mi Linda Michoacan dba Paleteria Y Neveria Mi Linda Michoacana Ice Cream LLC (Resolution no. 21-120)

#### DISCUSSION ON FUNDING FOR WESTERN ALLIANCE FOR ECONOMIC DEVELOPMENT

The Board met today at 9:03 a.m. for a discussion on funding for Western Alliance for Economic Development. Present were: Commissioners Pam White and Leslie Van Beek, Tina Wilson with WAED, Clerk Chris Yamamoto, Controller Zach Wagoner, Lee Belt with the City of Greenleaf and Deputy Clerk Jenen Ross.

Ms. Wilson said that she met with Director Fultz on Monday and read a statement into the record (a copy of the statement is on file with this day's minutes) which summaries her conversation with Mr. Fultz as well as what she is able to provide the county which is not already being done or won't be done in the near future.

Commissioner Van Beek feels like with the information presented today she would feel more comfortable continuing this conversation to another time when Commissioner Smith is back in the office and after the Board has had time to meet with other stakeholders

Commissioner White said she is very much in favor of Director Fultz putting his own touch on the DSD department but acknowledges there is a request from WAED for a letter of support and asked Commissioner Van Beek if that could be handled today or if she wants to wait on that too. Commissioner Van Beek spoke about perhaps removing the economic development portion from Ms. Wilson's budget but leaving the grant writing portion, which Ms. Wilson has said she can do for \$15,000, however, Commissioner Van Beek said she doesn't know what that does to her budget or to the County's position. In the absence of the director and the chair she feels this meeting is premature.

Ms. Wilson said the WAED wants to have a relationship with Canyon County and the reason she's asking for the letter of support is because Canyon County has always been in a position of strength but her other funding partners have stepped up and she has the letter of support necessary for

the grant. She is happy to continue the conversation at a later time. She feels that the Western Alliance brings strength to Canyon County and the county brings value to the organization.

Chris Yamamoto spoke about how it is his statutory obligation to present his suggested budget to the Board but they have no idea what the county's vision is for the Development Services Department.

Commissioner Van Beek reiterated that she needs a chance to meet as a Board and the Clerk for additional information.

Ms. Wilson clarified that she no longer needs the letter of support for the cash match, she only needed to provide a letter of support for \$15,000 but her other funding partners have committed to writing that letter for the salary grant that is due next week. If the organization doesn't have the \$27,000 from the county it will impact their budget as the organization already runs really slim.

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

#### CONSIDER SIGNING AMENDMENT TO AWARD OF CANYON COUNTY FAIR EXPO INVITATION FOR BIDS

The Board met today at 3:02 p.m. to consider signing amendment to award of Canyon County Fair Expo invitation for bids. Present were: Commissioners Leslie Van Beek and Pam White, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Mr. Wesley explained that the Fair Expo Building project has run into an issue and needed to be reevaluated. In order to give as much advance notice to the bidders as possible a letter was signed yesterday to be provided to the bidders and today is to ratify the letter. The purpose of the amendment is an effort to mitigate some of the cost escalation and to lock-in prices. Commissioner White made a motion to sign the amendment to award of Canyon County Fair Expo Invitation for Bids. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 3:08 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2021 TERM  
CALDWELL, IDAHO    MAY 24, 2021

PRESENT:     Commissioner Keri K. Smith, Chair

Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Right! Systems Inc in the amount of \$1,286.00 for the Information Technology Department
- HP Inc in the amount of \$1,250.00 for the Information Technology Department

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:40 a.m. for an office staff meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. There was discussion regarding the budget process, the claims review process, and other calendaring issues. The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – REQUEST BY GREGORY SPOHN FOR A REZONE, CASE NO. RZ2020-0024

The Board met today at 9:00 a.m. to consider a request by Gregory Spohn for a rezone of approximately 14.29 acres from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone, Case No. RZ2020-0024. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Dan Lister, Gary Johnston, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she knows Gary Johnson and his business donated to a prior organization she worked for but that will not impact her decision-making ability in this process. Dan Lister gave the oral staff report. The properties are designated as residential on the future land use map and are located 650 feet outside of Middleton's impact area. The property is zoned agriculture and is surrounded by other properties zoned agriculture; you don't see the residential area until it gets to the impact area. There were two rural residential zones within a one-mile radius that were created in 2011 and 2019. The subject property is surrounded by previously approved subdivisions. The land consists of moderately suited soils although some portions are considered prime while others are not. The property is outside the nitrate priority area; wells and septic systems will serve the property. Wells in the area show signs of nitrates but the levels do not exceed DEQ standards. The property does not have irrigation rights. Mr. Lister reviewed the letters of opposition noting the following concerns: desire to maintain the rural and agricultural character of the area; impacts to property values, wells, and traffic; and future development impacts on livestock uses. They feel the rural residential zone is more appropriate than the zone being requested. There was a review of agency comments. SWDH finds that the future



development can be served subject to a subdivision engineering report at the time of platting. The P&Z Commission recommended approval of the request and staff recommends approval as well. Gary Johnston testified in support of the applicant and on behalf of the applicant, Gregory Spohn. The future use is for residential to mirror the subdivisions to the south that join this property and across Kingsbury. There are two existing houses that will be incorporated into the development. There are 13 lots but they are still working on the plat. SWDH has done the test holes and they are working through that process. They plan to construct a public road, but he can do either if the Board has a preference. Commissioner Smith had questions regarding why the applicant is seeking an R-1 designation as opposed to R-R designation, whether they plan to have a public water system, and the size of the lots. Commissioner Smith is concerned that the lot sizes appear to be smaller than the surrounding subdivision lots. Mr. Johnston said they want to be consistent with other development in the area, and he noted that the parcels they want to rezone have not been utilized for agricultural purposes. With no irrigation available it will be easier to maintain one-acre lots as opposed to two-acre lots. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. There was a review of staff's findings which were found to be satisfactory. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the request by Gary Johnson on behalf of Gregory Spohn for a rezone, and to approve the ordinance (No. 21-013) for Case No. RZ2020-0024. The hearing concluded at 9:43 a.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 1:39 p.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 1:40 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue and Deputy P.A. Mike Porter. The Executive Session concluded at 2:45 p.m. with no decision being called for in open session.

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

#### APPROVED CLAIMS

- The Board has approved claim 574441 in the amount of \$27,270.50

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mountain Home Auto Ranch in the amount of \$27,754.00 for Fleet Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Pocket of Boise to be used 7/02/21 for Tucker Wedding.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Mi Tierra Inc dba Mi Tierra (Resolution no. 21-121)
- The Board approved an Alcoholic Beverage License renewal for Franklin United Inc dba United Oil; Gallegos Meat Market LLC dba Gallegos Meat Market; I.C.A.N. Foods Inc dba The Griddle; Canyon Golf Partners LLC dba Red Hawk Golf Course; Sol Invictus Vineyard LLC dba Sol Invictus Vineyard; Idaho Golf Partners Inc dba Timberstone Golf Course (Resolution no. 21-122)
- The Board approved an Alcoholic Beverage License renewal for Clifford Randall Raymond dba Red Dog Saloon; LD Wood Investments LLC dba The Ranch; Indian Creek Steakhouse LLC dba Indian Creek Steakhouse; Dos Caminos Mexican Restaurant LLC dba Dos Caminos Mexican Restaurant; New Empire LLC dba The Blue Eye; The Hop House LLC dba The Hop House; JM Assets LLC dba Garbonzo Pizza; Mesa Downtown LLC dba Mesa Tacos & Tequila (Resolution no. 21-123)

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

The Board met today at 8:54 a.m. to consider signing tax charge adjustment by PIN for April 2021. Present were: Commissioners Keri Smith and Pam White and Deputy Clerk Jenen Ross. Commissioner Smith said that Treasurer Lloyd sent an email yesterday providing explanation of the adjustments. A copy of the email is on file with this day's minutes. Commissioner White made a motion to sign the Treasurer's tax charge adjustment by PIN for April 2021. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:01 a.m. with county attorneys for a legal staff update. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Captain Harold Patchett (left at 9:13 a.m.), Chief Deputy P.A. Sam Laugheed (left at 9:11 a.m.), Deputy P.A. Mike Porter, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley (arrived at 9:09 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing independent contractor agreement with Rodney Evans & Partners PLLC for Pickles Butte landscape improvement:*** Doug Robertson presented a contract for the landfill beautification project noting that legal is satisfied with the contract. This contract is for the landscape architecture plan and once the plan is complete it is believed that Director Loper would use staff resources to complete any work that can be done in-house. This particular company was referred by Director Navarro as the county has used their services previously. Commissioner Van Beek made a motion to sign the independent contractor agreement with Rodney Evans & Partners PLLC for Pickles Butte landscape improvement. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith encouraged that in the future departments get multiple quotes for this kind of work.

***Consider signing addendum to invitation for bids for purchase of a Thermal Imaging Kiosk for Dale Haile Detention Center:*** Mike Porter explained there was an inconsistency in timeframe in the original IFB document which has been corrected. Additionally, bidders wanted a digital copy of the bid form which has been added to the website. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the addendum to invitation for bids for purchase of a Thermal Imaging Kiosk for the Dale Haile Detention Center.

Mr. Porter and Sheriff Donahue addressed questions from Commissioner Van Beek and Commissioner White regarding financials, potential bidders and the project timeline.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:13 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter and Deputy P.A. Doug Robertson. Sheriff Donahue left the meeting at 9:20 a.m. The Executive Session concluded at 9:52 a.m. with no decision being called for in open session.

The meeting concluded at 9:52 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### RECONSIDER ANNUAL - 2021 URBAN RENEWAL PROPERTY TAX EXEMPTION, I.C. 50-2014 – NAMPA DEVELOPMENT CORP – PARCEL NO. 13415011 0

The Board met today at 10:00 a.m. to reconsider the annual 2021 Urban Renewal Property Tax Exemption under Idaho Code §50-2014 for the Nampa Development Corp., parcel no. 13415011 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Business Manager Jennifer Loutzenhiser, Imaging Specialist Helena Thompson, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Assessor Stender said that in a previous meeting the exemption was denied by the Board. Commissioner Smith explained earlier discussions which led to the original decision and how subsequent information clarified some items leading to the reconsideration of this application. Commissioner Van Beek made a motion to uphold the exemption for the 2021 Urban Renewal Property Tax Exemption under Idaho Code §50-2014 for the Nampa Development Corp., parcel no. 13415011 0. Commissioner Smith clarified for the record that this is reconsidered and approved now. Commissioner Van Beek amended her motion to include no change in exemption. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:04 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

Director Sinner reviewed the following with the Board:

- Budget review for FY2022/2023:
  - Completion of the Expo Building is now estimated for mid to late 2022 so there are items that were included in the FY2022 budget that will be delayed including a mobile ticket booth, audio/video, open class exhibit displays and a golf cart.
  - Potential entry gate price increase to \$8.00 from \$7.00; The Board is supportive of this change for 2023 Fair as tickets are already on sale for 2021. Discussion ensued regarding changing to \$8 for pre-purchase and \$10 at the door for the 2022 Fair and the process involved to change the admission price.
- Lindsay Thompson started yesterday as the Office Coordinator. They are still working to find temporary staff for the Fair.
- The building rental process, application, agreement and fee structure are being reviewed.
- Director Sinner has done some research on conducting a 2022 non-Fair Livestock show.
- Concert ticket sales are at \$36,580 for 2021.
- The Board instructed Director Sinner to work with legal about changing the admission fee. Commissioner Smith feels these are admissions and not fees therefore not subject to the regular process of increasing a fee. Commissioner Van Beek is supportive of Commissioner Smith's stance.
- Director Sinner said she is still working on the MOU with the Extension office but it is still in draft form. Commissioner Smith is concerned that the Extension office is still budgeting for their normal number of employees but feels there may be less work with the Fair taking back some of the responsibilities.

The meeting concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

#### CANVASS MAY 18, 2021 ELECTION - CANYON COUNTY ELECTIONS OFFICE

The Board canvassed election results for the May 18, 2021 General Election. The official documents were presented by Elections staff and were signed in the Elections Office.

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

The Board met today at 1:32 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross.

Mr. Bazzoli updated the Board on the following:

- As part of a previous conversation about the Public Defense Commission Grant there was discussion about the need for additional personnel to support the addition of 3 new judges.

There is a need for 5 additional attorneys and one additional LSS. Mr. Bazzoli would prefer that funding for the LSS come from the county vs. the state fund. He spoke about the role of the Legal Support Specialists and the necessity of that position.

- Discussion ensued regarding caseload number calculations.
- Mr. Bazzoli will be working on revisions to PCNs in order to make some employee salaries more equitable due to years of experience.
- Review of three-year working budget, topics included: building the budget, capital improvement projects, IT, request for additional personnel, legal support specialists, PowerPlan. A copy of the document is on file with this day's minutes.

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

#### DISCUSSION REGARDING FUNDING FOR WESTERN ALLIANCE FOR ECONOMIC DEVELOPMENT

The Board met today at 2:02 p.m. for a discussion regarding funding for the Western Alliance for Economic Development. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, DSD Director Steve Fultz, Tina Wilson with WAED, Brad Holton and Lee Belt with the City of Greenleaf, Dave Porterfield with the City of Notus, Dave Lincoln and Deputy Clerk Jenen Ross.

Ms. Wilson gave an example of the steps she takes with a new project; a copy of the outline is on file with this day's minutes. Additionally, she provided a review of the recent projects she assisted on in Canyon County.

Commissioner Smith said she is not questioning the work that has been done by Ms. Wilson but with the growth Canyon County is seeing she is advocating for Canyon County have a full-time position to do economic development. She would like to find a balance between support but also growing economic development in the county.

Mayor Holton explained that the City of Greenleaf is currently the host city for WAED so they have a good understanding of what the WAED is able to accomplish and/or not able to accomplish. WAED is focused on providing services and assistance for expansion and new businesses potentially coming into the area. He understands what Commissioner Smith is trying to do, however, with the disparity in the size difference of the communities, in comparison to Nampa and Caldwell, small communities won't have any representation. He believes that the Board has the best interest of the residents in mind but has seen the WAED do things that cities wouldn't be able to get from the county Development Services department. He is trying to politely push back, he feels that it is positive thinking that the small communities will receive the same attention from the DSD department as larger business in Nampa and Caldwell but in his 24 years of service he hasn't seen that happen. Putting \$15,000 towards a full-time employee isn't much but \$15,000 pulled from the WAED is a deal killer. He feels that the message that will be sent to the other

members of the WAED is that they're not that important. He appreciates that the Board is considering funding for one more year which will hopefully give them time to figure out what to do.

Commissioner Smith said she understand Mayor Holton's points but also noted some of the big projects in Caldwell and Nampa are city projects and those cities have their own economic development teams. The person chosen for an economic development position would be responsible for working with the unincorporated portions of Canyon County and maybe even the smaller cities. She also doesn't want to lose the WAED and asked if any of the smaller cities would be willing to contribute even \$1000 more and start to make up some of the match. She doesn't see an economic development position within the county doing grant writing and Ms. Wilson's grant writing is a huge asset for entrepreneurs in Canyon County.

Mayor Porterfield expressed appreciation for the care that the City of Notus has received from Ms. Wilson and the WAED. He spoke about some of the struggles the City of Notus face being such a small community and that the WAED has been a good resource for them.

Mayor Holton explained that Ms. Wilson is a liaison between the cities and potential incoming subdivisions or business and provides an "arm-length" perspective that he can't get from city staff. Additionally, legally speaking, that bit of distance between the potential entity and the city is very beneficial and something they couldn't afford on staff.

Commissioner White spoke about how the county needs the communities to thrive and to be prepared if and when growth comes. Investments made in the communities is an investment in Canyon County.

In response to a question from Commissioner Smith, Ms. Wilson said that the match to the salary grant is \$15,000 but she has two other funding partners who stepped up and wrote a support letter. The contribution from Canyon County is to balance her budget. Originally the budget was \$27,650 which included about \$3000 for marketing, there is also a conference in October that she'd like to attend that is about \$3000. If Canyon County reduces the contribution to \$15,000 she will not be able to do marketing or attend the conference.

At the request of Commissioner Van Beek, Director Fultz spoke about his history with economic development and his vision for economic development to focus on the smaller communities. Right now, there are things that Ms. Wilson does that he doesn't anticipate the county ever taking over. Mr. Fultz met earlier today with Controller Wagoner to discuss the job description for the Economic Development Specialist and it is his intention for that to be a part of 2022. His intention would be to work with Western Alliance on an exit strategy.

In response to a comment from Mr. Lincoln, Commissioner Smith spoke about finding a balance between the services Western Alliance can provide vs. what an economic development person within DSD can provide. Mr. Lincoln spoke about the importance of small businesses knowing they have resources available. He did note that there are a lot of things that the county won't be doing

such as “hand holding” for a start-up business. Director Fultz said he sees creating multi-municipal plans to develop economic strategies.

Ms. Wilson spoke about the good working relationships she’s had with both Director Fultz and the Development Services department. She feels there is enough work out there for both the WAED and an in-house person and that one person in DSD isn’t going to be able to do it all.

Commissioner White asked if the WAED could be available on a contract service basis. Director Fultz said that in his experience economic development is not done on a contract but work more in partnership.

Mayor Holton spoke about how Ms. Wilson frequently visits city council but doesn’t anticipate a person from the county visiting his city council. He feels that things are not being compared equally and if support from the county for the Western Alliance is withdrawn the smaller cities, farmers, ag businesses, ag tourist business have a large potential of dying out. There is something in place that works and he doesn’t see what is being proposed today is fixing what works, it’s going a different direction and wants it clearly noted that the county is choosing to go a different direction. If funding is pulled there will be less direct access to the small communities.

Commissioner Smith understands the fears and it will be the county’s job to alleviate those fears and communicate with the city to make sure there is a clear path moving forward. The cities success is the county’s success and that will be at the forefront of all of the Boards’ decisions. The county will be working with the cities, impact area agreements are incredibly important right now and will be discussed further with the cities. She committed to Ms. Wilson that the county will not leave her high and dry this year although there may need to be some cuts.

The meeting concluded at 2:53 p.m. An audio recording is on file in the Commissioners’ Office.

MAY 2021 TERM

CALDWELL, IDAHO    MAY 26, 2021

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

SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Winco Foods LLC dba Winco Foods #11; Winco Foods LLC dba Winco Foods #144; County Line Wine Company LLC dba County



Line Wine Company; Valley Wide Cooperative Inc dba Valley Country Store (Resolution no. 21-125)

- The Board approved an Alcoholic Beverage License renewal for Local First LLC dba Local First; Salinas Foods LLC dba Yita's Family Restaurant King Legend Hall; Coronar LLC dba Los Mariachis Mexican Restaurant # 2; Nampa Wings, LLC dba Winger's Restaurant & Alehouse (Resolution no. 21-126)
- The Board approved an Alcoholic Beverage License renewal for Hong Kong Restaurant Inc dba Hong Kong Restaurant; IOU Sushi II LLC dba IOU Sushi II; Shewil LLC dba Slicks Bar; La Michoacana Mexican Restaurant LLC dba La Michoacana; El Tenampa Inc dba El Tenampa; Shi Sushi Restaurant LLC dba Shi Sushi Spirits (Resolution no. 21-127)
- The Board approved an Alcoholic Beverage License reviewal for Scoria Vineyards & Winery LLC dba Scoria Vineyards & Winery; Hat Ranch Winery LLC dba Vale Wine Company/Hat Ranch Winery; 2C Family Brewing Company dba 2C Family Brewing Company; Aguililla (Resolution no. 21-128)

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

The Board met today at 1:32 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, GIS Analyst Tony Almeida (left at 1:45 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing a resolution to grant a refund to Nick and Suzanne DeRuyter for a withdrawn conditional use permit application:*** Director Fultz explained this really just needed an administrative decision rather than a conditional use permit. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Nick and Suzanne DeRuyter for a withdrawn conditional use permit application (see resolution no. 21-124).

Director Fultz updated the Board on the following:

- Mr. Almeida spoke about the name portion of the addressing ordinance and how he determines if a name is a family name, which is not allowed in the ordinance. Canyon County ordinance states that a first name, last name or initials cannot be used for road naming, however, this is not a state code. Mr. Almeida has done research and there is no other municipality that has this rule. The Board would like to remove this portion from the ordinance and is supportive of Mr. Almeida and Director Fultz starting the process to amend the ordinance.

- Commissioner Smith asked about mapping of the expired CUPs and conditional rezones. Mr. Almeida said he has made progress but ran into some issues due to someone deleting the shape files on the 'O' drive so he had to recreate a majority of them. There will need to be a certain amount of research to determine the expiration dates and create letters notifying applicants of the expired application. Commissioner Smith would like to convert conditional rezones that haven't had any activity in 5 years back to ag land so there would need to be a list of those and initiate the map change.
- The new planner started Monday and she seems to be doing really well.
- All staff have been given assignments with different elements to complete for the comprehensive plan. Jenna Petrol is proofreading and going back thru some of the other documents. The revised version is going to look more similar to the 2020 plan than what was originally drafted. They are looking to reengage the community for input and Director Fultz has suggested that Ms. Dahl consolidate some of the group meetings. His vision is to have a 20-year plan but with more strategic plans within the larger plan. The goal is to have it completed and adopted by the end of the year.
- Planner Jennifer Almeida and Director Fultz will plan to attend the meeting Friday with the City of Star.
- The Planner I position will be reposted with the hope to eventually move that person into a Planner II position.
- In August Director Fultz would like to bring in a farmland preservation professional for a couple of days to spend one day dedicated strictly to DSD staff and a second day to include members of the ag community. The approximate cost is \$3000 plus travel expenses. Commissioner White requested to see a written-out presentation. The Board is supportive of this if it fits within his budget and asked to be kept updated at his regular weekly meetings.
- Director Fultz has had conversations with a couple different people regarding a hearing examiner. He recently spoke with a gentleman serving as the hearing examiner for the City of Caldwell. His rate is \$110 case and DSD is looking at 5-7 cases a month. This cost has been requested in the FY2022 budget. The only concern would be that if there were a case within the Caldwell area of impact but Mr. Fultz assured him those cases would not be passed to him. In response to a question from Commissioner White, Mr. Fultz explained in his experience with hearing examiners they tend to stay pretty focused, look at only the facts of the case and tend to run more efficiently. Ideally, everyone would like to see a hearing examiner start this summer. Mr. Lister is working thru the land use applications to weed out any that are incomplete.
- Job descriptions will be coming to the Board sometime in June for the Permit Tech II and Planning Director positions. In review of the positions, they may look to eliminate a Planner III position in order to convert it to a Planning Director position; the Building Inspector position seems to be a comparable position in salary range. He would also like to look at creating three separate divisions with division chiefs to oversee current planning, long-

range planning and economic development. Discussion ensued regarding compensation for these types of positions may look like.

- Director Fultz would like to consider looking for a contract planner to help with some of the subdivision applications that have been coming in, one suggestion is Jerom Wagoner. Commissioner Smith said she is in favor of bringing someone on to alleviate some of the workload on staff.
- The Planning and Zoning Commission applications have been reviewed and Director Fultz has no issue with either one. Commissioner Smith said that the Board would like to host a joint meeting between the BOCC and the P&Z Commission focusing on the significance of the FCOs.

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

MAY 2021 TERM

CALDWELL, IDAHO    MAY 27, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 574561 to 574589 in the amount of \$57,876.62
- The Board has approved claims 574471 to 574500 in the amount of \$20,583.18
- The Board has approved claims 574531 to 574559 in the amount of \$102,629.92
- The Board has approved claims 574501 to 574530 in the amount of \$38,788.99
- The Board has approved claims 574442 to 574469 in the amount of \$41,786.77
- The Board has approved claim 574560 in the amount of \$9,857.89
- The Board has approved claim 574470 in the amount of \$213.50

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved employee status change forms for Abigale Gregory, Canoe Science Camp Program Intern; Garrett Hays, Canoe Science Camp Program Intern; Haven Davis-Martinez, Canoe Science Camp Program Intern; Isabella Martin, Canoe Science Camp Program Intern; Cecilia Durcan, Canoe Science Camp Program Intern; Tom Moore, Juvenile Detention Assistant Supervisor

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The End Zone to be used 6/12/21 for Sprout Wedding and Paleteria Y Neveria Mi Linda Michoacana to be used 6/5/21 for Luna Wedding.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Fast Mart Nampa, Inc dba Fast Mart (Resolution no. 21-129)
- The Board approved an Alcoholic Beverage License renewal for Verns Lounge LLC dba Vern's Lounge; Tacos Y Mariscos El Compa LLC dba Tacos Y Mariscos El Compa (Resolution no. 21-130)

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:46 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom, and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-651; 2021-575; 2021-635; 2021-730; 2021-649.

Case no. 2021-636 meet the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens and lien releases were presented for Board signatures.

Director of Indigent Services Yvonne Baker presented a subordination request on case no. 2007-522. Discussion ensued regarding the applicant's request for subordination of the lien. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant the subordination request.

The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:05 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Mike Porter (left at 9:11 a.m.), Deputy P.A. Zach Wesley, Chief Deputy P.A. Sam Laugheed (arrived at 9:06 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:11 a.m.), Captain Harold Patchett (left at 9:11 a.m.), Facilities Director Paul Navarro, Fair Director Diana Sinner, Ken Fisher with Paradigm and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing amendment no. 7 to Food Service Agreement with Summit Food Service:*** Chief Dashiell provided a brief review of the amendment. This amendment is for a term running June 1, 2021 through September 30, 2022 with a cost increase of 2.7% per meal. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign amendment no. 7 to food service agreement with Summit Food Service (see agreement no. 21-035).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:12 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) regarding records exempt from public disclosure and attorney-client communication, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Fair Director Diana Sinner, Facilities Director Paul Navarro and Ken Fisher. The Executive Session concluded at 9:52 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.

## BOARD REVIEW OF FY2022 BUDGET MATTERS

The Board met today at 10:33 a.m. to review FY2022 budget matters. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, and Deputy Clerk Monica Reeves. There was discussion about giving the Fair Director the spending authority to set the price for

retails goods such as beer, hotdogs, and t-shirts, as well as concert tickets, as opposed to the Board setting the price for those things. Commissioner Smith will reach out to IAC and see if they have any written opinions on the matter. Commissioner White said she has never seen the cost of goods brought to the Board, and Commissioner Smith said that's because the price has not been increased. Apparently, Director Sinner was told by the PA's office she cannot increase prices without a fee schedule change and Commissioner Smith's position is it's not a fee, it's a retail good that's being sold. Discussion ensued about the difference between a fee and the cost of goods. Director Sinner has a fair board meeting and will see if she can get a recommendation from them and will see if it can be moved forward. Commissioner White said if events aren't paying for themselves it has to change; however, she does not want to put the liability on the department head. Following that discussion, the Board reviewed its budget via PowerPlan and decided to schedule a meeting with the Clerk and Controller to talk about having access to the PowerPlan notes for all elected officials and department administrators. They also want to discuss the following items: a funding plan for the community groups; 4-H and Fair funding; and the spending authority for the Fleet Director for vehicle purchases which will warrant further discussion with the Clerk, who has the statutory authority to build the budget. The Board also wants to have a discussion with the County Agent about staffing levels and responsibilities now that they are not managing the livestock showings at the Fair. The meeting concluded at 11:03 a.m. An audio recording is on file in the Commissioners' Office.

#### BID OPENING - PURCHASE OF A THERMAL IMAGING KIOSK FOR THE DALE HAILE DETENTION CENTER

The Board met today at 11:04 a.m. to open bids for the thermal imaging kiosk for the Dale Haile Detention Center. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Captain Harold Patchett, Deputy PA Mike Porter, and Deputy Clerk Monica Reeves. Bids were due no later than May 27, 2021 by 10:59 a.m. and were received as follows:

**OD Security North America**

416 Island Park Drive  
Daniel Island, South Carolina 29492  
Date received: May 20, 2021  
Bid amount: \$159,500.00

**Command Sourcing, Inc.**

6100 Horseshoe Bar Road, Ste. A #228  
Loomis, CA 95650  
Date received: May 26, 2021  
Bid amount: \$141,000 with an optional extended warranty add-on of \$10,000

**Tek84, Inc.**

13495 Gregg St.

Poway, CA 92064  
Date received: May 26, 2021  
Bid amount: \$169,400

**Adani Systems, Inc.**

13631 Polar Circle  
Conroe, TX 77304  
Received May 26, 2021  
Bid amount: \$170,698.12

*Upon further review it was noted that Adani had three separate bid amounts: \$170,698.12 (exceeds specifications); \$112,501.75 (meets specifications); and \$270,352.62 (exceeds specifications).*

Captain Patchett will review the bids and identify the qualifying bids, compare the scope of work, and identify the low bid, and then the Board can direct the preparation of a notice of intent to award. The first action the Board will take is signing a contract which will come later. Commissioner Van Beek said we don't have to take the lowest bid, we can take what's in the best interest deemed by Captain Patchett, his staff and key stakeholders. Mr. Porter said the scope of work drafted by Captain Patchett will decide the qualifying bid, and if for some reason there's a problem then we can talk about what is best for the County. Commissioner Smith said the lowest qualified bidder will be identified. The meeting concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

**MAY 2021 TERM**

**CALDWELL, IDAHO    MAY 28, 2021**

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

**APPROVED CLAIMS**

- The Board has approved claims 574625 TO 574652 in the amount of \$20,731.28

**APPROVED CATERING PERMIT**

- The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 6/12/21 at Lauren Cable wedding; O'Michael's Pub & Grill to be used 6/26/21 at Cynthia Lusebrink wedding.

#### SIGNED RESOLUTIONS FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Parma Ridge Wine & Spirits Co LLC dba Parma Ridge; Percept Brands LLC dba Ste Chapelle Winery/Sawtooth Winery; NKVS LLC dba Lakeshore Market; Eva Contreras De Cuevas dba Tacos El Centro (Resolution no. 21-132)
- The Board approved an Alcoholic Beverage License renewal for Taqueria Mexico Chiquito LLC dba Taqueria Mexico Chiquito (Resolution no. 21-133)
- The Board approved an Alcoholic Beverage license renewal for Campos on Lonestar dba Campos on Lone Star; Khanpur LLC dba Friendly Fred's; Armgusher LLP dba Nampa Gusher; Kerry Hill Winery LLC dba Kerry Hill Winery (Resolution no. 21-134)

#### CONSIDER MAY 28, 2021 ACTION ITEMS

The Board met today at 8:49 a.m. to consider the May 28, 2021 action items. Present were: Commissioners Leslie Van Beek and Pam White, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Resolution granting a transfer alcoholic beverage license to Armgusher LLP dba Nampa Gusher –***

The Board had questions about this license because someone had crossed out payment amounts on the paperwork so the additional research needs to be completed.

***Resolution granting a transfer alcoholic beverage license to Khanpur LLC dba Friendly Fred's –*** This license indicated an amount change from \$3,000 to \$5 so the Board wanted additional information about this license as well.

***Vendor License Agreement with Ride the Water, LLC –*** The Board decided to postpone this item until Parks Director Schwend and a representative from the PA's Office can be present to discuss the agreement.

The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – REQUEST BY SHILO HIXON (WATTS) FOR A CONDITIONAL REZONE, CASE NO. RZ2020-0020

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Shilo Hixon (Watts) for a conditional rezone of approximately 28.96 acres from an "A" (Agricultural) zone to a "CR-RR" (Conditional Rezone/Rural Residential) zone, Case No. RZ2020-0020. Also requested is a development agreement which will restrict the development of the site to three (3) residential lots. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD



Director Steve Fultz, DSD Planner Jennifer Almeida, Shilo Hixon, John Healey, and Deputy Clerk Monica Reeves. The subject property is located at 22750 Arena Valley Road in Wilder. The P&Z Commission recommended approval of the conditional rezone and development agreement on January 7, 2021. Their recommendation was forwarded to the Board who made a material change to the recommendation by denying the request on February 24, 2021 and therefore a second hearing was required and is being held today. Commissioner Van Beek disclosed that her husband works for Simplot and they have farming operations in that area but that will not prevent her from making an informed decision in this case. Jennifer Almeida gave the same oral staff report she presented at the February 24, hearing. The applicant is requesting a "CR-RR" zone which has an average minimum lot size of two acres. The property is designated as agriculture on the future land use map. The property does not have water rights available to it. The applicant has agreed to restrict the development to three lots. One of the proposed lots contains the existing residence, and as restricted by the development agreement, the proposed parcels would be of a size that would not interfere with surrounding agriculture. The primary zoning district is agriculture. There are no platted subdivisions within one mile. The P&Z Commission recommended approval and staff has found, as restricted by the development agreement, that the request complies with the criteria for a conditional rezone, and staff is recommending approval of the request. Following her report Ms. Almeida responded to questions from the Board. John Healey, who is Shilo Hixon's representative, testified in support of the request. The property is deemed nonviable farm ground and is assessed as rural residential by the County. He said Mr. Hixon embraces the agricultural community and has been a part of it all of his life and he is only asking for an avenue to utilize his private property as he sees fit. The subject property does not have water rights and has never been farmed. All neighbors have given a vote of confidence for the two additional parcels; one parcel to build a shop/house with living quarters; and one parcel to be reserved for his 14-year-old daughter to potentially build a house later in life. The property is not economically viable ag ground. As defined by Canyon County, the purpose of a rural residential zone is to encourage and guide growth in areas where a rural lifestyle may be determined to be suited. There are pockets of property within all zones that do not meet the zoning designations letter-for-letter and so exceptions are needed, reasonable ones at least. Mr. Hixon has obtained approval from the P&Z Commission; has signed a development agreement; has received letters of support from the Watsons and Simplots who have large farming operations in the area; and the neighbors have no problem with the request. No new wells will need to be drilled for many years. Following his testimony, Mr. Healey responded to questions from Commissioner Van Beek regarding the letters of support that were submitted and the fact that they were not on company letterhead. Shilo Hixon testified in support of the application and stated he is only asking for two additional lots on ground that is not economically viable and cannot be farmed. It has no water rights and is taxed by the County as residential. Mr. Hixon has the support of property owners in the area. Commissioner Smith said property taxes are based on the use of the property and there are ways to get agricultural exemptions and she suggested he speak to the Assessor about that. The way the land is assessed is not how the land is zoned – they are not tied together. It's not an area for rural residential lots. She hopes Mr. Hixon has an opportunity in the future, but the timing is not right. Commissioner Van Beek had follow-up questions for Mr. Hixon, and she asked Director Fultz if there anything in the works that would help Mr. Hixon overcome what we have for criteria under a conditional rezone. Director Fultz said there are some drafts to the ordinance with a potential

additional classification for a residential-type of use that would be in the ag area. It is currently under review and there is the potential to do something. Commissioner Smith said the time is not correct to rezone any of this area to rural residential. She's torn because the ordinance provides for opportunities for this land to be divided. This property has already exercised additional rights with the nonviable opportunities that were provided in the prior ordinance to create the four parcels. The current ordinance also allows for Mr. Hixon to build a secondary residence for his daughter, and there are options that are available. One of the goals of the comprehensive plan is to protect agricultural land from incompatible development. The testimony we have heard from large companies and irrigation districts is that residential development hinders their ability to do their job, and the right-to-farm does not help them mitigate any of the concerns because it just takes one phone call to the Department of Agriculture and a full inquiry into the issue begins which takes away time from the farmers. Mr. Hixon and Mr. Healy referenced a development that was approved a mile away. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White said she has not changed her opinion on this matter; land decisions are made on a case-by-case basis and there are houses on every corner in this area, and there is no opposition from any of the farmers. She believes it's a good proposal. It has never been farmed there are no water rights, and the applicant has agreed to a development agreement. Commissioner Van Beek does not find it is generally consistent with the comprehensive plan because it does not provide orderly development, it is a spot rezone. Commissioner Smith directed staff to make changes to the FCO's that would support a denial, specifically that it's not consistent with the comprehensive plan map or text, specifically the agricultural components. It is not more appropriate than the current zoning designation. Commissioner White said the current zoning is agriculture, but there are no water rights and the property has never been farmed. She does not feel it will change the area. Commissioner Van Beek said changing the comprehensive plan map designation is serious and it changes what future development goes into that. The Board is given specific criteria to make decisions on and she does not have a legal finding on how to overcome the criteria she is charged with. Commissioner Smith said two commissioners are saying the proposed zone is not more appropriate than the current zone and so that will be a finding, and the comprehensive plan finding need to be modified. The proposal could cause further encroachments into the area. Additional Board discussion ensued. Commissioner Van Beek made a motion to deny the conditional rezone request for Case No. RZ2020-0020 and direct staff to prepare FCO's based on the deliberation. 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. In regards to what the applicant can do for future consideration, Commissioner Smith said it's a timing issue and he has to wait. It's going to be some time before development is approved in this area, or before there is an amendment to the ordinance that would allow for Mr. Hixon to have additional building lots in an agricultural setting. The hearing concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:05 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner (left at 10:27 a.m.), Recorder/Passport Specialist Mary Ann Brown (left at 10:09 a.m.), City of Star Mayor Chadwick and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Resolution granting a transfer alcoholic beverage license to Armgusher LLP dba Nampa Gusher:*** Ms. Brown explained that the applicant didn't realize he only had to pay transfer fees at this time and then will have to pay the renewal fee after May 31<sup>st</sup>.

***Consider signing resolution granting a transfer alcoholic beverage license to Khanpur LLC dba Friendly Fred's:***

Commissioner Van Beek made a motion to sign resolutions granting a transfer alcoholic beverage licenses to Armgusher LLP dba Nampa Gusher and Khanpur LLC dba Friendly Fred's (see resolution no. 21-131). The motion was seconded by Commissioner White and carried unanimously.

***Consider signing agreement with HC Company Inc. for the Canyon County Fair Expo Construction Project:*** Mr. Wesley reviewed some of the revisions made to the contract mainly concerning the operable partition and the ceiling materials. Total price is \$7,696,580. Mr. Wesley addressed several points within the contract and questions posed by Commissioner Van Beek. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreement with HC Company Inc. for the Canyon County Fair Expo Construction (see agreement no. 21-037)

***Consider signing vendor license agreement with Ride the Water, LLC:*** This is a company that rents paddleboards at Lake Lowell and lease a parking space there. This agreement has been renewed for several years but in the future Commissioner Smith would like to see this type of contract more closely match the Fair vendor agreements. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the vendor license agreement with Ride the Water, LLC (see agreement no. 21-036).

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

#### MEETING WITH CITY OF STAR OFFICIALS REGARDING THE STAR IMPACT AREA

The Board met today at 10:35 a.m. with the City of Star officials regarding the Star impact area. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, City of Star Mayor Trevor Chadwick, Councilman Michael Keyes, Councilman Kevin Nielsen, Star City Attorney Chris Yorgason and Deputy Clerk Jenen Ross. Commissioner Smith said that a constituent brought to the Board's attention which prompted the Board to send a letter asking to negotiate an area of impact. Since that time Mayor Chadwick has appointed his three members to the committee which include himself and councilmen Keyes and Nielsen, additionally, the three Commissioners will participate

on the Board, leaving three spots to be filled. The city provided a list of four potential nominees and a map indicating where each person lives (a copy of the document is on file with this day's minutes). Discussion ensued regarding how each nominee was selected, their background information, what they could provide to the committee and characteristics that would make them good members. Commissioners Van Beek and Smith recommend Alan Mills and Spencer Kofed for the committee and provided the qualifications that they feel would make them a good fit for the committee. After discussion regarding all the candidates it was decided that Richard Edgar, Kevin Wheelock and Spencer Kofed would be asked to serve. Alan Mills will be an alternate option if Mr. Kofed declines. The Board will draft a letter with a copy to the city asking the nominees to respond by June 1<sup>st</sup>. the meeting concluded at 11:04 a.m. An audio recording is on file in the Commissioners' Office.

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

DATED this 24<sup>th</sup> day of September, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

Leslie Van Beek  
Keri K. Smith

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk

JUNE 2021 TERM  
CALDWELL, IDAHO     JUNE 1, 2021

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

FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for April 2021

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

The Board met today at 8:37 a.m. for a monthly meeting with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. The following items were discussed:

- Mr. Decker said his budget has been submitted. He has met with the Clerk and Controller and will meet with the Board on June 17<sup>th</sup>. Commissioner White would like to see Mr. Decker have spending authority. This will be his 10<sup>th</sup> year with the county although he's not sure where he's at in the compensation plan but he did present info to the Clerk and Controller comparing his salary to other area PIOs. Commissioner White is supportive of Mr. Decker receiving an increase in pay. Nothing is included in his budget for capital improvements although a bid of NTE \$35,000 from Director Navarro to expand the PIO office space was provided to the Clerk and Controller. As an alternative they've offered use of a spare office in the Records/Audit office that could be used if necessary.
- Commissioner Smith said she would like to see information on the percentage of work Mr. Decker does for the other EOs, priority of work, etc. She thinks perhaps in the future a part-time social media manager would be a good additional person. Mr. Decker believes he can get the Board a rough estimate of the work he does and give an idea of the greatest need.
- In regard to the State of the County project all the EOs asked Mr. Decker to create a general statement on their behalf. Commissioner Smith feels that if the other EOs don't want to participate they can just be removed from the project. Commissioner Van Beek agrees with Commissioner Smith. It will instead just be a message from the Board and an illustration of what Board departments have accomplished. Mr. Decker said he will get it finalized this week and to the Board for review. Commissioner Van Beek said she would still like a video

to be done. Commissioner Smith feels a video might be better to do at the end of the year since we're already so far into 2021.

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

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

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Mike Porter, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Sheriff Kieran Donahue (left at 9:28 a.m.), Captain Harold Patchett (left at 9:28 a.m.), Assistant Park Director Laura Barbour (left at 9:07 a.m.), Attorney Carl Erickson, Attorney Blake Hall (joined via Webex at 9:07 a.m.) and Deputy Clerk Jenen Ross.

***Consider signing Canoe Camp Registration Services Agreement between the City of Nampa Recreation Department and Canyon County:*** Mr. Robertson said he's reviewed the documents and there is no legal reason not to sign. The City of Nampa will manage the registrations and fee collection. Ms. Barbour explained this is a 5-day camp and they will run 4 to 5 sessions. A \$50 fee for the program was approved last year. The fee collected will be split between Canyon County and the City of Nampa. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Canoe Camp Registration Services agreement between the City of Nampa Recreation Department and Canyon County (see agreement no. 21-038).

A review of the bids received for the thermal imaging project was given. Mr. Ported noted for the record that when the bids were opened there were 4 packages opened but the bid from ADANI contained 3 bids which was not realized at the time. There was a total of 6 bids all received in a timely manner. Cpt. Patchett has reviewed the criteria laid out in the scope of work to determine which of these bids would meet or qualify for the first phase, meeting all the scope of work requirements.

Cpt. Patchett explained that spacing was one of the biggest criteria when considering these machines. Many of the machines are similar in their functionality and meeting the needs of the jail to stop drugs and weapons from coming into the facility. The room in which this machine will be located is a 10'x12' space and on the surface all of the machine met that criteria. However, when evaluating 4 of the machines they are 9' only leaving a 1' clearance to move around the machine. Mr. Ported explained that in the IFB, one of the criteria is that the machine must fit in the space but also allow room for staff to move around it. Commissioner Smith noted that ADANI page 31 of 36 was being reviewed, which is the Compass Smart DV machine, Mr. Porter said that the same holds true for the OD Security SOTER RS and Compass LTE. Technically 3 of the 6 bids fit the first half of the of the requirement that the machine fit into the room, but do not meet the

second half requiring staff is able to safely move around the machine. Mr. Porter said that 2 of the 3 from ADANI and the one from OD Security are all too big. Cpt. Patchett said the machine from Tech 84 is a much smaller machine but it works in a way that the inmate steps in and out and they are wanting something that can be accessed from both sides in case of a combative situation. Mr. Porter explained that Command Sourcing, Tech 84 and ADANI Clearpass were the 3 remaining after the space issue was taken into consideration. Of those 3, the bids were as follows: ADANI at \$170,000, Tech 84 at \$169,000 and Command Sourcing at \$141,000. Cpt. Patchett said it was between the ADANI machine and the Command Sourcing in regard to which met the basic criteria. Mr. Porter said with just two left the options would be presented to the Board based on price. It was noted in the IFB that an available additional warranty was requested. A 5-year warranty was assumed for comparison purposes only - Command Sourcing price is \$141,000 and includes a 2-year warranty, if the warranty were to be extend (3 years) it would increase the cost to \$171,000. The ADANI Clearpass comes with a 5-year warranty at \$170,698.12. The ADANI machine is approximately \$300 less than the Command Sourcing machine but the warranty was not a requirement in the IFB. The Board is being asked to consider just the cost of the machine in the decision to award. Commissioner Smith asked if a bid from ADANI could be requested excluding the warranty costs. Mr. Porter said that he would rather not because then the same request would have to be made of the other four bids. It would require another round of negotiation and that is not how an IFB works – it's qualifying and lowest bid. It is up to each bidder how they choose to package their bid. Since the warranty wasn't a requirement of the IFB it is requested that be excluded from consideration of the lowest bid.

Commissioner Van Beek asked Cpt. Patchett to give his opinion on which machine he feels will work best for his office based on longevity, functionality, features, etc. if price was not a consideration. Cpt. Patchett said since the last meeting he tried to reach out to references from each bidder but was only able to get ahold of the references provided by Command Sourcing, the others did not return his phone calls. The references he received about the Command Sourcing machine said they were very pleased with it and had no issues. One agency had a small 'hiccup' but they were able to call tech support and the issue was resolved immediately. Based on a question from Commissioner Van Beek, Cpt. Patchett spoke about some of the differences of the two machines – the ADANI machine doesn't have any moving parts and new technology will give highlighted boxes indicating area of special interest although he is on the fence about this feature as he doesn't want staff to become reliant on the feature. In regard to the Command Sourcing machine, there is a conveyor belt. Commissioner Van Beek noted that it was noticed by Ada County that there was concern about the conveyor belt causing a false notification. Cpt. Patchett said that is a concern with all the machines. When he was talking to different agencies about the machines he heard that even in the machines with no moving parts even movement by the inmate can cause a false notification. It is something they would have to combat in the training of staff. Sheriff Donahue said that he concurs with Mr. Porter and that everyone had the same opportunity to offer the lowest bid. Command Sourcing comes with a 2-year warranty within the lowest bid so he is comfortable with that. It is still unknown if a longer warranty will be necessary or if the money needs to be spent. In his opinion it's problematic that no other references would return calls. Additionally, several other purchases have been made from Command Sourcing; they have a great reputation and CCSO has never been disappointed with a purchase or addressing any concerns



that may have arisen. He is very comfortable with how this project has turned out and with what the team has done and the legal advice that has been provided.

Discussion ensued about a new detention facility, how this machine would fit into it and potential options for financing.

In response to a question from Commissioner Van Beek, Cpt. Patchett indicated the life expectancy of the machine is not completely known. He knows of agencies that have had machines in place for several years.

Commissioner White asked about the ADA accessibility of the machines. Cpt. Patchett indicated that only the Command Source machine could accommodate a wheelchair. Commissioner Smith said that the ADANI information says that it is ADA accessible with wheelchair compatibility.

Mr. Porter said that the record created to protect the county is that there was a list of criteria, several bids were eliminated and ended with two bids that were qualifying and of the two qualifying the lowest is chosen. While all the other information discussed today is relevant and useful it would not be a factor the Board should consider in order to stay within the procurement laws of the State of Idaho. In response to a question from Commissioner Smith, Mr. Porter said there was one machine from ADANI that had a lower bid than Command Sourcing but there were a couple areas of concern; one being that the machine doesn't fit in the room as desired, making it unsafe for deputies to move around it and two there is an issue with the resolution of the screens but that wasn't something considered in the evaluation of each machine.

Mr. Porter said there will be a notice of intent to award and himself or Cpt. Patchett will send out a letter noting the discussion and outcome of today's meeting.

There was a request to go into executive session as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 9:29 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding a personnel matter, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Carl Erickson and Blake Hall with ICRMP. The Executive Session concluded at 10:33 a.m. with no decision being called for in open session.

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

## MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 10:38 a.m. for a monthly Elected Officials' meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Controller Zach Wagoner, Prosecutor Bryan Taylor, Sheriff Kieran Donahue (arrived at 11:25 a.m.) and Deputy Clerk Jenen Ross. The following topic were discussed:

Assessor Brian Stender said that assessment notices were mailed last week; Average increase is 30%. He has been working to get the homeowner exemption pushed thru; the bill that went thru increased it to \$125,000.

Based on a question from Commissioner Smith, Mr. Wagoner explained that the 2021 budget did not include a COLA; only employees who were affected by the step program received increases. In 2020, there was a 2% COLA given. Clerk Yamamoto said at this point they are about half way thru with budget meetings and most things have remained the same, however, there will be increases in the 'A' budget just due to additional personnel. Commissioner Smith would like to see what the impact to the budget looks like with the additional support staff for the new judges coming on.

Clerk Yamamoto spoke to his frustration with HB389. It is a very complicated process and a timeline that is unattainable. He doesn't have concerns in regard to property tax in Canyon County, the concern is what will happen next year. At this point he can't answer what the Clerk's budget will look like because there are too many moving pieces. He anticipates that many of the local taxing entities are going to pull all of their foregone and thinks that will also be looked at for Canyon County. Treasure Lloyd explained that her greatest concern is the administration portion because there is so much room for error. Assessor Stender said the State Tax Commission issued an original guidance document that tried to address the main points of the bill but there have already been two amendments issued and all of the questions asked have still not been addressed.

The CARES monies should be deposited this week. Commissioner Smith would like to have a joint meeting to discuss use of those monies. Clerk Yamamoto said the non-BOCC EOs have a priority list starting with storage and auto license. Unfortunately, with so many things still unknown with ITD that may be on hold for another year. Assessor Stender spoke about the new program ITD is planning to roll out which will allow people to register their new vehicle purchase from home. This, along with a bill that was passed allowing a number of companies to work with dealerships to process paperwork for customer will reduce the revenue and transactions in his office. With all this change, Assessor Stender is not sure what the future of the DMV is going to look like so he doesn't want to buy or build anything at this point. He hopes to have a better picture of things by September. Discussion ensued as to what it may look like if the State took over the vehicle registration portion of DMV. Assessor Stender hopes to meet with the Governor's office along with ITD and transportation committee leadership to get a better idea of where all of this is headed in order to start better planning.

Prosecutor Taylor reported that his office has processed approximately double the amount of felonies. He feels it's mostly due to a growing population. They are having a hard time keeping younger attorneys, many are moving on to higher paying entities. He feels that without cost of living raises there will continue to be a trickle-down affect because they are losing staff to fairly small amounts of money. In response to a question from Commissioner Smith, Prosecutor Taylor believes that the compensation plan hinders the ability to negotiate for the professional level employees.

Clerk Yamamoto said that in the last two months they've lost 8 Court Clerks. Half of them left for increased pay and the other half left for work-from-home opportunities.

Prosecutor Taylor spoke about how he thinks it's time get the compensation plan caught back up and make the county competitive salary-wise. Commissioner Smith said she would like to see some negotiating room in the compensation plan for the professional/salaried employees. Discussion ensued in regard to making the county more equitable to other area agencies. Sheriff Donahue spoke about the recent loss of employees in his Office.

The meeting concluded at 11:30 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:34 a.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, HR Generalist Jennifer Allen (left at 11:49 a.m.), Controller Zach Wagoner (left at 11:49 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing resolution to adopt the changes to the title, salary, job description, and FLSA status of two (2) positions in the Development Services Department:***

Director Fultz explained there are two jobs they are looking to make a change to. The first job is a Building Permit Tech I – there is an employee in place doing the Tech I job but has taken on responsibilities outside of that job description so the recommendation is to move that person to a Tech II position. Director Fultz said the employee meets the qualifications for the higher position. There is also an employee in a Planner III position that Mr. Fultz would like to change to a Planning Director position. Commissioner Smith would like to see the Planner III position as an exempt position with higher pay as generally employees in those positions are not able to take vacation/compensation time and tend to accrue a large balance. Mr. Wagoner explained that a certain amount of comp time is paid out at the end of the fiscal year, generally 20 hours are allowed to be carried over to the new fiscal year. The Board has requested the amount paid out in comp time. Discussion ensued as to how to implement changes from non-exempt to exempt for

the Planner III position. In response to a question from Commissioner Smith, Jennifer Allen explained that the Planning Director position will be opened up to those currently in Planner III positions so with one of those employees moving to the Planning Director position it would be a change in job title and moving from non-exempt to exempt. Controller Wagoner further clarified that today's resolution is to change one current Planner III position to a Planning Director position. Additionally, he noted that if the Planner III that moves up has a comp balance at the end of the fiscal year it would need to be paid out. In response to a question from Commissioner White about where this will leave the office staffing-wise, Director Fultz said his vision is to move his department into areas of specialty. Assuming a Planner III moves up he would look to make one of the other two over current planning, the other one over long-range planning and then possibly a third element which would be an Economic Development Specialist. At this point he would not look to hire another Planner III but rather an Economic Development Specialist. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to adopt the changes to the title, salary, job description, and FLSA status of two (2) positions in the Development Services Department (see resolution no. 21-135). Commissioner Smith noted for the record that she would like to see a commitment to move the Planner III position from non-exempt to exempt by the end of the fiscal year, Commissioner Van Beek provided support for this.

Director Fultz continued with the meeting updating the Board on the following:

- Application fees collected for the month of May were \$279,946.09 (this doesn't include impact fees).
- An org chart was provided to the Board illustrating potential revision to the structure of the office. A copy of the chart is on file with this day's minutes.
- At this point all cases have been assigned. 58 new cases have been assigned and a letter has been drafted to be sent out letting those people know that DSD will continue to work with them. He would like to do an assessment in a month or two to see how busy the summer will be and how the DSD staff is able to handle things. He is hoping to be able to handle the workload with a contract employee.
- A comprehensive plan critical path spreadsheet was reviewed with the Board. A copy of the spreadsheet is on file with this day's minutes. Consensus is that a January date can be achieved and everyone has been given their assignments. They will be meeting on a weekly basis to discuss.

The meeting concluded at 12:03 p.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED CLAIMS

- The Board has approved claims 574700 to 574731 in the amount of \$24,131.48
- The Board has approved claims 574653 to 574699 in the amount of \$26,320.25
- The Board has approved claims 574590 to 574624 in the amount of \$78,236.95
- The Board has approved claims 574732 to 574767 in the amount of \$9,538.49

APPROVED CLAIMS ORDER NO. 2118

- The Board of Commissioners approved payment of County claims in the amount of \$1,685,407.06 for a County payroll.

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Annette Taylor, Interpretive Specialist; Janie Moore, Interpretive Specialist; Hayley McLane Peterson, Interpretive Specialist; Jessica Sweeney, Interpretive Specialist; Terry Srodawa, Interpretive Specialist; Katelyn Webster, Interpretive Specialist; Dylon Starry, Visitor Services Specialist.

SIGNED DUPLICATE COPY OF ALCOHOLIC BEVERAGE LICENSE

- The Board signed a duplicate copy of an Alcoholic Beverage License for Alejandras 1 LLC dba Alejandra's Mexican Restaurant. The original license was signed on May 19, 2021, but was misplaced by the applicant.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for The Tilted Ace LLC dba The Tilted Ace; Evergreen Restaurant LLC 1313 dba Outback Steakhouse (Resolution no. 21-136).

RESCHEDULE PUBLIC HEARING - REQUEST BY BOYD BATES FOR A REZONE: CASE NO. RZ2021-0004

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Boyd Bates for a zoning map amendment (Rezone) of Parcel R29569010 from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone, Case No. RZ2021-0004. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. The applicant was not present for today's hearing therefore the matter needs to be rescheduled. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to June 10, 2021 at 10:00 a.m. The hearing concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED PUBLIC HEARING – REQUEST BY GREG SCHATZEL FOR A REZONE FROM AGRICULTURE TO SINGLE-FAMILY RESIDENTIAL, CASE NO. RZ2020-0027

The Board met today at 1:35 p.m. to conduct a public hearing in the matter of a request by Greg Schatzel for a rezone from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone, Case No. RZ2020-0027. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Greg Schatzel, Alan Mills, Darin Taylor, Nancy Farnsworth, Terri Slay, Don Janak, Mikel Bartol, Middleton City Clerk Becky Crofts, Middleton City Planner Roberta Stewart, other interested citizens and Deputy Clerk Monica Reeves. Today's hearing was continued from May 5, 2021 where testimony was left open for the following new information:

1. Staff will contact Idaho Dept. of Water Resources (IDWR) and Dept. of Environmental Quality (DEQ) regarding well levels and the water table.
2. Southwest District Health (SWDH) requirements regarding the lot and potential future development.
3. Cost comparisons shall be provided to address the comparison between bringing services or allowing individual wells and septic systems.
4. Obtain more information about pre-annexation agreements.
5. Have a review by Canyon Highway District regarding their request versus one access for future development.
6. Correct the Findings of Fact, Conclusions of Law, and Order (FCO's).

Dan Lister submitted corrected FCO's from the P&Z Commission which accurately reflect the Commission's recommendation which was a denial. *(The original document erroneously referenced a recommendation of approval.)* He said staff did not receive any comments from IDWR or DEQ regarding well levels or the water table, however, staff has provided soils map from the USDA web soils survey which identified the soils on the property. The soils show a depth to water table of 18 to 36 inches, and in some locations it's 36-60 inches. This is a high groundwater area. Staff also provided well reports from that area from 1972 and from 2005. Staff received a letter from SWDH stating they know it's a high ground water area so future development will require monitoring and onsite evaluation before a subdivision engineering report can be

reviewed/approved. Monitoring can take up to a year. Upon discussions regarding city services SWDH said they can only make recommendations for connections to existing systems if available. The only time they can recommend connectivity is if the development is within 200 feet from city services. The existing services are over 1,600 feet away. The Board requested cost comparison information between city services and placing advanced treatment systems on each lot, but neither the applicant nor city provided those cost comparisons. Mr. Lister said the Canyon Highway District provided comments regarding the abandonment of the future road connection of Whisper Creek Drive stating modifications to the adopted functional classification map will require a highway district board approval and possibly a comprehensive plan map amendment through the County. The district is also saying this might require a study to see if there are any impacts by removing the connection. The corridor plan for State Highway 44 shows that the existing roads of Whisper Creek Drive and Buskirk Drive will be restricted to right-in/right-out only at that point when that plan is in place and therefore that connection will provide that left turnout access onto Highway 44. The highway district finds that it is still needed but a modification could be requested by the applicant. The last requirement was a pre-annexation agreement and Exhibit #14 shows the emails between the City of Middleton and the applicant's representative. The applicant is willing to enter into a pre-annexation agreement subject to no extension of city services, and the city accepted the agreement subject to the extension of city services; there was not an agreement at the end of the day. Mr. Lister addressed the late exhibits that were submitted. The P&Z Commission has recommended the case be denied. Staff initially recommended approval and felt a lot of the concerns by the public could be addressed at the subdivision stage, but the P&Z Commission found that without a development agreement and due to cumulative impacts related to traffic it could not be supported. Following his report, Mr. Lister responded to questions from the Board.

**Testimony in support was as follows:**

Darin Taylor, who gave testimony on behalf of Greg Schatzel, stated the applicant contacted him to help coordinate with the City of Middleton. He referenced emails between himself and Middleton City Clerk Becky Crofts dated May 28, 2021, where Ms. Crofts said procedurally it would seem now is the time to discuss the water/sewer extension since they are at the beginning of the project and zoning has not been established. He let Ms. Crofts know that five months ago would have been the right time to talk with the developer about extending water and sewer when they were determining the scope of the project as well as the timing and costs involved. Coming to the Board's hearing at the end of a rezone process is not the right time to start those discussions. Individual wells will provide potable water. The developer has frontage on Lansing Lane and 50 feet at Highway 44. ITD and Canyon Highway District are taking steps to consolidate the intersections to change the configuration so it's right in/right out so the traffic will flow better, and they have constructed right turn lanes from Highway 44 onto the north/south roads. Mr. Taylor said the applicant shares the same recognition of long-term community design for the area between Middleton and Star, including the provision of water/sewer services. The issue is timing for those extensions when it's contiguous property-to-property that makes sense. When somebody is requested to extend it more than a ¼ mile it makes a lot less sense. When he met with the city he understood the water/sewer would need to go through the subject property to vacant land at the other end of the property. After that meeting he realized a more direct path is

to come from 9<sup>th</sup> Street and Lansing Lane due south to the intersection of Lansing Lane and Highway 44, which is where the city is wanting to serve those future vacant lands. They were not able to come to an agreement; the applicant is willing to sign the pre-annexation agreement that consents to annexation and the city would like the applicant to sign the one that says they will pay for water and sewer ¼ mile, plus to and through the subject property. That expense and that much offsite at this time is not in the applicant's plan. The County's comprehensive plan and subdivision ordinance apply in the Middleton area of city impact. The character of the area is suburban with a myriad of residential acreages, overhead utility transmission lines, and collector and arterial roads. The property is in an urbanizing area with properties that are zoned commercial and residential. They meet all eight criteria that the County is required to consider. Commissioner Van Beek asked why the applicant did not provide a cost comparison for bringing services to the area versus allowing individual wells and septic systems. Mr. Taylor said he did not know about that until two hours ago. There are three levels of numbers when talking cost comparison: a planning level cost which is a guess at the beginning of the project, then the planning level numbers when you have a concept plan, engineered drawings, and agency responses, and the third set is actual bid numbers which are received after you have approved construction plans. Even if he had known the Board asked for cost comparison numbers, it would just be planning-level numbers because you cannot get contractors to give you a number for a planning level. Mr. Taylor continued responding to questions from Commissioner Van Beek once his testimony concluded.

Alan Mills testified in support to the request and he referred to a 1969 study by IDWR that shows the aquifer has come up which, in his opinion, is because of Black Canyon irrigation being pumped from the Payette River onto the bench and finding its way into the aquifer. They had their predevelopment agreement with SWDH in April have had eight weeks of testing where they monitor every week and send in reports and do what SWDH requires. He has lived east of the subject property for 33 years and does not know of a failure of a septic system in this area. On this project there will be a septic engineering report and they utilize state-of-the art systems. They will follow the advice of the highway district, and as far as he knows the neighborhood is unanimous in pursuing the route of trying to get Whisper Creek Drive not to be an access onto the property. Mr. Mills said an impact fee committee is being established and he fully expects when the lots become for sale next year they will be paying impact fees; those improvements will go for the improvements at Lansing and Highway 44. Duff Lane, Lansing Lane, and Kingsbury Road are on the list and will be determined by use. He said it would make no sense to do improvements now to Lansing and Highway 44 because they would have to be torn out when the improvements go in. The comprehensive plan analysis has 25 elements in favor of the request and there are two that could not be found in favor in the staff report. He can think of seven (7) rezones nearly exactly the same as this one where there was no opposition from the City of Middleton. He had no knowledge the city would reverse its position on this rezone. This is a rural area and there is a backlog of people who want a rural lifestyle but we are short on inventory. Following his testimony Mr. Mills responded to questions from the Board regarding the road issue and access issue.

Nancy Farnsworth, who lives in Whisper Creek Estates Subdivision, testified that the HOA and the neighbors support the proposed R-1 zone change. The applicant has the right to develop his



property as he sees fit subject to health and safety requirements governed by Canyon County codes and ordinances. The proposed development is compatible with the existing neighborhoods in the area and will enhance the current and residential development in the area. R-3 zoning, as proposed by the City of Middleton, is incompatible with the development in this area. Canyon County has provided many families with the well sought-after rural lifestyle and community and this proposed development will ensure the continuation of that lifestyle. She said the representative from the City of Middleton seems to challenge the very fabric of the area through the push of high-density homes. The rural lifestyle of the area assists in promoting and maintaining the roots of agriculture and the larger lots proposed will provide the space residents need to raise animals. Ms. Farnsworth testified if the highway district requires Whisper Creek Drive to be connected through she will contest it due to concerns about widening and congestion. Following her testimony Ms. Farnsworth responded to questions from the Board.

Terri Slay testified there is a large safety hazard because the road is not meant to handle more traffic than it already takes and so to do anything else with the road is going to “mess with their livelihoods.” She wants to see R-1 zoning but she doesn’t want to see the road connected through. Don Janak stated there will be no need for Whisper Creek Drive to be connected to the development; however, if the project density is increased there may be a need for another access, but nobody in the area wants that. With the new technology that’s available he does not believe there will be a problem with septic tanks. The city says it can bring services in but they don’t say how much it costs each month to take care of the water/sewer, but it’s more than a property owner will pay to put in a well and septic tank. Mr. Janak has lived on his property for 20 years and has not experienced any problems with his well.

Mikel Bartol has a bio-tech background and he gave testimony regarding the biological processes of nitrites, nitrates, and nitrosamines. He also spoke of surface water versus deep well water. He said the deep well waters in the area are very clean, low in nitrates, and supply all the things the human body needs with very few contaminants. His well is 160-180 feet deep and his septic system is up to code and works great.

**Testimony in opposition was as follows:**

Middleton City Planner Roberta Stewart presented a diagram for the Board’s review and said now is the time to discuss pre-annexation. She said even though Alan Mills and Darin Taylor know what the city wants to do they did not approach the city; somebody named Andrew Peterson who was thinking about buying the property spoke to her multiple times during January and February and they spoke with him about doing a pre-annexation agreement, but Mr. Mills and Mr. Taylor ignored the city. When asked why is Middleton suddenly addressing these issues, Ms. Stewart said the previous Mayor allowed Star to come into Middleton’s impact area and allowed all kinds of county settlements to come around them and it has gotten to the critical mass point and now the new administration is addressing it and now handling the problem. Ms. Stewart reviewed a map showing the location of city services and developments as well as the city’s planning efforts and water loop. She also spoke about the need for pre-annexation. They have latecomer agreements for pre-annexations and they will only pay for their portion of it. All the parcels to the east and south will pay the developer back. She asked the Board to deny the request so the city

can have time to talk about roads and pre-annexation. It's Ms. Stewart's opinion that the developer is seeking a rezone so he can flip the property, just as other developers in the area have done. Commissioner Smith spoke about how the County's comprehensive plan applies in the impact area and how the area is more residential than it is agriculture. She cannot make a finding that the zoning amendment would be incompatible with surrounding land uses or that it would negatively affect the essential character of the area. Ms. Stewart said the Board has a duty to help protect Middleton's rights and she believes the developer is tying the Board's hands and not allowing it to impose conditions to protect the city because the end goal is to flip the property and sell it. Ms. Stewart continued responding to questions from the Board. Commissioner Smith said the ordinance supports the application for approval. She noted the impact area agreement is from 2001 and it needs amended and she encouraged the city to apply for an amendment as quickly as it can.

Middleton City Clerk Becky Crofts said the city has been in contact with DSD staff to review and update Article 9 because they keep running into this issue. The numbers would suggest that even in an R-1 approval by the County the water and sewer can be cost effectively pulled. It's approximately \$100 per lineal foot for water and sewer and with 17 lots at 1700 feet it will be an estimated cost of \$710,000. Well and septic will run each property owner \$40,000 multiplied by 17 lots for a total of \$680,000 which means the developer is less than \$100,000 away from extending city services. The ordinance today may not support that but she wishes the developers would meet with the city and work with them. The city would agree to an R-1 and they may end up putting in a road without an R-3 density anyway. The city is trying to remedy this situation in a normal and natural way with developers to not cause contention and not have these things happen the way they are happening today. It's important that the city grow the way it's intended to grow and that there be a plan in place that recognizes urban and rural development.

Commissioner Smith said it should be noted this is an R-1 zone so if they did bring services the density would be much higher than one-acre lots. It is a straight rezone request so the neighbors should know that by approving this request they could bring services and have a very dense subdivision. (The Board took a break at 3:16 p.m. and went back on the record at 3:27 p.m.)

Darin Taylor offered rebuttal testimony and said properties sometimes change hands but he does not view it as unfortunate that they are now talking to the city to give them exactly what the city wanted. He said Mr. Schatzel has no intention to sell or flip this property, he will be the developer. There are 17 lots and the test pits have been dug and the monitoring wells are in so they cannot get more than 17 lots with the setbacks from the live water and the water that's out there. The developer is coordinating with the agencies through the platting process and they have provided adequate evidence of the eight criteria identified in the code. The developer has offered to sign a pre-annexation agreement with the city to consent to annexation, not to extension of utilities, but the city declined that offer. They can continue coordinating as they have conversations about plans and ordinances applying in the impact area. Mr. Taylor responded to questions from the Board about the costs to bring services to the property. Following his testimony, the Board entered the late exhibits into the record. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony.

Commissioner Van Beek said the lower density would allow others to enjoy the freedom of walking pets and having children in the area. The need is there for transportation at every front and the highway district has a proposal for impact fees that looks like it would fit in nicely with what the City of Middleton is doing. She noted the area will be more impacted if the developer flips the property but she has no control over that. In response to a question from Commissioner Smith, Dan Lister said staff initially recommended approval believing that some of the issues could be dealt with at the platting stage but the P&Z Commission did not agree and so staff was trying to honor their recommendation by bringing it to the Board based on the hearing and the testimony given. Commissioner White said this hearing has uncovered some of weaknesses and flaws in the process and there is a possibility that one day the property could be annexed, or, it could stay as an enclaved piece of county property surrounded by the city. Commissioner Smith said staff has prepared FCO's that support denial, however, staff's findings are very supportive of an R-1 zone. There is access to the property and that's one of the findings, the functional classification map shows the road going through which makes sense to her and she knows the neighbors don't like it but it's a rural area with predominately single-family homes and that's to be expected. Through the platting process they will be working with the highway district and ITD and it's within their purview to figure out the road issues, not the Board's. To her, this is an easy approval. Mr. Lister said the rezone does not require mitigation at this time but platting will mitigate for those requirements so the improvements would be taken care of that time, whether that be a private road through our county ordinance or a public road through Canyon Highway District. There was discussion about improvements. Commissioner Smith said at platting it may be determined that they have to improve the entire road surface so they can get access, but the actual changing of the zoning map does not require road improvements. Commissioner Van Beek said it seems backward especially where there is no ability for the Board to impose conditions. Commissioner Smith said the ordinance could use an amendment. She asked if they were to bring city services to the property and develop at 12,000 square feet can the highway district require a traffic impact study. Mr. Lister said yes, any connection to Highway 44 requires a traffic impact study. If an impact study was required highway district would state that and they would identify that it would be needed at the time of development, not necessarily at the time of rezone. Commissioner Smith wants changes made to the FCOs that are consistent with approval. Mr. Lister said his staff report has a section where it shows how it is consistent and a small portion of how it is not. He can update the FCO's to reflect the changes and make positive findings that are consistent with the testimony the Board accepted today. Commissioner White made a motion to approve the request by Greg Schatzel for a rezone from Agriculture to Single-Family Residential R-1, Case No. RZ2020-0027. The motion was seconded by Commissioner Van Beek and carried unanimously. A new hearing will be noticed and the process will start over with staff preparing a new staff report and FCO's. The hearing concluded at 4:02 p.m. An audio recording is on file in the Commissioners' Office.

*\*Note – the Board did not sign FCO's today.*

CALDWELL, IDAHO JUNE 3, 2021

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

APPROVED CLAIMS

- The Board has approved claim 574910 in the amount of \$262,600.00

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Data Bank IMX LLC in the amount of \$59,086.04 for Information Technology Department

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for SAS Restaurant Ventures Inc dba Denny's Restaurant #6640 (Resolution no. 21-138)

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The End Zone to be used 9/25/21 at the Barton Wedding; Craft Lounge to be used 6/5/21 at the Pina Birthday Party; The Hop House to be used 6/3/21 at Thirsty Thursday

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:45 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

Case nos. 2021-654 and 2021-655 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days.

Commissioner White made a motion to issue an initial approval with written decision within 30 days on case no. 2021-734. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 8:47 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NOS. 2021-393 AND 2021-394

The Board met today at 8:49 a.m. to conduct a medical indigency hearing for case nos. 2021-393 and 2021-394. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom, Attorney Brian Nickels for St. Al's and Deputy Clerk Jenen Ross. Commissioner White made a motion to continue case no. 2021-394 to July 15, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to approve case no. 2021-393 with a written decision within 30 days. The hearing concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:00 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

Commissioner White made a motion to continue case no. 2021-451 to July 15, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case nos. 2021-381, 2021-416 and 2021-389 have been withdrawn by the hospital. Commissioner White made a motion to issue final denials with written decisions within 30 days on the cases as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Neither the hospital nor the applicant appeared for case no. 2021-464 and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue a final denial with written decision within 30 days.

The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex

Klempel, Deputy P.A. Doug Robertson, Deputy P.A. Mike Porter, Chief Deputy Sheriff Marv Dashiell and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing notices of intent to grant surplus property to the City of Homedale Police Department and to the Payette County Sheriff's Office:*** Mr. Robertson explained this is a notice of 10-day comment period for potential donation of property. Chief Dashiell answered questions from Commissioner Van Beek about the property being donated. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notices of intent to grant surplus property to the City of Homedale Police Department and to the Payette County Sheriff's Office.

***Consider signing a resolution declaring certain property as not necessary for county use and for the exchange of county property:*** Chief Dashiell explained the Sheriff's Office would like to trade-in old generation stock which will provide a reduction in cost toward the purchase of new stock. New guns have already been purchased but this trade-in will be a credit to the account. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution declaring certain property as not necessary for county use and for the exchange of county property.

The meeting concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

#### JUNE 2021 TERM

CALDWELL, IDAHO     JUNE 4, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 574796 to 574810 in the amount of \$8,527.00
- The Board has approved claims 574811 to 574861 in the amount of \$70,837.92

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Trane in the amount of \$19,431.26 for Facilities Department
- Tree Maintenance in the amount of \$1,900.00 for Facilities Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for 2C Family Brewing Company to be used 6/7/21 for Yenor Wedding.

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Travis Engle.

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 11:55 a.m. to consider action items. Present were: Commissioners Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution granting a transfer alcoholic beverage license to BFC 12th Avenue LLC dba Boise Fry Company and consider signing resolution granting a new alcoholic beverage license to Red Top Market LLC dba Red Top Market LLC:*** The Board said they've had a chance to review both applications and did not have any questions. Commissioner White made a motion to sign the resolution granting a transfer alcoholic beverage license to BFC 12<sup>th</sup> Avenue LLC dba Boise Fry Company (see resolution no. 21-139) and the resolution granting a new license to Red Top Market LLC dba Red Top Market LLC (see resolution no. 21-140). The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 11:57 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO     JUNE 7, 2021

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

#### APPROVED CLAIMS

- The Board has approved claim 574914 in the amount of \$92,071.56

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Vegd Out to be used 6/12/21 for Butler-Johnson wedding reception.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Treasure Valley Road Runners LLC dba The Tower Grill (Resolution no. 21-142).

#### COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for a community input meeting. Present were: Commissioners Leslie Van Beek and Pam White, Glen Richter, Larry Olmsted, Al Dauven, Mark Crohn, Tammy Crohn, Mark McKibben, and Deputy Clerk Monica Reeves. The following citizens offered comments:

Glen Richter received his property assessment notice and was surprised to see his property value had increased 24.3% over last year's assessment and he's concerned that if that kind of increase continues to happen people will be taxed out of their homes. Something needs to be done at the state legislature otherwise Idaho may have to go for Prop 13 like California did. He said citizens need help from the Board of Commissioners and he suggested a committee be formed for citizen comment. Commissioner White said she contacted the Governor about HB 389, and Commissioner Van Beek said she has been in contact with legislators about the issue.

Larry Olmsted said he shares Mr. Richter's concerns but he's talking to the wrong group. The Assessor is required by law to assess properties at market value and so we need to get the ley rate down. He appreciates Canyon County, specifically Assessor Stender and Controller Zach Wagoner on where they stood on the property tax issue as they worked closely with the concerned citizens. Mr. Olmsted believes Representative Mike Moyle was playing politics on the issue and the citizens need to take it to the state legislature because they created this problem in 2016 when they put the \$100,000 limit on the homeowner's exemption.

Albert "Al" Dauven is a City of Star resident who said Rep. Moyle will have a difficult time being re-elected because concerned citizens are willing to go out and fight for a different candidate and get rid of those in the statehouse who no longer represent the citizenry. He also spoke of his concerns with the "land grab" that's occurring with the Star annexation proposal. Commissioner Van Beek said the City of Middleton and the City of Star are at odds with the impact area and the Board has met with both cities and have asked the City of Star for a temporary moratorium. The Board is



aware of the problem that's been growing for a while and is now involved to help facilitate good discussion. She recognizes there needs to be citizen input. Mr. Dauven said the process should be stopped and then started over. Mr. Dauven suggested the Board make itself known to the community and obtain citizen input on important issues.

Mark Cron said the City of Star is proposing a development at the end of Blessinger Road with 300 houses on 100 acres. He is not anti-growth, but he moved to the county for the rural community character. Properties are being sold with the intention of being annexed into Star and he doesn't like that they are doing this without input from Canyon County. Commissioners Van Beek and White spoke of the steps the County has taken to get involved in the process which includes being a part of a newly-formed committee consisting of the Canyon County Commissioners, City of Star representatives, and three county citizens who review the impact area negotiations. Mr. Cron is encouraged that the County is looking at it, but his concern is Star is moving so fast they will keep annexing and it will be too late for the citizens who want to keep a rural community.

Mark McKibben is concerned about the Star annexation, specifically the density issues and the residents' way of life and he would appreciate anything the County can do to help.

Larry Olmsted said he does not like that the front door security team requires people to remove their belts when coming in to the courthouse. Commissioner Van Beek said she will look into that, but she thinks the security component falls under the Sheriff's Office. Mr. Olmsted ask the Board for its philosophy on development. Commissioner Van Beek said her philosophy is that residential development should not be subsidized and we have to have jobs that pay enough where people don't have to be subsidized. Mr. Olmsted said development should pay for itself and his concern is the glacial pace the Board is demonstrating with impact fees, and also the lack of a capital improvement plan. He asked if the impact fee advisory committee could be expanded to include citizens, such as Hubert Osborne, who are passionate about the issue and can push the process forward. He wants the Board to establish a capital improvement fund and make it non-pilferable and come up with alternate funds. Commissioner Van Beek said she has lobbied for that for over two years but wasn't able to get a Board majority to agree. Commissioner White said during the budget process she asked the Clerk and Controller to set aside \$500,000 a year and they committed to that. As for the election equipment that cost \$3 million, she said that was a capital expense and it was not pilfering because it was for the benefit of all voters. Mr. Olmsted wants a capital construction fund which could be funded with impact fees and funds from when urban renewal sunsets, as well as the funds received when companies' property tax exemptions expire. He said if the Board tries to pass another jail bond but doesn't have any savings set aside to help offset the costs he will be an active opponent of the bond proposal. Commissioner Van Beek said she has presented the idea numerous times but it has not gained traction. Mr. Olmsted suggested the Board establish a capital improvement committee to look at the issues and plan for future needs.

Tami Cron asked if the moratorium on annexing beyond Can-Ada Road includes the development the city pushed through a month ago for 300 homes. Commissioner Van Beek said it's her understanding that annexing is not cemented in concrete and they are going to be re-evaluating

things. Commissioner White said the Board did not do a moratorium. Commissioner Van Beek said the Board asked them to stop, and because there isn't an MOU the County has the right to say we are putting you on notice and so they will either find that it meets the requirements of the law or it doesn't and without an MOU in place that would be tough to prove up.

The residents at today's meeting indicated they have a lack of faith in the City of Star and are concerned that previous leaders were selling out to developers. They want government responsibility; this feels like a land grab and they are pushing as fast and far as they can until someone tells them to stop. They want citizens from the area appointed to the impact area review committee. No Board action was required or taken as today's meeting was held for discussion purposes only. The meeting concluded at 10:13 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO CBOCS WEST INC DBA CRACKER BARREL #683

The Board met today at 10:16 a.m. to consider signing a resolution granting a new alcoholic beverage license to CBOCS West, Inc., dba Cracker Barrel #683. Present were: Commissioners Leslie Van Beek and Pam White, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the new alcoholic beverage license for Cracker Barrel #683. (Resolution No. 21-141.) The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

FY2022 BUDGET PRESENTATION FOR SOUTHWEST DISTRICT HEALTH AND LIFEWAYS/WESTERN IDAHO COMMUNITY CRISIS CENTER

The Board met today at 1:18 p.m. for a FY222 budget presentation by Southwest District Health and Lifeways/Western Idaho Community Crisis Center. Present were: Commissioners Pam White and Leslie Van Beek, Controller Zach Wagoner, Director of SWDH Nikki Zogg, Troy Cunningham with SWDH and Deputy Clerk Jenen Ross.

Ms. Zogg spoke about HB316 and the impact it has to health districts. This bill will eliminate the state appropriation. The appropriation will be reduced this year and fully eliminated by next year. The expectation is that the counties will pick up the amount eliminated by the State. At the request of Commissioners White and Van Beek, Ms. Zogg and Controller Wagoner explained their understanding of this change and their opinions of it. Additionally, Mr. Wagoner noted that the county is spending less on indigent medical due to Medicaid expansion and due to that the county can contribute more to the health district.

Ms. Zogg said that this year the Board voted to not ask for an increase to funding but there will be an increase just due to HB316. She provided a review of revenue highlights including state appropriations, county appropriations, fees and sub-grants and expense highlights included salaries, employee benefits, operating expenses, capital expenses and trustee and benefit expenses. For FY2022 they are requesting \$1,401,892 in county funding and an additional \$491,100 for March-June when HB316 takes effect. Additional revenue sources include fees, contracts, state appropriation, Millennium fund appropriation, interest, sale of land, buildings & equipment, other, carry-over funds and reserve. Expenditures include \$5,733,833 for salary & wage and \$2,631,858 for employee benefits, other expenditures include operating expenses, capital outlay and trustee benefits. Crisis Center revenue and expenditures were reviewed. Total budget for FY2022 is \$11,514,408. The total number of FTEs is 116.7, 12 are temporary positions based on COVID response and 104.7 are base employees.

Other information reviewed within the handout includes the following:

- changes in county populations and net taxable market value
- spreadsheet showing changes in contribution once HB316 takes effect
- pie chart indicating budget funding sources
- Fund balances for restricted funds, committed funds, capital reserve fund and unrestricted operating funds; summary of restricted and committed funds.

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

Ms. Zogg addressed questions posed by Commissioner Van Beek regarding some of the services they provide, how COVID affected their operations and how unrestricted funds get used

Mr. Wagoner said there is a specific property tax levy for SWDH, for the current year the budget amount in that fund is approximately \$1M, for FY2022 it will go to \$1.5M; this amount will be offset by a \$1-1.5M decrease in the indigent fund.

In regard to the crisis center, Ms. Zogg explained that the Board of Health instructed that no cities or counties were to be invoiced for any funds if they weren't needed to cover the operating costs. Currently, Lifeways is able to bill insurance to sustain operations. Ms. Zogg said she would like to hold off on making any budget requests at this time as there isn't a need right now and because she doesn't know what is going to happen with indigent fund. There has been some conversation with the Division of Behavioral Health that the State may be able to be billed for some visits in the future. However, she feels this could take some trailer bills after HB316 to determine those details. Mr. Wagoner suggested contingency monies could be added to the budget just in case.

Further discussion ensued as to whether ARPA funds could be used to support the health district.

The meeting concluded at 2:20 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:02 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director of DSD Steve Fultz and Deputy Clerk Jenen Ross. Director Fultz reviewed the following:

- There is a rezone application they've been working on for a while. The property is in ag but it has not been farmed or should not be farmed. In speaking with DSD staff it was noted that in code from 1997 there is an allowance for additional splits if it is not productive ag land so they are taking another look at the application and it may come back before the Board. Additionally, they are reviewing the code to determine what the exact definition of 'non-productive' ag land should be.
- DSD activity summary report for the month of May was provided to the Board for review. The report shows a comparison of May 2020 to May 2021 permits. A copy of the report is on file with this day's minutes.
- Interviews are being conducted this week for the open Planning Director position and the Planner I position. Director Fultz anticipates having a decision by the end of this week or early next week.
- Director Fultz received a call today from Bruce Eggleston notifying him that he is interested in becoming the hearing examiner for the county. Mr. Eggleston is the hearing examiner for the City of Caldwell and has been able to resolve the conflict of interest concerns he had. The hope is to possibly secure Mr. Eggleston one day a month to conduct hearings the entire day.
- Dr. Tom Daniels will be here on August 10-11 to conduct meetings on farm land preservation, conservation easements, transfer of development right and overall land use. On the 10<sup>th</sup> he will spend time with DSD staff for training and on the 11<sup>th</sup> it will be opened up to the community.
- According to the development agreement for Treasure Valley Renewables, commencement was to be within 2 years. A permit was pulled on September 13, 2019 for a fence to run the perimeter of the property but to date it has not been completed. An inspection was done on March 17, 2020 for the post holes and setback with final inspection to be done within 180 days which has not happened. DSD believes the building permit has expired at this point. According the development agreement an annual report is due to be submitted by October 2, 2021 but Development Services has not heard from them in close to a year and Ms. Almeida doesn't believe a report will be submitted. Additionally, the development agreement stated that there needed to be an enclosed structure with a building permit within 2 years to begin construction and DSD has heard nothing on that, the due date to submit for that permit is October 1, 2021. Commissioner White expressed her frustration with this project stating that she feels misled and that they did not follow thru on anything they said they would. She would like to withdraw the whole project.

Commissioner Van Beek said she has always felt this project presented as high-risk venture capital. She would have liked to see Ms. Wilson with WAED present to the Board and update of what was really happening with the project. She concurs with Commissioner White in that she would like to see the entire project withdrawn, she does not feel they have met the conditions of the development agreement. Director Fultz said he fully supports whichever direction the Board would like to go.

- There is a meeting scheduled for tomorrow with the Planners to discuss the comprehensive plan. Assignments have been made and they just want to make sure everyone is heading in the right direction. Draft documents have been sent to the Board for review and input.
- Commissioner Van Beek asked about the impact area/MOU pertaining to the cities of Star and Middleton. Director Fultz provided an overview of items that were discussed and suggestions made during a meeting with the City of Middleton this morning.
- Director Fultz received a call today from an industrial business located on Hwy 20/26 and Farmway. Currently the property is zoned C2 but the person operating the business would like to do an expansion and add another building but at this time DSD is having to deny the request because it is not properly zoned for what he'd like to do, it would need to be zoned M1. The City of Caldwell's comprehensive plan shows the area zoned as M1 and Director Fultz thinks this would also be M1 on the county's future land use. He feels there needs to be an evaluation of how to get this area properly zoned.
- Discussion ensued regarding Farmway Village.

The meeting concluded at 3:39 p.m. an audio recording is on file in the Commissioners' Office.

#### JUNE 2021 TERM

CALDWELL, IDAHO     JUNE 8, 2021

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 574862 TO 574884 in the amount of \$30,588.53
- The Board has approved claims 574885 to 574909 in the amount of \$11,686.53
- The Board has approved claims 574768 to 574795 in the amount of \$60,778.25

- The Board has approved claims 574862 to 574795 in the amount of \$30,588.53

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO Engineered Systems in the amount of \$10,950.00 for Facilities Department
- AA Tronics in the amount of \$3,950.00 for Information Technology Department
- Netwrix in the amount of \$11,928.00 for Information Technology Department
- IBM/ConvergeOne in the amount of \$11,139.82 for Information Technology Department

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved employee status change forms for Janet LaMont, Permit Tech II; and Tom Crosby, Building Inspector.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal Hispanic Cultural Center of Idaho Inc dba Hispanic Cultural Center of Idaho; BFC 12<sup>th</sup> Avenue LLC dba Boise Fry Company (Resolution no. 21-144).

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Chief Deputy Assessor Joe Cox (left at 9:06 a.m.), Director of Juvenile Probation Elda Catalano (left at 9:16 a.m.), Director of Juvenile Detention Sean Brown (left at 9:11 a.m.), Juvenile Detention Mental Health Clinician Chelsea Schwickert (left at 9:11 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing substitute resolution granting Syngenta Crop Production, LLC a property tax exemption pursuant to Idaho Code 63-602NN:*** Mr. Cox explained this resolution was signed last year but due to COVID construction was delayed so they have asked for the resolution to be revised to begin one year later. Building construction should be completed and the building should be occupied this year. The exemption term will run 2021-2025. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the substitute resolution granting Syngenta Crop Production, LLC a property tax exemption pursuant to Idaho Code 63-602NN (see resolution no. 21-143).

***Consider signing 2022 memorandum of agreement with Idaho Department of Juvenile Corrections for clinical services in Juvenile Detention Facilities:*** Director Brown said this program has been in place since 2006 which puts a clinician in every juvenile detention facility. Having a clinician in place has really reduced suicide attempts, use of force, crisis, and they are able to meet with juveniles prior to release providing them information on resources in the community. Ms. Schwickert spoke about the juveniles she works with in the detention center and the help she provides. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the 2022 memorandum of agreement with Idaho Department of Juvenile Corrections for clinical services in Juvenile Detention Facilities (see agreement no. 21-040).

***Consider signing Idaho Department of Juvenile Corrections memorandum of agreement to support the Community Based Alternative Services Program and the Substance Use Disorder Services Program:*** For the past 10 years there has been an agreement in place with the Idaho Department of Juvenile Corrections to access specific funding for juveniles needing certain programs or services. This year the agreement is a bit different as it includes the Substance Use Disorder Services (SUDS) program. When a juvenile is identified as needing a resource but the family doesn't have the funding to pay for the program the Juvenile Probation department can apply for these funds. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Idaho Department of Juvenile Corrections memorandum of agreement to support the Community Based Alternative Services Program and the Substance Use Disorder Services Program (see agreement no. 21-039).

Commissioner Van Beek asked Mr. Wesley about impact fees based on a comment received at the community input meeting yesterday. A citizen wants to know why the county hasn't instituted a public safety impact fee. Mr. Wesley said that he believes when the Board created their committee to evaluate impact fees the idea was that if the Board ever pursued a public service impact fee or other impact fee the same committee could be used as a vehicle to get it started because that is a requirement of the statute. The counsel provided by the PAs Office has been to speak with the Sheriff in advance about the potential for this and the good it could do. Based on that information a consulting firm could be engaged to collect the data and compile the presentation for committee and Board review. At that point it would also have to go thru the Planning and Zoning Commission for the adoption of the impact fee mapping into the comprehensive plan. There would also need to be conversations with the cities. The county can only collect fees for the unincorporated areas of the county and the cities would need to collect the fees thru their building permit process for the incorporated areas. The other caveat that would need to be discussed with the Sheriff and consultant regarding an already an existing need, impact fees cannot go toward existing needs, they can only go toward the need created by new development. Commissioner Van Beek said she would reply to the citizen from yesterday's meeting and also wondered if there could be a standard response the Board could issue to these questions. Mr. Wesley noted that at this time the Prosecutor's Office isn't actively working on this project, the first step would be for the Board to have a conversation with the Sheriff to engage the committee in the project and to hire a consultant to do the "heavy lifting". The primary role of the PAs Office would come at the point of

implementing the fee, agreements with the cities and the ordinance to impose the fee. The committee is comprised of citizens and at-large members appointed by the Board; there is a minimum number of committee members but not a maximum.

Commissioner Van Beek asked about a letter received from the City of Middleton regarding water/sewer fees and what they're developing and Article 9 which relates to impact area agreements. Mr. Wesley said that the city thru DSD has indicated that they want to reevaluate the area of impact agreement. Kate Dahl is the assigned planner and Mr. Wesley's understanding from Ms. Dahl is that the City of Middleton is going to put together their vision for what they'd like the area of impact agreement to look like and then bring it to the Board for discussion.

In response to a question from Commissioner Van Beek, Mr. Wesley said that if a property is annexed into the city then the city zoning requirements apply and the county's requirements are no longer applicable. There is a separation between the counties and the cities and under the state annexation laws the county really doesn't have a role in annexation; once that occurs the county is really limited to offering public comment.

The meeting concluded at 9:32 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:31 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Information Technology Greg Rast, Assistant Director of Information Technology Eric Jensen and Deputy Clerk Jenen Ross. The following items were discussed:

- Director Rast asked for clarification on the budget hearing – the Board suggested it would be helpful for IT, Facilities and Fleet to attend as many workshops as possible but it's not mandatory.
- A new voter look-up GIS map was created and added to the election portion of the county website and will be active as election dates near.
- Mr. Jensen spoke about a meeting with the City of Nampa and the vendor that will be moving the fiber along I-84 to determine where the cable will run. The meeting went well and there is a good working relationship between all parties. This project is part of the Motorola radio upgrade.
- Director Rast has been working with legal on an MOU for the Third District website. IT will maintain that website for a fee.
- Commissioner Smith asked if there is a way to add term dates to the Elected Officials page of the website in an effort to provide more transparency. Commissioners Smith and Van



Beek requested that their terms be added immediately and they will address it with the other EOs at a future meeting.

- .Gov emails will be starting this month but will be a two-year phase in.
- For FY2022 \$60,000 will be budgeted for the IT portion of the renovation to the BOCC meeting room. Due to the equipment currently being used in the BOCC meeting room and the public meeting room service with AA Tronics will continue thru the remainder of the fiscal year but starting October 1<sup>st</sup> a new vendor will be used. The public meeting room will continue to be serviced by AA Tronics until the time it is upgraded.
- A review of the handout was given providing a progress report of active projects. There are 15 projects in process and 13 projects in the queue. Director Rast answered questions from Commissioner Van Beek about OnBase and electronic purchase orders and Commissioner Smith about the DSD online permit process. A copy of the handout is on file with this day's minutes.
- Commissioner Smith asked about giving the PIO access to the project management program to track his time. Director Rast said it's a cloud-based program and they can create a log-in for Mr. Decker to create his own workflow.
- The Board asked about the possibility of consolidating claims and purchase orders. Director Rast said that is the end-goal.
- There has been no additional conversation regarding County IT providing service to the Ambulance District.

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

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

The Board met today at 2:00 p.m. with the Landfill Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Landfill Director David Loper and Deputy Clerk Jenen Ross. The following items were discussed:

- Waste amounts were up 2.2% in May, FY21 is up 7%.
- A draft letter to the DEQ has been written in regard to the landfill expansion requesting a meeting to kick off the landfill expansion design project. In order to determine the design of the project it needs to be determined if a liner will be required or if an exemption will be granted. Discussion ensued regarding the statutes and factors that may dictate the design and/or factors that may impact the liner exemption being granted or not.
- Director Loper thinks it may be time to start considering a transfer station. He believes it would be beneficial for both the community and county; reduced traffic volume at the landfill reduces infrastructure costs, reduced blowing litter, more convenient for many

Canyon County residents. Director Loper had hoped private industry would do this but it doesn't seem to pencil out and spoke to the reasons why it doesn't seem to work for them. There is no location in mind at this point and there will need to be further conversations and considerations to placement but money will be included in the FY2022 budget for a possible land purchase. Director Loper feels the site would need to be about 10 acres and included \$2.5M for the potential purchase. In regard to a question from Commissioner Smith about a public/private partnership, Mr. Loper feels it would be best if it was county operated as the county is not-for-profit and it can be packaged to the community thru the enterprise fund using reserve funds meant for this sort of thing. Commissioner Smith has concerns about growing government with the necessity of additional personnel and equipment but Director Loper feels tipping fees will offset additional costs.

*The Board took brief break at 2:30 p.m. to consider the action items. The meeting with the Landfill Director continued at 2:38 p.m.*

Director Loper continued updating the Board on the following:

- FY2022 budget was discussed – anticipated revenue is \$7.4M and expenses are \$6.5M (excluding land purchase). Other budget items included: New FTEs, service truck, loader, core drilling for expansion, land/transfer station, beautification project and dust control/water rights. Commissioner Smith requested that public relation money be added to his budget for discussions regarding covered loads and the transfer station.
- Director Loper believes that staff may need to be hired to help with clean-up along Missouri. He has an outstanding request to Personnel Plus but so far nothing has worked out. The Board is supportive of increasing the hourly rate hopes of getting additional help. Commissioner Smith suggested having another meeting that would include the Sheriff to discuss covered loads, additionally the PR person could be at that meeting so that enforcement of the covered loads will be put out to the public. Commissioner Smith instructed Director Loper to work with Commissioners' Office staff and possibly the Sheriff to get a meeting scheduled and to work with Mr. Decker on the PR matters.

The meeting concluded at 2:50 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 2:30 p.m. to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing updated FCOs for Shilo C. Hixon (Watts), Case no. RZ2020-0020:*** Ms. Almeida said that the FCOs reflect the dates that the hearings were heard by the Board and the decision is based on testimony that given at all of the hearings. The findings section is specific to the Board's finding at the hearing on May 28<sup>th</sup>. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the updated FCOs for Shilo C. Hixon (Watts), case no. RZ2020-0020. Commissioner Van Beek made a motion to uphold the denial for the development agreement as per the last hearing by the Board. The motion was seconded by Commissioner Smith.

***Consider signing reappointment letter of Viki Purdy to the Southwest District Board of Health for the term ending June 30, 2026:*** Commissioner Smith said that she sits on the Board of Health and Ms. Purdy is an active participant and a good member of the Board. She supports signing the letter. Commissioner Van Beek said that from everything she's heard Ms. Purdy has represented the interest of those in her district and has been a leader in opening up Idaho. She is also supportive of the reappointment. Commissioner Van Beek made a motion to approve the reappointment of Viki Purdy to the Southwest District Board of Health for the term ending June 30, 2026. The motion was seconded by Commissioner Smith and carried unanimously.

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

#### JUNE 2021 TERM

CALDWELL, IDAHO     JUNE 9, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Melissa Hodges, Interpretive Specialist

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Chaz Howell

#### APPROVED PURCHASE ORDER

- The Board approved the following purchase order:

- Gartner IT in the amount of \$4,775.00 for Information Technology Department

ACTION ITEM: CONSIDER SIGNING A RESOLUTION GRANTING A REFUND TO JERRY ROETTO FOR A CONDITIONAL REZONE APPLICATION FEE

The Board met today at 9:21 a.m. to consider a resolution granting a refund to Jerry Roetto for a conditional rezone application fee. Present were: Commissioners Keri Smith, Leslie Van Beek and Pam White, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Director Fultz said the applicant was charged a fee for their project and upon further review it was discovered that a conditional use permit had been filed and the applicant met all conditions thus not needing the conditional rezone thus the request for a refund. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution granting the refund for a conditional rezone application fee to Jerry Roetto in the amount of \$1,235 (Resolution No. 21-145.) The meeting concluded at 9:23 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY SKYLINE HOMES & DEVELOPMENT FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT, CASE NOS. CR2019-0016/SD2019-0046

The Board met today at 9:30 a.m. to conduct a public hearing in the matter of a request by Skyline Homes and Development for a conditional rezone of 111.4 acres from an "A" (Agricultural) zone to a "CR-RR" (Conditional Rezone/Rural Residential) zone, as well as a preliminary plat, and a grading and drainage plan for Thunder Ridge Subdivision, Case Nos. CR2019-0016 and SD2019-0046. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Thomas Hawksworth, Dale Newberry, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she asked the Sheriff's Office for callout/service information for this area based on a letter in opposition that referenced an increase in crime in the area, but, she did not gain any information to share. Commissioner Smith disclosed that she is familiar with the area because she ropes at nearby arena.

Jennifer Almeida gave the oral staff report. The development consists of 45 residential lots and nine (9) common lots. The property is located at the northwest corner of the intersection of Windmill Rim Drive and North Can-Ada Road and is in an area that is designated as a residential on our future land use map and it's also in the area of city impact for Middleton. The request is in compliance with the comprehensive plans for both Canyon County and the City of Middleton. North of the subject property is a skydiving center, go kart track, and a private airstrip. The nearby area consists of residential uses, residential zoning, platted subdivisions, a special events facility. The property is adjacent to agricultural zoning and residential uses. There are 19 platted subdivisions within one mile. Access to the site will be via internal public roads. Canyon Highway

District has approved the roadway locations as depicted on the preliminary plat. Wells and septic systems are proposed. The property is not located within a nitrate priority area. The applicant has agreed to enter into a development agreement to limit the residential lots to 45. Also, before the Board today is approval of the preliminary plat for Thunder Ridge which contains 45 residential lots with an average lot size of 2.06 acres. The property does not have surface water rights and as such domestic wells will be utilized to irrigate up to ½ acre of the lots. Storm drainage will be collected in roadway swales, and storm retention facilities will be determined in the final design. Canyon Highway District noted the applicant gained approval of a variance on September 2, 2020 to allow the grade of Willis Road to exceed the standard grade of a collector road or arterial. SWDH indicated they will need to conduct a site evaluation during the subdivision engineering report review of the project. Staff found the request complies with criteria for a conditional rezone and it complies with the comprehensive plan and future land use map; and the plat complies with Idaho Code and the Canyon County Zoning Ordinance. The P&Z Commission recommended approval on April 1, 2021. Staff is also recommending approval. Following her report, Ms. Almeida responded to questions from the Board.

Thomas Hawksworth is a civil engineer with Blue Peak Engineering and he gave testimony on behalf of the applicant. They ran into some boundary challenges with the go kart property Ms. Almeida was instrumental in guiding them through that process. The demand for this type of development is high as there are over 300 names on a list of potential buyers hoping this project is approved. The applicant has reached out to the neighbors and have listened to their feedback and made changes to the site plan and project based on coordination with them. He has added details to the construction plans to address construction related concerns that were raised including dust mitigation. In addition to the 45 residential lots they are planning four small common lots planned for storm water retention with two at each entry for entry signage, and one common lot to encompass Windmill Rim Drive which is a private drive along the southern boundary. The public roads within the development will be paved. They will widen Can-Ada Road along the project frontage, and they have provided frontage to the highway district for improvements the highway district plans to make. They are planning for a Willis Road extension in the future. They plan to install perimeter fencing around the project boundary, and they will construct a 10-foot berm with a fence on the top along the northeastern lots to help mitigate sound from the go kart track. The CC&R's will make note of the go kart track as well as a notice that the property is within the vicinity of the airport and skydiving facility. Following his testimony Mr. Hawksworth responded to questions from the Board. They plan to include perimeter fencing, and they will spray and water during construction and hydroseeding when there is no activity in the areas where dirt has been moved. Some type of soil tackifier will be more effective. Discussion ensued about the dust mitigation measures that could be used.

Dale Newberry is the owner of the property and he testified they have an agreement with the homeowners on the south and the go kart facility, and have sold each one of them a portion of the land to help them. They sold part of the property so the go kart facility doesn't have to move the whole track, just a portion of it. We are selling Windmill Rim Drive to the homeowners so that will be their responsibility. Mr. Newberry will put up 3-rail white plastic fence around the perimeter, but the homeowners don't want that, they want a 3-rail wood fence so we'll do that

along Windmill Rim Drive. As far as access onto Can-Ada Road the plan is to put up a private property/no trespassing sign. When roadwork is done they cut it off and there will be no access to Windmill Rim Drive so they will have to come back in the entry to the subdivision to their property on the backside.

There was discussion about the need to control dust on site. The applicant proposed the following condition of approval: *If any part of the property does not have grading activity within 30 days they will apply tackifier to the soil.* Commissioner Smith also wants the builders to submit a dust mitigation plan when they apply for their building permit. Commissioner Van Beek wants to make sure we are not over-conditioning the project. Discussion ensued. Commissioner Smith wants to delay the signing of the findings of fact, conclusions of law, and order (FCO's) for the inclusion of language addressing dust mitigation during subdivision construction and dust mitigation for construction of the homes and any buildings. Ms. Almeida said staff can work through those with the applicant and bring them back to the Board at a later date for signature. Commissioner Smith wants a condition for the subdivision stating the applicant will comply with the letter of intent requiring the common area well/pump for the irrigation system. She also wants a modification made to plat note #12 making it less restrictive. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. For the conditional rezone, Commissioner Smith wants to require dust mitigation plans for construction as well as the building, and a condition that matches the letter of intent for the entryways as well as a water source for the common lots. Commissioner Van Beek supports that. Commissioner Van Beek made a motion to approve the conditional rezone request from an "A" (Agricultural) zone to "CR-RR" (Conditional Rezone/ Rural Residential) zone for Parcels R37629 and R37629012 and R37629013 and to approve the development agreement with two additional conditions that include the letter of intent and the well and pump, as well as the mitigation for dust. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a motion to approve the preliminary plat with the modification to the subdivision agreement on plat note #12 as discussed. The motion was seconded by Commissioner White and carried unanimously. The FCO's, and development agreement will be brought back at a later date. The hearing concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

#### FY2022 BUDGET MEETING TO REVIEW BUDGET MATTERS

The Board met today at 2:03 p.m. to review FY2022 budget matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender (arrived at 2:22 p.m.) and Deputy Clerk Jenen Ross.

***Access to PowerPlan notes for all EO/DA's:*** Commissioner Van Beek would like to be able to make notes on particular POs in PowerPlan. Controller Wagoner said there hasn't been any changes to the structure and set up of PowerPlan and the Board should have access to all notes in the budget section of PowerPlan.

***Funding plan for community groups:*** Controller Wagoner said the process is to meet with the outside groups to receive their reports and funding requests for the upcoming fiscal year. Next week there will be meetings with county departments and offices to receive their requests for FY2022. In mid-July the Clerk will present the suggested budget. At this time Mr. Wagoner hasn't made any kind of decisions regarding the community groups as they are still evaluating information for the FY2022 budget. Clerk Yamamoto said he has concerns about overlaps with certain things and certain organizations. Commissioner Smith said There are some organizations that must be funded such as Southwest District Health and COMPASS. Discussion ensued regarding the implications of funding or not funding COMPASS.

The total requested amount for all outside agencies is \$517,483.

The FY2022 mandated amount for Southwest District Health is nearly \$1.5M and Controller Wagoner explained that SWDH has its own special individual levy.

Requests from each agency are as follows:

- COMPASS: \$118,802
- Canyon Recovery Community Center: \$125,000
- VRT: \$49,546
- Veterans Council: \$32,000
- 3<sup>rd</sup> District Youth Court: \$10,000
- Metro Community Services: \$125,000
- WAED: \$27,650 requested with a minimum request of \$15,000
- National Service Programs of Jannus: \$18,000
- AAFV: \$30,000
- WVHS: \$200,000 to the humane society, \$100,000 for building maintenance
- TVP: \$5,918
- Canyon Soil Conservation: \$15,000
- Canyon County Community Center: \$75,000
- Nampa Family Justice: \$40,000
- SWDH: Approximately \$1.4M
- BVEP: No request at this time but Director Fultz is working on this
- Western Idaho Community Crisis Center: At this time, they are financially self-sufficient

The Board would like to know how Genesis could be combined with Canyon Recovery Community Center as they are both run by the same person. Mr. Wagoner said that for several years the organizations were one organization but in recent years they've split into two organizations. Clerk Yamamoto doesn't think it would be successful to ask the organizations to combine again.

In response to a question from Commissioner Smith regarding how the Community Guardians will be funded Controller Wagoner and Clerk Yamamoto said it could be included in either the general or current expense fund or fall to either the Indigent Department or Prosecutor's Office. Clerk Yamamoto originally thought this program would be moved to the Indigent Department once Claire Roper retired, however, Ms. Roper is not retiring but would like to slow down. Two members of the Community Guardians Board have offered to take over several of Ms. Roper's

responsibilities but they would not do it on a volunteer basis. Clerk Yamamoto feels Ms. Roper's position is a full-time position. In comparison, Ada County has 1.5 people doing the job and only have ½ the number of participants as Canyon County.

Discussion ensued regarding the Guardian Ad Litem program and the effectiveness of the 3<sup>rd</sup> District Youth Court.

The Board would like to see the outside agencies divided into groups based on their services and to evaluate the level of funding based on the level of service provided. Additionally, next year they would like to see a standard request form be filled out by each organization with a clear indication of the information the Board expects to be provided during presentations.

Following review of each of the requested amounts from each organization the Board feels they would like additional information on the following:

- Valley Regional Transit and Metro Community Services: Additional information needed on service levels and how the programs overlap.
- Western Alliance for Economic Development: Additional information is needed from Director Fultz; Commissioner Smith would like to fund at least the minimum amount for this year.
- Canyon Recovery Community Center: Commissioner Smith said she needs to speak with Ms. Zogg at SWDH about how this organization differs from the crisis center.
- Commissioner Van Beek suggested Commissioner White reach out to Grant Jones with Metro regarding their Meals on Wheels program and how it differs from the Ada County program. Additional information is also requested as to why the county provides funding to the Homedale Meals on Wheels program.

Discussion ensued regarding funding of the Extension office positions. Commissioner Smith said the idea is to move one position to the Fair department which will cut one position from the County Agent's budget. Clerk Yamamoto suggests that the Canyon County Fair department runs the fair in totality without involvement from the Extension office and then treat the Agent's budget accordingly. Commissioner Smith agrees with Clerk Yamamoto and wants to know what the Extension office is doing with the funding and positions if they're not participating with the fair. In response to a question from Commissioner Smith, Clerk Yamamoto would like to see written documentation to the Agent's office notifying them of the changes. The Board would like updated job descriptions of the three Extension office employees funded by the County and suggested a meeting to further discuss may be beneficial.

The meeting concluded at 3:09 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH ASSESSOR REGARDING ASSESSED VALUE CHANGES



The Board met today with the Assessor regarding assessed value changes. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, (Commissioner White left at 3:50 p.m.), Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Administrative Property Appraisal Supervisor Greg Himes and Deputy Clerk Jenen Ross. The following information was reviewed with the Board:

Residential increases this year are anticipated at 20-50%

On average commercial is up 15%

PTR applications

- 2019: 3768 applications were received, 62 VA applications, 46 applications for both
- 2020: 4600 applications were received/approved
- 2021: 4350 applications were received/approved

Assessor's Office is cautiously watching to see what will happen with HB389

A news clip titled 'Why the real estate market continues to explode' was watched 6 minutes

Documents reviewed (a copy of the presentation is on file with this day's minutes):

- Graph of Canyon median sale price as a % of Ada median sale price from 2011-2021
- New subdivision lots in Canyon County from 2017-2020
- Average assessed value % change by neighborhood 2020 vs. 2021 (cities)
- Bar graph of average assessed value comparison 2020 vs. 2021 and 2018 – 2021 (cities)
- Average assessed value % change by neighborhood 2020 vs. 2021 (county)
- Bar graph of average assessed value comparison 2020 vs. 2021 (county)
- Bar graph of average assessed value comparison 2020 vs. 2021 and 2018 – 2021 (county)
- Ratio study average annual sale price from 2012-2020
- COD – Coefficient of Dispersion, a measure of dispersion around a median from 2012-2014 among top 10 counties
- Canyon County average annual single-family sale price based on MLS data from
- Canyon County Single Family Average Days on Market based on MLS data
- Contacts vs Appeals from 2008 to 2020
- Number of BOE hearings held from 2008 to 2020
- 34 appeal hearings were held in 2020 and it is trending that way again, or perhaps less, for 2021

Commissioner Smith asked about "campers" (buildings) in downtown that are not helping with revitalization. She indicated that there were property owners in both Nampa and Caldwell that were not contributing to their buildings which were being assessed at \$100,000 but they were trying to sell them for millions of dollars.

The meeting concluded at 4:01 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM  
CALDWELL, IDAHO JUNE 10, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 574911 to 574913 in the amount of \$2912.20

#### APPROVED RESIGNATION, SEVERANCE, AND RELEASE AGREEMENT

- The Board approved a resignation, severance, and release agreement. (Personnel record pursuant to Idaho Code Section 74-106.)

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Creative Awards in the amount of \$1724.70 for County Fair

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:45 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Jenniffer Odom, and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-752; 2021-731; 2021-735.

Liens were presented for Board signatures.

The meeting concluded at 8:46 a.m. An audio recording is on file in the Commissioners' Office.

#### LEGAL STAFF UPDATE AND CONSIDER SIGNING JUNE 10, 2021 ACTION ITEMS

The Board met today at 9:02 a.m. to consider signing the June 10, 2021 action items and to have a legal staff update. Present were: Commissioners Leslie Van Beek and Pam White, Chief Deputy Sheriff Marv Dashiell, Chief Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. Commissioner Smith arrived at 9:06 a.m. Attorney Blake Hall participated via Webex from 9:17 a.m. to 9:47 a.m. The items were considered as follows:

***Consider signing a Resolution Approving Award of Officer's Badge and Duty Weapon*** - Chief Dashiell said Sgt. Kelley Anderson has announced his retirement and the Sheriff is requesting the Board award Sgt. Anderson his duty weapon and badge. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution. (No. 21-146.)

***Consider signing Amendment No. 2 to Agreement 19-095 for Inmate Health Care Services between Canyon County and VitalCore Health Strategies, LLC*** – Deputy PA Doug Robertson explained there are two documents to consider; one is a notice of intent to renew the contract, which is a formality since we have already been undergoing negotiations, and the other is the amendment for a fee increase. Chief Dashiell said VitalCore has been the jail medical provider for two years and the Sheriff's Office is very pleased with the service they provide. One aspect of the contract is for the adult detention center and the other is for the juvenile detention center. Last year they asked for amendment to move/add staffing, and so the Sheriff's Office negotiated with them which resulted in a benefit for both parties. VitalCore is competing with hospitals for staffing, and they have experienced increases in their medical insurance as well as supply costs so they have proposed an increase of 5.3% from last year. The amendment shall result in the following total annual cost commencing 10/1/2021 and ending on 9/30/2022:

Adult Detention Facility:	\$1,763,960.21
Juvenile Detention Facility:	\$ 124,652.20

Commissioner Smith made a motion to approve the notice of Canyon County's intent to exercise the auto-renewal option under Agreement No. 19-095 with VitalCore Health Strategies and to sign Amendment No. 2 to Agreement No. 19-095 for Inmate Health Care Services between Canyon County and VitalCore Health Strategies, LLC. The motion was seconded by Commissioner White and carried unanimously. (Agreement No. 21-042.) At 9:16 a.m. the Board held an 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

*Note for the record: As properly noticed the Board met today at 9:16 a.m. for a legal staff update. A request was made to go into Executive Session to discuss named personnel matter, records exempt from public disclosure and attorney-client communication, and to*

*communicate with legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:*

Commissioner Smith made a motion to go into Executive Session at 9:16 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Leslie Van Beek and Pam White, Chief Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. Attorney Blake Hall joined the Executive Session (via Webex) at 9:17 a.m., and left the session at 9:47 a.m. The Executive Session concluded at 10:09 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER A REQUEST BY MICHAEL & HEIDI WILLIAMS-BLACK FOR A PRELIMINARY PLAT FOR DESERT PINE ESTATES SUBDIVISION NO. 2: CASE NO. SD2020-0038

The Board met today at 10:24 a.m. to consider a request by Michael & Heidi Williams-Black for a preliminary plat for Desert Pine Estates Subdivision no. 2, case no. SD2020-0038. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister and Deputy Clerk Jenen Ross. There has been a request to continue this hearing and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to table the hearing to June 28, 2021 at 9:00 a.m. The meeting concluded at 10:25 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY BOYD BATES FOR A REZONE, CASE NO. RZ2021-0004

The Board met today at 10:25 a.m. for a public hearing to consider a request by Boyd Bates for a rezone, case no. RZ2021-0004. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister and Deputy Clerk Jenen Ross.

Commissioner Smith stated for the record that she spoke with legal counsel about the applicant not appearing for the hearing today. She was informed that the applicant submitted an application and it is their burden of proof but if the application is complete and the Board doesn't have any questions then the hearing can move forward. This hearing has already been tabled once due to the applicant's failure to show so if the Board has questions that cannot be answered today the case can be denied. No case information was shared, the conversation for procedural purposes only.

Mr. Lister gave the staff report stating that this is a request for rezone of 5.01 acres from an ag zone to rural residential zone. The applicant is requesting this to provide a parcel for a family member. The RR zone encourages and guides growth in the area where a rural lifestyle may be determined to be suitable. The rural residential zone promotes a 2-acre average minimum lot size. The property was created by a split, this is a second split of the original parcel so the ag land adjacent to it does not have a building permit associated with it. Canyon County designates this area as residential use on the future land use plan, similarly, the City of Nampa also shows this to be a low-density residential area. As indicated on the city map, to the north is medium density residential and transitions to a low density. The vicinity map shows a 7.13-acre lot size because to the south, east and west are large agricultural properties but to the north is much smaller lots created by previous subdivisions. An R2 zone is directly adjacent northwest of the property which has city services and to the east there are several smaller lot subdivisions. Osprey Subdivision was approved last year and city services were brought in to that property as well. Mr. Lister provided a review of other similar rezones in the area that have happened recently. The property is surrounded by subdivisions, there are 37 subdivisions within a 1-mile radius of the property. The surrounding area is best suited soil and prime ag land, however, this is a 5-acre lot and they are asking for a 2-acre minimum lot size. There would only be one split available after this and would have to go thru the platting process because it is in the City of Nampa's impact area where there is an agreement in place that the county will observe their subdivision definition. This division would require platting so it would be coming back before the Board as a short plat. Nampa Highway states that this is a rural major collector and therefore a shared access approach is required. They would be able to work with the highway district at the time of platting. ITD had no concerns or opposition. Nampa School District didn't have any opposition. Nampa Planning said this is within their low-density residential area and is consistent with their future land use plan. Nampa engineering identifies this as a collector and will require a right-of-way of 40' from Powerline, this would not prevent them from splitting their property, there would still be enough acreage to do so. City services are located within Table Meadows but separated by a canal so it would be difficult for this property to pull the service. Well and septic are okay and would be reviewed at the time of platting to make sure everything complies with the requirements. No comments were received from the public which was adequately noticed. On April 15, 2021 the planning and zoning commission recommended approval of the request. The applicant did not appear at the planning and zoning hearing, however, the commissioners found that the property was too small for agricultural use and to be a good transitional zone between the R1 zone and agricultural. Staff is recommending approval of the rezone and if approved today the actions would be to sign the FCOs and the ordinance to amend the zoning map.

At the request of Commissioner Van Beek, Commissioner Smith explained that for her the reasons that make this rezone different from others is that although this property is surrounded by agriculture on three borders, the north border is very residential and farther north, closer to the city, is residential tracks and immediately north is R1 which is even more dense than what is being requested. Lake Shore is a good divider and has been identified by the city as their impact area boundary so she believes there will continue to be in-fill within the three miles shown on the zoning map (exhibit 4G). It's in an impact area, the comprehensive plan shows it as a residential area and it's adjacent to a zone that's denser.

The Board did not have any unanswered questions and upon the motion of Commissioner Van Beek and second by Commissioner White voted unanimously to close public testimony. Commissioner Van Beek made a motion to approve the request for rezone by Boyd Bates on case no. RZ2021-0004 and sign the findings of fact, conclusions of law and order and the ordinance (see ordinance no. 21-014). Commissioner White seconded the motion noting that she appreciates when the applicant appears for their hearing. The motion carried in a unanimous vote. The hearing concluded at 10:42 a.m. An audio recording is on file in the Commissioners' Office.

#### JUNE 2021 TERM

CALDWELL, IDAHO JUNE 11, 2021

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:

- HP Inc in the amount of \$2054.00 for Information Technology

#### CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO EL CAFETAL COLOMBIAN RESTAURANT LLC DBA EL CAFETAL

The Board met today at 8:52 a.m. to consider signing a resolution granting a new alcoholic beverage license to El Cafetal Colombian Restaurant LLC dba El Cafetal. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a new license to El Cafetal Colombian Restaurant LLC dba El Cafetal (see resolution no. 21-147). The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – PRELIMINARY PLATS FOR HESSE ACRES SUBDIVISION, CASE NO. SD2019-0013 AND HESSE LANDING SUBDIVISION, CASE NO. SD2019-0011

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of requests by Mark Hess for approval of a preliminary plat with irrigation and drainage plans for Hesse Acres Subdivision, Case No. SD2019-0013, as well as preliminary plat approval with irrigation and drainage plans for Hess Landing Subdivision, Case No. SD2019-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, William Mason, and Deputy Clerk Monica Reeves. Hess Acres Subdivision consists of nine residential lots, three common lots, and one road lot. The properties are located at 17178 and 17260 Madison Road in Nampa. Hesse Landing Subdivision consists of three residential lots. The 34-acre property is located adjacent to 17407 Madison Road in Nampa. Dan Lister gave the oral staff report for **Hesse Acres Subdivision** and responded to questions from the Board. On March 11, 2021 the P&Z Commission recommended approval, and staff recommends approval as well with modified conditions. Commissioner Smith said findings need to be added to address certain sections of the ordinance, namely 7-10A-11, and others, to make sure the plat meets the floodplain requirements of the ordinance. Dan Lister gave the oral staff report for **Hesse Landing Subdivision** and responded to questions from the Board. On October 1, 2020 the P&Z Commission recommended approval and staff also recommends approval subject to conditions. William Mason with Mason & Associates gave testimony on behalf of the applicant. He addressed FEMA and County requirements for base flood elevation and he responded to questions from the Board. Discussion ensued about the plat notes, a no-build area, the berm and Lot 3 on Hesse Landing and the possibility of doing a short plat. Plat note #15 will be removed from the preliminary plats for Hesse Acres and Hesse Landing. Mr. Mason needs time to speak with the owner. Commissioner Smith wants to leave the hearing open in case we come back with just the corrections and the revised findings and if so we can finish the hearing with the corrected FCO's. Or, if the owners make the decision to do a short plat for the one subdivision then noticing can be done for that case and then the Board will take up the other plat. The issues are about whether they can comply with the floodplain requirements, and remove the note about the waiver of sidewalks. Commissioner Van Beek made a motion to continue the hearing to Friday, July 9, 2021 at 8:30 a.m. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 14, 2021

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

FY2022 PRELIMINARY BUDGET WORKSHOP MEETINGS

The Board met today at 8:36 a.m. for FY2022 preliminary budget workshop meetings. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Director of Juvenile Detention Elda Catalano, Director of Misdemeanor Probation Jeff Breach, IT Director Greg Rast, Fleet Director Mark Tolman, PIO Joe Decker (arrived at 8:43 a.m.), Coroner Jennifer Crawford (arrived at 9:38 a.m. left at 10:16 a.m.), Treasurer Tracie Lloyd (arrived at 9:53 a.m.), Assessor Brian Stender (arrived at 10:00 a.m.), DSD Director Steve Fultz (arrived at 10:00 a.m.) and Deputy Clerk Jenen Ross.

***Commissioners' Office:***

- Commissioner Van Beek said that at this point there hasn't been much focus on the salary portion of the budget. There has been a request for 5% but that's negotiable. In 2018 for FY2019 the Commissioners took 0%, in 2019 for FY2020 3.5% was taken and in 2020 for FY2021 0% was taken. They do not yet have the numbers for the compensation plan so there will need to be a collaborative effort to look at that information.
- Commissioner Van Beek said the Board has asked EOs and DAs to identify actual hard costs for every line item. Either identify if there is a margin in things that have been budgeted for and what that amount is or create a line for contingency within the budget. Commissioner Van Beek said she's spoken with Controller Wagoner and he didn't care which way it is was done just that it was identified because as she understands it this is what makes up the fund balance. There are departments she knows of that balance their notes within PowerPlan to the dollar amount with identified contingency.
- Cell phones: all costs have been identified
- Advertising: no change
- Included some money for training and associated expenses such as meals, mileage and airfare.
- Association dues: Nampa, Caldwell and Middleton chambers of commerce
- Appreciation: to be used for condolences or recognize employees at some level.
- Computer equipment: directly tied to the IT recommendations - Commissioner Smith's computer will be repurposed to the front office along with the purchase of a new computer for the front office; Commissioner Smith has requested a more enhanced system.
- Office furniture: meeting room chairs for the Board
- Improvements to the BOCC meeting room have been included in the IT and Facilities budgets; anticipated cost is approximately \$76,000.

***General budget:***

- Outside auditor: budgeted \$70,000 to account for single audit which will be required for federal monies received.
- Attorneys: \$10,000 carryover from FY21
- Misc. professional services: \$5000 carryover from FY21



- Misc. personal services: Controller Wagoner suggested leaving this line at \$0 and the reserve fund could be used if there was something to be paid to the crisis center. The Board agreed to put \$0 in personal services and keep \$150,000 in the reserve fund.
- ICRMP: payment is divided between fire insurance and torts; \$40,000 is allocated to fire for buildings and structures, the remaining portion is for tort related issues.
- IAC: Board is in support of continuing, dues at \$22,000
- VRT: requested amount – not an approved amount, there are still outstanding issues to be researched prior to committing to funding.
- TVP: requested amount
- COMPASS: requested amount
- Chamber dues: will be \$0 in general budget but accounted for in the Commissioners' budget under 'association dues'.
- NACO: will remain the same as previous years
- Public lands assessment: \$30 for PILT monies
- URA: budgeted \$760,000 in FY2021 which has not and will not be spent; this line will be \$0 for FY2022.
- WAED: budgeted amount will carry forward but there will be continued discussion as to the level of funding.
- AAFV: requested amount
- Transcript fees: \$0
- BVEP: \$2500 but will be included in the DSD budget so it can be removed from the general budget.
- Metro: \$125,000 - not an approved amount, there are still outstanding issues to be researched prior to committing to funding.
- Meals on Wheels: \$1500 has been the amount budgeted in previous years for payment to the Homedale Senior Center which serves a portion of Canyon County. The Board has requested to hold on this budget line.
- Jannus: increased from \$15,000 to \$18,000 per their requested amount
- SWIDRC&D: \$500
- Youth Court: \$10,000
- Nampa Family Justice Center: line left at the requested amount; Commissioner Van Beek would like additional information so the Board has requested to hold on this budget line.
- Soil conservation: same as previous years
- Misc.: \$1500
- Employee appreciation: \$8000 for the employee appreciation lunch
- Reserve fund: \$150,000
- SWDH: increase due to state code; increase will be offset by decrease in indigent medical. Full increase begins in March so this is a prorated amount and will be higher in FY2023.
- Historical society: this is a separate fund and separate levy although still under the umbrella of Canyon County.

- Tort: \$50,000
- Liability insurance: reflects the actual 2022 premium.
- Reserves: contingency line for an unanticipated or unexpected tort related matters; leaving \$50,000 on the litigation fees line.
- Melba Gopher: this is a separate taxing entity, only taxpayers in that geographic location contribute, monies come from their property tax monies. Fund will remain at \$12,000.

The Board took a brief break from 9:30 a.m. to 9:34 a.m.

***Public Information Officer:***

- Software: for the Grammarly program to assist with grammatical errors in web posts, press releases, etc. and for Adobe Creative Cloud which is video editing software. Commissioner Smith suggested adding these to regular IT subscription budget. Controller Wagoner likes these items in the specific department.
- An 'Advertising' line item with a \$2000 budget will be added
- The 'COVID' and 'Elections' lines will be removed
- Mileage: \$100 budgeted and the Clerk and Board would like to see Mr. Decker claim mileage. Commissioner Smith encouraged the use of Fleet vehicles.

***Coroner's Office:***

- Morgue supply: increase of \$3500 to \$6500 to replace worn out tools.
- Expansion of Coroner's office: \$39,500 – Commissioner Smith wants to make sure this expense isn't included in the Facilities budget.
- Subscriptions: \$0
- Vehicles: replace a 2008 Jeep Liberty for a cost of \$28,000 – Commissioner Smith would like to see this expense moved to the Fleet budget. Controller Wagoner feels vehicle purchase budgets should remain within their individual budgets and explained why this a greater savings to the taxpayer.
- 'A' budget: pathologist salary needs to be reviewed and reassessed; Controller Wagoner recognizes that need and it is being reviewed.
- Education and Training: 5 staff members are allotted \$1000 each for the training they'd like to take; airfare, hotel and meals are included as part of the \$1000.
- FY2021 anticipated revenue from Owyhee County is \$19,450

***Treasurer's Office:***

- Cost of collections is down some due to a decline in delinquencies.
- Interest earnings: the last 3 years have exceeded what was budgeted so that has been increased.
- Public Administrator: revenue is offset by an expenditure
- Misc. services: printing and processing of tax notices, increased \$3000 for FY2022

- 'A' budget: included 5% increase to the compensation plan
- Discussion ensued regarding security in the administration building.

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

#### FY2022 PRELIMINARY BUDGET WORKSHOP MEETINGS

The Board met today at 1:17 p.m. for FY2022 preliminary budget workshop meetings. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Sheriff Kieran Donahue, Chief Marv Dashiell, CCSO Financial Manager David Ivers, Director of Juvenile Probation Elda Catalano, Parks Director Nicki Schwend, CCAD Director Michael Stowell, Director of Juvenile Detention Sean Brown, Director of Misdemeanor Probation Jeff Breach, Fleet Director Mark Tolman (arrived at 1:29 p.m.), PIO Joe Decker (arrived at 1:30 p.m.). Sheriff Donahue and his staff left at 3:25 p.m., Facilities Director Paul Navarro arrived at 3:31 p.m., Fair Director Diana Sinner arrived at 3:31 p.m. and Deputy Clerks Jenen Ross and Monica Reeves.

#### ***Sheriff's Office:***

- Protective gear - Increase of \$50,000 mainly due to increased cost of gloves.
- Increased revenue from \$375,000 in FY21 to a projection of \$632,637 in FY22 for driver's license.
- Anticipated decrease for prisoner housing.
- Requesting to replace ballistic shields for the SWAT team.
- Construction projects: rehab for the booking area in the jail.
- Landfill work release program: anticipated revenue reduced from \$200,000 to \$100,000 due to lack of workers.
  - Discussion ensued regarding employee shortage and amount of open positions.
- Other miscellaneous revenue: \$29,700
- Grant thru ISP for live scan fingerprint machines: \$15,000 - \$22,000, also some firearm trade-ins.
- 'A' budget: not requesting any additional personnel for FY22. Currently there are 15 funded but unfilled positions.
  - Discussion points included being competitive with surrounding entities regarding wages and how the salary budget lines are managed.
- Protective gear:
  - Security Services: includes gloves
  - Field Services: ballistic vests and shields
- 4449 SWAT Supplies: \$23,000 for ballistic shields

- 577100 Computer Equipment: \$51,000 – a breakdown of the costs was provided by Mr. Ivers and is included in the PowerPlan notes.
- 521120 Misc. Professional Services: \$15,000 – number based on previous trends and what is known going forward.
- 533301: \$139,708 is accounted for in the line.
- 535501 Construction Contracts: \$11,300 – project for the jail for the booking/ad-tech area and crime lab upgrade. \$5,300 for specific projects and \$6000 for any unanticipated projects or repairs.

Chief Dashiell reviewed some of the regular costs that are accounted for each year in the budget.

***Security Services:***

- 521170 Inmate Medical Services: approximate \$124,000 increase for FY22.

Discussion ensued regarding a funding source for a public safety building. Sheriff Donahue, Chief Dashiell and Controller Wagoner answered several questions posed by Commissioner Van Beek regarding possible funding.

- 684314 Safety Equipment: \$170,000 for the body scanner project. If the project completes in FY21 this number will not need to be included in the FY22 budget.

***Dispatch:***

- No new employees are being requested. Currently down 6 employees.
- Office Furniture: \$12,000 request for new chairs.
- 342101: Anticipated revenue of \$490,373
  - Discussion ensued regarding possible charge to smaller cities for this service. Sheriff Donahue provided a breakdown of the fee structure.

***CCNU:***

- Works as more of an accounting pass-thru account for forfeitures and seizures.

***Motor Boat License:***

- This budget is entirely funded by fees, no property tax dollars support this fund. Fees are collected by the State and it is very unpredictable.

***Emergency Communications:***

- This budget tracks the E911 surcharges. Sheriff Donahue said Chief Dashiell has worked to get the balance up from \$300 to \$2 million over the past 8 ½ years.
- Includes 3 computer systems – 2 for GIS operations, 1 for Spillman operations.

***Emergency Management:***

- There are not typically big projects assigned to emergency management; it's typically the emergency operations plan and the all hazard mitigation plan. The identified revenues are grant revenues and they have seen a decrease in those funds over the years.

Commissioner Smith asked the Sheriff if there are areas in his budget where he could reduce any line items that haven't been fully used in past years so perhaps it could free up funds for a smaller department's funding request. Sheriff Donahue said he will have to look at it, but it's likely it would only be a minimal amount. Clerk Yamamoto said there is little to nothing the Sheriff could reduce.

Commissioner Van Beek said there have been discussions about securing the administration building and she asked if the Sheriff has any input on the issue. Sheriff Donahue said he has not been privy to those discussions. Additionally, his office is already short staffed therefore he wouldn't have anyone to assist with this. He is currently studying the model Ada County uses in regard to providing security to the courtrooms and the court service offices, however, that is a large task and he anticipates it could take a couple years to get off the ground.

Chief Dashiell responded to a question from Clerk Yamamoto about the purchasing of vehicles stating that he has no issues with the process and feels that he and Director Tolman work well together. The Sheriff's Office appreciates the service provided by the Fleet department and Director Tolman.

In response to a question from Commissioner White about AT&T service, Sheriff Donahue spoke about the FirstNet service which the government is trying to push out. It is a very big project and it's anticipated to take several years to implement. Chief Dashiell explained that for our location within the US, Verizon provides much better coverage.

The Sheriff's Office budget workshop concluded at 3:25 p.m.

The Board took a brief break from 3:25 p.m. to 3:30 p.m. Deputy Clerk Monica Reeves took minutes from this point on.

#### ***County Fair:***

- Review of revenues:
  - Gate fee will increase by \$1.00
  - Commissioner Smith suggested that the price for beer needs to be increased
- Requesting a new position in response to the Fair office taking over the livestock show from the Extension office.
- Slight increase to temporary employees and overtime in response to taking over the livestock show and having a summer person.
- Youth superintendents and judges: increased slightly due to having to hire vets
- Main stage entertainment: increased \$25,000 due to competition in booking concert acts
- Slight increase to gate attendants, security/parking and contract workers due to the lack of temporary staff.
- Slight increase to fair equipment rentals

***Fair Building:***

- Review of Fair Building revenue
- Expenses are in line with previous years
- Registration and travel: there are two trainings and a meeting that they would like to attend in person if possible
- Office supplies: has been reduced due to not moving into the new building yet but slightly increased due to taking over the livestock show
- Building/ground maintenance supplies: projects or repairs within the building
- Custodial supplies: possible air conditioning for the rabbit barn
- One new computer as recommended by IT
- \$8 million for the Fair Expo building in capital construction contracts
  - Controller Wagoner said there is \$2 million in the fair fund so there would be an \$8 million investment. The \$2M would be expensed from the fair fund leaving a remaining need of \$6M. The initial thought is that the \$6M would be budgeted in the current expense fund in the capital investment line. There is also \$2M budgeted for the site improvement project that is funded in partnership with the Urban Renewal Agency.

Budget discussion regarding the Fair concluded at 3:52 p.m. and general budget discussion ensued. Commissioner Van Beek asked questions regarding increased fees for the Sheriff's driver's license fund and if Director Sinner has had an opportunity to evaluate rental fees for the new building. Commissioner White provided some suggestions to Director Sinner for the Fair temporary/seasonal help. At the request of Commissioner Van Beek, Director Sinner outlined some of the new responsibilities the Fair will be taking on by bringing the livestock show back under their purview.

The meeting concluded at 3:59 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO    JUNE 15, 2021

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

APPROVED CLAIMS ORDER NO. 2119

- The Board of Commissioners approved payment of County claims in the amount of \$1,651,499.24 for a County payroll

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill LLC to be used 6/19/21 for Vets Fund Raiser; The Curb Bar & Grill LLC to be used 6/19/21 for Manu Wedding; Eastside Tavern to be used 7/3/21 for Sosa Wedding; Eastside Tavern to be used 7/24/21 for Etzel Wedding; Eastside Tavern to be used 7/31/21 for Class Reunion; La Michoacana Mexican Restaurant to be used 7/3/21 for Sotelo Quincenera; La Michoacana Mexican Restaurant to be used 7/10/21 Sotelo Wedding.

#### FY2022 PRELIMINARY BUDGET WORKSHOP MEETINGS

The Board met today at 8:31 a.m. for FY2022 Preliminary Budget workshops. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Landfill Director David Loper (left at 10:50 a.m.), Director of Juvenile Probation Elda Catalano (left at 10:50 a.m.), Director of Misdemeanor Probation Jeff Breach (left at 10:50 a.m.), IT Director Greg Rast (left at 10:50 a.m.), PIO Joe Decker, DSD Director Steve Fultz (left at 10:00 a.m.), Mark Tolman (arrived at 8:34 a.m.), Indigent Services Director Yvonne Baker, Case Manager Camille Tilden and Recording Supervisor Emily Howell (arrived at 8:52 a.m. and left at 10:00 a.m.), Director of Court Operations Jess Urresti, Court Training & Development Manager Raena Bull (arrived at 8:54 a.m. and left at 10:00 a.m.), Elections Supervisor Haley Hicks (arrived at 8:59 a.m. and left at 10:00 a.m.), Assessor Brian Stender (arrived at 9:42 a.m. and left at 10:50 a.m.), Director of Juvenile Detention Sean Brown (arrived at 9:50 a.m.), Chief Deputy Assessor Joe Cox (arrived at 9:54 a.m. and left at 10:50 a.m.), Fair Director Diana Sinner (arrived at 10:52 a.m.), County Agent Jerry Neufeld, Debbie Lowber, Carrie Clarich, Nic Usabel (arrived at 10:57 a.m.) and Deputy Clerk Jenen Ross. The budget workshops were heard as follows:

#### **Landfill:**

- Projected revenue: \$7,160,000 from landfill fees and \$60,000 for recycling capital. There will be an additional \$60,000 in revenue from the sale of a piece of equipment.
- New/reclassified positions: \$250,000 for 4 new FTEs for a mechanic, operator, operator/screener and a fee collector.
- Professional Consultants: \$175,000 for Tetra Tech.
- Misc. professional services: \$1,620,000; \$1,420,000 for County support services (20% of fee collection) and \$200,000 to the Justice Fund for SILD workers.
- Well monitoring: \$175,000 for Tetra Tech to do groundwater monitoring.

- Wood waste removal: \$450,000 for 3<sup>rd</sup> party contract with Timber Creek, construction is going up and they've added sheetrock collection – may look to increase fees on “tan wood” (construction wood) and sheetrock.
- Hazardous waste: \$200,000
- Landfill expansion: \$250,000 to be in compliance with DEQ requirements for expansion.
- Purchase of land: \$2,500,000 for possible transfer station.
- Other improvements: \$365,000 for \$40,000 for automated kiosks, \$75,000 for landscape project, \$100,000 for asphalt and \$150,000 for Stuart well water right and infrastructure for water right.
- Machinery: \$105,000 for a lube trailer, water tank/trailer, portable/wireless truck lifts.
- Trucks and pickups: \$75,000 for recommended replacement of 2 trucks.
- Heavy equipment: \$560,878 for a loader and service truck.

#### ***FY2022 preliminary budget workshop for Clerk's Office***

##### ***Recorder:***

- In FY2020 the Recorders office had a 14% increase in revenue; revenues are continuing to increase in FY2021 mainly due to recordings.
- New/reclassified positions: \$102,000 for 2 additional positions; one for scanning old records and one due to the increase in documents being recorded.
- Machinery: \$10,000 for a copier and paper drill.
- Building supplies and materials: \$10,500 for remodel to vault shelves.

##### ***Elections:***

- Addition of an assistant supervisor position.
- Small office equipment: \$7400 for charging carts for e-poll pads and a duplicator to load the information and prepare the equipment for each election.
- Mileage: \$4000 for District Judges on election days.
- Updated mini conference PC.

##### ***Indigent:***

- Currently have 7 funded positions, but operating with just 5 – requesting just 6 full-time positions for FY2022. They intend to leave one position unfunded.
- Involuntary commitment: \$850,000 which is a reduction from FY20.
- Provider payments: \$400,000 which is a reduction from FY20.
- Misc. professional services: \$40,000 for medical reviews and transcripts.
- Total request: FY2022 is \$1,937,706 reduced from \$3,662,355 in FY2021.

##### ***Clerk of The Court:***



- Personnel: Requesting 7 new positions; 1 district in-court clerk, 2 magistrate in-court clerks, 1 magistrate in-court lead clerk, 1 court administrative specialist, 1 court support services lead clerk and 1 court systems technician due to addition of 3 new judges.
- Capital construction: \$30,000 for remodel of vault to add additional space for new judges and support staff.

***Auditor:***

- Misc. professional services: Increase to \$125,000 for ADP due to increase in county employees.

The Board took a brief break from 10:00 a.m. to 10:07 a.m.

***FY2022 preliminary budget workshop for Assessor's Office***

***Reappraisal:***

- GoverMax: Reduced to \$0 as Canyon County was the only entity in the state charging customers for access to the data so in the next budget cycle the fee will be discontinued. They will work with IT to create a public facing page that contains the information.
- No employee wage changes but would like to reinstitute the COLA.
- New/reclassified positions: \$176,000 for the addition of 3 new positions – one each for residential, commercial and rural.
- Professional consultants: Reduced to \$60,000.
- Misc. professional services: Reduced to \$60,000.
- Postage: Increased \$10,000 to \$40,000.
- Computer equipment: Increased \$10,000 to \$20,000 for IT recommended replacement equipment.

***DMV:***

- Title fees: Projected at \$122,000 for FY22 which is an anticipated decrease.
- Compensation program: Increased to \$100,000 in order to apply COLA adjustments and to compensate for under compensated positions.
- New/reclassified positions: \$134,000 for the addition of 4 positions.
- Construction contracts: \$160,000 to remodel a building (for potential second location).
- Machinery: \$8000 for a printer/scanner/copier (for potential second location).
- Computer/networks/software: \$30,000 to set up a queuing system (for potential second location).
- Office buildings: \$110,000 for lease of a 9000 sq. ft. building (for potential second location).
- Administration fee revenue: Projected \$1,640,000 if the fee is increased.

The Board took a brief break from 10:51 a.m. to 11:00 a.m.

***County Agent:***

- County Agent's contract: Increased \$1000; the Fair Aide position was removed but they are requesting an additional \$3000 for the Master Gardner, \$1500 for U of I reimbursement per educator and increase to fee for the checkbook audit; the 4-H Coordinator remained the same.
- Building supplies and materials: \$0 due to no requests for FY22.

Discussion ensued regarding workload, responsibilities and programing run thru the Extension office.

Net request for fiscal year 2022 is reduced by \$7400.

The meeting concluded at 11:22 a.m. Audio recordings are on file in the Commissioners' Office.

#### FY2022 PRELIMINARY BUDGET WORKSHOP MEETINGS

The Board met today at 1:23 p.m. for FY2022 preliminary budget workshop meetings. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor (left at 2:03 p.m.), Chief Deputy P.A. Sam Laugheed (left at 2:03 p.m.), CCPA Administrative Supervisor Melinda Longoria (left at 2:03 p.m.), Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Assessor Brian Stender, Director of Juvenile Detention Sean Brown, Chief Public Defender Aaron Bazzoli, PIO Joe Decker, CCAD Director Michael Stowell, Fleet Director Mark Tolman (arrived at 1:36 p.m.), IT Director Greg Rast (arrived at 2:18 p.m.), DSD Director Steve Fultz (arrived at 2:37 p.m.) and Deputy Clerk Jenen Ross. The budget hearings were heard as follows:

##### ***Prosecuting Attorney's Office:***

- Budget is very similar to FY21 budget
- SAUSA: Increased from \$100,000 to \$115,000.
- Salaries: Advocating for investment in salaries. With the addition of 3 new judges they are requesting 6 new employees (3 attorneys and 3 support staff) and associated costs.
- Temporary: \$25,000 for law school interns.
- Hotel: \$5,000 for witnesses.
- Association dues and Bar dues: Total for both lines is \$53,700 to pay dues in all 44 counties.
- Expert witness: \$10,000 which is a budgetary guess based on a trial that may happen.
- Research fees, computer equipment, and office furniture: All lines were increased due to additional employees necessary to accommodate the additional judges.
- Software: \$75,000 is a placeholder in case there is an emergency with the JustWare system. The goal is to start the RFP process for a new system.

##### ***Juvenile Probation:***

- Budget will remain largely the same with the exception of one division.
- '300' budget (Juvenile Probation): Anticipated revenue of \$245,000; budget is similar to FY21 budget.
- '804' budget (Parole Block): Anticipated revenue of \$404,548; budget is similar to FY21 budget.
- '805' budget (Cigarette Tax): Anticipated revenue of \$463,024.
  - Group counseling will be reduced from \$20,000 to \$10,000.
  - Some funds from this account are allocated to the juvenile drug court and juvenile detention center.
- '828' budget (Lottery Tax):
  - Software: \$30,000 for improvements to the management system.
  - \$3500 has been included to send a judge to juvenile drug court training.

For FY22 Ms. Catalano will not be requesting any positions. There is currently one open administrative position which she is actively recruiting for.

Discussion ensued regarding possible site consultants to evaluate space for a meeting room that could be shared between Juvenile Probation and Juvenile Detention. Mr. Wagoner said that \$45,000 has been included in the Facilities budget for the design and engineering type fees for this project.

At this time nothing has been budgeted for personnel. She has been able to retain her staff but feels their work and longevity need to be continue being compensated.

The Board took a brief break 2:20 p.m. to 2:27 p.m.

#### ***Misdemeanor Probation:***

- Currently has 1 unfilled position but would like to keep it funded and evaluate thru the year if it needs to be filled or remain vacant.
- Nothing has been accounted for in regard to compensation; those numbers will be added later at the recommendation of the compensation committee.
- 'B' budget for the Community Service is \$10,000 although, \$7200 of that is pass-thru workman's compensation.
- Protective gear: \$11,000 for soft body armor
- Small office equipment: \$7900 - \$5500 for 2 additional handheld radios, \$500 for 2 additional security cameras, \$1200 for a standalone battery lock.
- Reduced revenue projection down to \$407,788 from \$438,000 in FY2021.

#### ***Juvenile Detention:***

- Revenues: Increase from \$225,000 in FY20 to \$350,000 for FY2021 for board and room of juveniles.
- Requesting to re-fund one of the 6 positions that were cut in FY2020 in order to fill a vacant FTO (Field Training Officer) on one of the teams.

- Part-time: Reduced to \$25,000 from \$50,000 in FY2020
- Inmate medical services: Increased by \$9000 to \$125,000

The meeting concluded at 2:55 p.m. An audio recording is on file in the Commissioners' Office.

#### JUNE 2021 TERM

CALDWELL, IDAHO JUNE 16, 2021

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:

- Curtis Blue Line in the amount of \$1,431.60 for Canyon County Sheriff

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an alcoholic beverage license renewal for Pacific Sushi LLC dba Pacific Sushi (Resolution no. 21-148)

#### FY2022 PRELIMINARY BUDGET WORKSHOPS

The Board met today at 8:33 a.m. to conduct Fiscal Year 2022 preliminary budget workshops. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Paul Navarro, Assistant Facilities Director Ricky Britton, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, IT Director Greg Rast, Assistant IT Director Eric Jensen, IT Business Manager Caitlin Pendell, IT Operations Manager Don Dutton, PIO Joe Decker, Fleet Director Mark Tolman, DSD Director Steve Fultz, Landfill Director David Loper, Administrative District Judge George Southworth, Acting TCA Benita Miller, TCA Admin. Supervisor Tara Hill, Deputy Judicial Marshall Matt Burgess, Chief Public Defender Aaron Bazzoli, Assistant Public Defender Scott James, Deputy Public Defender Erik Ellis, Parks Director Nicki Schwend, Weed and Pest Control Superintendent AJ Mondor, and Deputy Clerk Monica Reeves. The workshops were held as follows:

## Facilities Department (8:33 a.m. to 9:24 a.m.)

### **A Budget**

Director Navarro is requesting a fulltime maintenance technician position to help with the Fair expo building and the arena building, and he would like to reclassify a maintenance technician position to a project manager/purchaser position to track down purchases and quotes, control inventory, and help with mobilizing and de-mobilizing safety equipment and materials. The position will be a slight increase over what is being paid now. (60% of their time will be as maintenance tech and 40% as a project manager.) Commissioner Smith raised the issue of contracting out lawn mowing services. Director Navarro said he has, but his staff doesn't just mow lawns, they do weed control, maintain parks and county grounds, move boat docks, and haul trash and he doesn't think a contractor can do that. He has looked at contracting ground control and housekeeping and the pricing is astronomical, however, he said he can look into contracting a piece of it. Another issue is that most grounds people don't have public works licenses. Commissioner Van Beek said Director Navarro does a good job keeping that inhouse. Commissioner Smith said she's received complaints about trash piling up at parks on the weekends and so she would like the facilities staff to consider doing cleanup on weekends.

### **B Budget**

Director Navarro has \$85,000 in architect's fees, and he wants to set aside \$40,000 for a warehouse design for property on Graye Lane as our currently warehouse is at capacity. (For A&E fees to get a stamped design to put out for bid to get an idea of cost.) He would like to use \$45,000 to have an architect and engineer to help us design an unused portion of the juvenile detention center that's been unused for years and Jeff and Elda need the space to turn cells into office space. He increased his budget to account for rate increases from Idaho Power, Intermountain Gas, and gasoline rate increases. He would like to bring snow plowing services inhouse. He is requesting the following:

- \$15,000 for security systems to purchase/install cameras to add levels of security
- \$10,000 for computer replacement as suggested by IT
- \$75,000 to replace trucks/pickups that have reached their end of life
- \$26,000 for a used skid steer for snow removal
- \$594,000 for capital improvement contracts:
  - \$84,900 for a water source chiller on juvenile detention center rooftop
  - \$11,648 for a key cutting machine/software to make care keys for fleet shop
  - \$37,970 to pull fiber optic from courthouse to fairgrounds
  - \$195,000 to replace the SPRUNG roof on Pod 5
  - \$20,000 replace store front doors on courthouse on 12<sup>th</sup> Avenue
  - \$8,000 to replace windows in jail admin
  - \$46,000 to replace roof at the extension office
  - \$45,000 to replace 8 MAU in courthouse
  - \$6,500 to upgrade cellular dialers for fire alarm systems to 5G network

- \$9,500 to replace 2 hot water heaters in courthouse
- \$5,200 to replace 12 wall heaters in stairwells
- \$33,000 to expand reliable DDC controls to Elections, building maintenance and animal shelter
- \$5,600 to add 3 HVAC units in crime lab/morgue into reliable DDC program
- \$9,800 to replace windows at DMV building
- \$6,850 for BOCC meeting room improvements
- \$4,500 to replace gate for juvenile probation parking area and controller
- \$6,500 to replace 2 gate openers for Fleet shop
- \$4,850 to remodel the IT vault into useable office space
- \$14,350 for LID improvement to Extension office
- \$39,300 to seal-coat and restripe parking lots in 3-year rotation

There was discussion regarding the following items: Clerk's vault project for Clerk's Office and Recorder's Office; animal shelter roof project, which needs to be done but is not dire; fund balances; and the employee wage problem where it's difficult to recruit and retain employees. The Board took at break at 9:24 a.m.

#### **Trial Court Administrator (TCA) – (9:35 a.m. to 10:35 a.m.)**

##### **A Budget**

- 4 part-time judicial marshals
- 1 part-time mediation coordinator to start eviction court again and hopefully grow to have data and try to add small claims in a few years
- 1 fulltime Judicial assistant (there will be 2 magistrate judges and one district judge)
- 1 part-time family court services class administrator
- 1 fulltime staff attorney

Seeking reclassification of specific positions in the TCA Department: 4 judicial assistants; the assistant TCA position; and the TCA administrative supervisor. They are also seeking the adoption of a job description and salary range for the chief marshal position.

##### **B Budget**

Cell phone stipends have increased significantly. Discussion followed regarding the need for a policy for cell phone usage, and it was suggested that perhaps that could be a task for the new TCA.

\$15,000 for protective gear for marshals.

Clerk Yamamoto said the Court Clerks have requested a second IT person and that should be something the state pays for. Judge Southworth said he will bring that up during the TCA meeting that will be held in July. There was a review of the district court budget, family court services budget, court device budget, court facilities budget, and the treatment courts budget. Topics of

discussion included: jury fees; court classes and class fees; DUI court, and the interlocking device costs; plans to remodel the 2<sup>nd</sup> floor courtrooms and perhaps the need to explore charging back County labor; shared coordination expenses for treatment courts and associated revenue.

Commissioner Smith asked for an update regarding the SILD program. Judge Southworth said he sent communication to magistrate judges reminding them that the SILD program is full force and working now and he suggested in their discretion, instead of using community service, to use the SILD program. The Board is thankful for that. The new TCA will start next week. There was discussion regarding courtroom security, the marshal staff and their presence in the courtroom. With the shortage of labor, the costs are going up.

The Board took a brief recess at 10:35 a.m.

#### **Information Technology (10:43 a.m. to 11:17)**

There was a reviewed of the projected revenue accounts.

#### **A Budget**

Director Rast is requesting a new sys admin position. He said wages are a problem so he's utilizing internal promotions so he doesn't have to compete with the private sector. The A Budget increased by \$43,000 and the B Budget was reduced by \$50,000.

#### **B Budget**

Education and training increased from \$42,100 to \$58,042. He has 25 positions scheduled for training to counter offsite training he pays for on-pace training that used to be in service contracts line item and he moved them to education/training. He uses vouchers to go against some training.

\$10,000 for OnBase upgrades.

Service contracts increased from \$640,000 to \$708,000; it's the cost of doing business with 90+ vendors.

There is a \$10,000 increase for internet, but it will be reduced when they connect fiber for the Nampa communications project.

Office supplies increased from \$4,185 to \$10,000; this is not just for IT, it covers other County offices.

There was discussion regarding the IT computer equipment replacement schedule.

Software reduced from \$136,000 to \$86,000.

Small office equipment \$2,500 to \$3,600.

\$60,000 for BOCC recording equipment/meeting room upgrade.

\$64,000 has been set as a placeholder for a potential DMV second location in Nampa.

\$32,000 for a small to mid-size truck to transport equipment

#### **Development Services Department (11:17 to 11:36 a.m.)**

Revenue projections are at \$2.3 million which is a 12% increase over 2021. If trends continue we will see more.

### **A Budget**

Seeking a part-time administrative person in code enforcement; a fulltime code enforcement officer and a fulltime economic development specialist. There was discussion regarding a fine structure for code enforcement and have a specific line item for it.

\$20,000 for professional consultants.

\$70,000 for engineering services.

\$20,000 for miscellaneous professional services to bring on a hearing examiner to assist P&Z Commission. He has spoken with the Controller about the possibility of the County having its own engineer.

Increased costs for advertising and gas and oil.

Commissioner Smith asked Director Fultz to evaluate which employees receive cell phone stipends and why.

A potential reduction of \$15,000 for the P&Z Commission (5 members vs. 7 members)

\$8,000 for building supplies and materials for office space reconfiguration. He will look at moving the code enforcement division into the empty space in the indigent department.

\$75,000 to replace a vehicle and acquire a new vehicle for the code enforcement officer.

Clerk Yamamoto said he is not in favor a County economic development person but he might entertain the idea if the County created an urban renewal area countywide.

The meeting concluded at 11:35 a.m. and resumed at 1:26 p.m.

### **Public Defender (1:26 p.m. to 2:11 p.m.)**

### **A Budget**

The previous Public Defense Commission (CDC) grant received in 2016 was used to hire five new staff members but it was an offset and didn't cover the costs and that became of what they call the 15% or the County's share. That amount has increased over the course. In FY2020 the public defense grant was \$542,646 for just the 15% mark and that went up this fiscal year by about \$50,000 and it will go up this next year based on the grant application fund of \$663,000. That fund is used to offset the expenditures made for those five staff members from the last years. In the last two years he has received a total of \$226,112 to hire two additional attorneys for workload compliance. Those two attorneys are differently hired than the previous five so if the grant monies go away the attorneys will go away. The current request for the PDC is \$226,112 for the previous



two attorneys and the five additional attorneys needed for workload compliance for a total of \$717,707. (He is not requesting that from the County.)

For the new expanded court, they will need four new attorneys and one legal support specialist and he is hopeful he will get attorneys from the PDC. If he gets all five he will not ask for any other attorneys from the County. He will know in July, August, or September what the amount of the grant is. He has five open positions. He would like to see a COLA for his staff as they worked extremely hard during COVID and continue to make this an amazing place to work. He spoke about the success of mediations which have resulted in a significant savings.

### **B Budget**

Mr. Bazzoli has lowered 85% of his line items resulting in a \$45,000 reduction over last year's B Budget.

The computer equipment line item will be \$10,000 not \$15,000 *\*Commissioner Van Beek would rather IT carry that contingency.* Discussion ensued regarding contingency amounts.

The software line item can be reduced from \$50,000 to a lower number.

Controller Wagoner spoke about the interlock device fund which has an approximate balance of \$150,000. Mr. Bazzoli is aware of the fund and he advises clients they can make application to that fund to get their installation expenses covered. Clerk Yamamoto said the DUI ignition devices get installed immediately but getting them uninstalled is another story because the private companies won't take it off until the order expires and people are left pay for additional weeks which isn't fair.

There was discussion about the trials where clients represent themselves and do not want the public defenders advising them. Not only do public defenders have to be present (even though they are not participating) the County can be on the hook for any wrongdoing but there can be bar complaints which is concerning. The Board wants more information on this topic.

### **Fleet (2:17 p.m. to 2:47 p.m.)**

#### **A Budget**

Director Tolman is requesting \$16,000 to fund a part-time position to help with the carwash, and \$12,500 to fund a position reclassification that was approved last year.

#### **B Budget**

The biggest change is in the fuel line item which increased from \$300,000 to \$375,000.

Vehicle repair costs have gone down when replacement schedule is followed.

\$12,000 for a nitrogen machine (grant money can help with that).

\$165,000 for a dealer-style car wash. Expects there to be savings in both time efficiency and water usage. (There is a potential to use American recovery funds for this project).

#### **Parks Department (2:55 p.m. to 3:37 p.m.)**

##### **A Budget**

Director Schwend is seeking an increase to the part-time budget. Increased the canoe science camp line item because they've had a hard time keeping interpretive specialists.

##### **B Budget**

Two grants totaling \$20,000 will be added to the revenue/grant line item.

\$68,000 for master planning assistance for \$64,000; and engineering for a grant application for Celebration Park boating improvement for \$4,000. *(Parks and outdoor recreation do return in revenue. For every \$1 spent in state parks there is a return of \$54 that's spent in the community.)*

Gun range line item reduced from \$46,200 to \$15,000.

\$3,400 increase in the exhibits line item.

\$6,610 for an automated gate system for the Lake Lowell shops (Potential to use American recovery funds for this).

\$20,000 increase to cover the Celebration Park museum mezzanine project. Director Schwend hopes to market the dorms at the museum. Clerk Yamamoto said after 12 years it would be nice to get this project completed.

There was discussion about the potential revenue for the parks budget. The budget request is nearly \$900,000 and the revenue was \$12,000. We appreciate efforts but you have a long way to go before this is funded by fee-driven revenues. Commissioner Van Beek understands but wants to explore the idea for entities that generate revenue where all their revenue flows back to current expense fund without the ability to generate. Controller Wagoner said it doesn't flow back to current expense, there is a specific parks fund that has its own fund balance. Discussion ensued.

#### **Weed and Pest Control (3:38 p.m. to 3:53 p.m.)**

##### **B Budget**

- \$20,000 to replace the UTV
- \$4,500 to paint office and shop
- \$44,000 for a truck to haul water. He will sell the old truck (this is a 2<sup>nd</sup> priority)
- \$15,000 to pay for the owl box program. (BSU Ornithology Department is seeking funds to cover mileage costs and for grad student interns to clean and study owl boxes. They have been providing the service for free.)

The meeting concluded at 3:54 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 17, 2021

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

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:50 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom, and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-662; 2021-695; 2021-696.

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

#### CONSIDER JUNE 17, 2021 AGENDA ITEMS

The Board met today at 9:04 a.m. to consider signing the agenda action items that were scheduled for 9:00 a.m. Present were: Commissioners Leslie Van Beek and Pam White, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Deputy PA Alexis Klempel, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Captain Harrold Patchett, Controller Zach Wagoner, Weed/Pest Control Superintendent AJ Mondor, Indigent Services Director Yvonne Baker, Case Manager Jenniffer Odom, Deputy Treasurer Tonya May, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Agreement with Idaho Transportation Department for Noxious Weed Control*** – It's the annual renewal agreement, the only change is getting the chemical names rather than brand names put in for the acceptable chemicals. The department sprays for the Idaho Transportation Department and it encompasses the freeway and all state highways that run through the County. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the agreement. (Agreement No. 21-043.)

***Resolution Authorizing Transfer of Excess Sale Proceeds to Parties in Interest and to the State Treasurer pursuant to I.C. § 31-808*** – Tonya May reported there are three claims for excess funds from the March 30, auction; two were for property located t 20167 Apricot Lane in the amount of \$1,062.03, and \$163.21; the third claim was for property located 10112 Iris Drive in Middleton in the amount of \$66,341.90 and there are still excess fund to be sent to the State of Idaho after those claims are paid. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing the transfer of excess sale proceeds to parties in interest and to the state treasurer pursuant to Idaho Code, Section 31-808. (Resolution No. 21-149.)

***Consider signing Notice of Public Auction*** – The intent is to put 16 surplus vehicles on the auction July 8-July 15. The notice will publish in the Idaho Press-Tribune on June 22, 2021. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to sign the notice of public auction.

***Consider Signing Prosecution Services Term Agreement with the City of Notus*** – PA Taylor said this is the same contract they have with every other municipality and he anticipates the caseload will be low, therefore the monthly installment amount is \$100.00. If the caseload volume increases there is the option to increase the payment amount. The City of Notus recently engaged in a contractual agreement with the Parma Police Department to provide law enforcement services. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to. (Agreement No. 21-044.)

***Canyon County purchase agreement for Thermal Imaging Kiosk for the Dale Haile Detention Center*** – On June 14, 2021 ADANI Systems, Inc., submitted a letter objecting to the County's decision to award the contract to Command Sourcing. Another email was received from OD which we will treat as a protest. Deputy PA Doug Robertson recommended the Board postpone the signing of the agreement so we can deal with the protests. Deputy PA Robertson and Captain Patchett will meet with the Sheriff and bring it back to the Board at a later date.

The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 18, 2021

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

CONSIDER SIGNING RESOLUTION CHANGING THE TITLE OF ONE POSITION IN DEVELOPMENT SERVICES DEPARTMENT (PLANNING OFFICIAL)

The Board met today at 8:46 a.m. to consider a resolution changing the title of the Planning Director position in DSD to Planning Official. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, HR Generalist Jennifer Allen, and Deputy Clerk Monica Reeves. The position was approved on June 1, 2021, but legal counsel said it could cause some confusion with another director title so they recommended a title change to planning official. Director Fultz said he met with the Controller and based on the amount of people they will supervise and the level of responsibility they felt it was comparable to the building official position. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution changing the title of the Planning Director position to Planning Official. (Resolution No. 21-150). The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO REVIEW AMERICAN RESCUE PLAN FUNDS FOR THE PURPOSE OF REVIEWING ALLOWABLE EXPENSES

The Board met today at 9:01 a.m. to review the American Rescue Plan (ARP) funds for the purpose of reviewing allowable expenses. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Chief Deputy Sheriff Marv Dashiell, Chief Civil Deputy PA Sam Laugheed, Prosecutor Bryan Taylor, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Treasurer Lloyd reported that \$22,322,737 in federal funds has been deposited into its own separate account. She has been in contact with state, and she has an application to put the money in an LGIP (Local Government Investment Pool) account where it will earn interest at a rate of .17%. Currently it's in a noninterest-bearing account waiting for direction from the Board to put it into the state LGIP account. The Board has no problem with moving the money it to the account specified by Treasurer Lloyd and Commissioner Smith signed the application as a ministerial item.

Clerk Yamamoto said before we talk about how to utilize the funds, we must first have to discuss the County budget. We were told the state was going to do something about property tax, but they did nothing. This last legislative session they did a last-minute move behind closed doors and Canyon County's bill, which would have provided actual property tax relief to all homeowners, never saw the light of day. In an unprecedented move the County chose not to take the 3%, or forgone, or new construction and we lowered our budget and because of those actions we will be able to say the County had nothing to do with raising taxes. The blame for this goes on: 1) what residential values are doing and 2) HB 389, which has created more issues than it will fix.

Use of ARP funds:

- Any local government that lost revenue during COVID-19 is eligible to use the funds.
- We have three years to spend the money.
- The first installment is in the bank now; and the second installment will come next year.

Canyon County was on a trajectory of a 10.4% growth rate, and we can prove over a \$6 million reduction in revenues. To ensure use of the ARP funds legally and to protect the taxpayers the Clerk suggests we allocate \$7 million a year that is earmarked to go into County funds to replace lost revenue to help taxpayers. We are at a \$110 million budget now and when you figure in the Fair, and the addition of employees, and a 5% COLA for FY2022 we are looking at a \$118M budget, possibly more.

Commissioner Van Beek was contacted by a legislator who said Canyon County could have provided tax relief, but it opted out of using \$9 million in federal funds. Clerk Yamamoto said there is no other local taxing entity that did what Canyon County did without that money and it was because of good sound financial management. Commissioner Smith agreed. Discussion ensued. Clerk Yamamoto thinks we should earmark \$7 million (as a round number) a year to take care of taxpayers. Treasurer Lloyd said the County will receive another payment of \$22 million in six months and it must be earmarked for a project by the end of 2023 and completed by 2026. Prosecutor Taylor said hypothetically at the end of 2023 we could earmark \$44 million for a down payment on the construction of a jail. Sam Laugheed had questions about FAQ's and the calculations of the amount of funds. Clerk Yamamoto said half of the money should be earmarked for taxpayers and other half could be for some other use, but we don't have to be in a hurry to decide what to use it for. Treasurer Lloyd said there was discussion in the legislature about reducing revenue sharing over the next few years because we have this money so we need to keep that in mind, and if that were to happen and we have a plan to use this money to replace what could be taken away from us that needs to be kept in mind. Commissioner Smith said the same reason we had for not taking the money to supplement the taxes is still there. There are a lot of things we could spend money on that would bolster the economy and there are things we have told our department heads and elected officials we need to wait on that we could creatively fund and get off the plate and put some of that money into the economy, such as hiring businesses to do some of the work and creating plans that help with tourism. Putting some funding aside is important but we also need to look at how to spend the money and get it into the community that helps long-term visions. Commissioner White said the biggest thing that lost revenue is the non-essential businesses, and property taxes have had to supplement everything in a huge way. Clerk Yamamoto said he is presenting a plan that fits well and it gives us time to figure out what we need to do. It utilizes half of the money for citizens and the other half is available for what is reasonable to help the community. Commissioner Van Beek asked if there is vision to build a jail? If so, then we have to identify revenue sources. We could take some of the retiring allocation funds, some of the tax incentives that come off, understanding that we could provide property tax relief, but we will have to turn around go out for a bond that puts it right back. We have to have a guaranteed source of repayment then that's what we can take and market if we still see the need for a public safety facility. She likes the Clerk's idea of creating an urban renewal district. If we have a guaranteed stream and if we put part of the funding toward creating a master facilities plan those are the kinds of things that are tangible.

Ideas that could make a difference:

Commissioner Smith said the parks director wants to invest in a parks plan (at a cost of \$65,000) that would identify the needs going forward for our existing parks and as we anticipate growth where the other gaps are in the parks' needs. The director also wants funding for the mezzanine at the museum (based on tourism), and to upgrade the gate lock systems. The fleet director has an idea for a carwash and that could be related to COVID in terms of maintenance of other people's cars and cross-contamination. Commissioner Smith wants a tourism plan that connects the cities and the County that would promote tourism.

Commissioner White would like a crime lab with DNA testing in Canyon County. Chief Dashiell said the accreditation responsibilities for the facility and personnel are not something he recommends the County taking on.

Assessor Stender was hoping to purchase a building for a second DMV location in Nampa, but due to the unforeseen future of what the DMV is going to look like he is backing away from that idea. His team is in close quarters and nearly at max capacity for employees so a second facility would allow for more space. Perhaps an amount could be earmarked for the Assessor down the road but if it doesn't pan out he will give the money up. He likes the idea of giving property tax relief to the taxpayers.

Coroner Crawford spoke about how she is limited on space. She agrees with the idea of setting funds aside for the nonessential businesses that have failed and said we need to look at how we can help them, not just ourselves.

Treasurer Lloyd said we need to determine what kind of percentage we want to give to local businesses, or tourism. We need to identify a percentage and move forward with a cautious plan; we have some time to think about it unlike the CARES funds where we had to act fast but that was not a safe way to move forward.

Chief Dashiell said the storage of equipment became an issue and they used the jail annex to store 100 pallets of protective gear. The Elections Office and facilities department have a lot of storage issues too and currently the County is leasing warehouse space for \$50,000 a year. The revenue stream goes to the businesses, but our services still have to have a funding mechanism and with growth comes more need for services. He spoke about how the Sheriff's Office cannot get job candidates because of the cost to live here and we have to figure that out.

Commissioner Smith said everything is focused on residential growth and we have to do something. Canyon County historically had the largest leakage problem in the entire valley where we take our local money and spend it in Ada County and until we turn that around we will continue to suffer and be the bedroom community.

Chief Dashiell said until the legislature decides to make commercial properties pay for themselves to provide for what's going on around them we are stuck. With the new HB 389 the

Middleton/Star Fire Department anticipates a loss of revenue in the amount of \$350,000. Clerk Yamamoto said with the last Presidential Election they were having trouble with polling locations and the Elections Office was able to use the O'Connor Fieldhouse for one month and they learned a lot about what can be done election-wise to run a better election and better serve the voters and have ample parking. If there is ever a time to allocate money toward an election center that would be a fantastic thing. Commissioner Smith said we will have a Fair Expo building and in an emergency the Clerk could use that space. (Assessor Stender left at 9:58 a.m.)

Prosecutor Taylor said we must be cognizant with what the state is going to do with revenue. He leans more toward the nonprofits who stepped up during COVID, such as the Boys and Girls Club, shelters, etc., but the challenge is how much it will take for the County to manage it and determine how to equally distribute it. He leans more toward utilizing the funds for major capital improvements because we need more space, more employees, more parking, and we have a tent that is getting ready to expire and we have a decision to make about the jail trailers. Commissioner Van Beek wants to purchase properties around the courthouse. She spoke about an investment tool to be able to use the interest generated off a restricted fund that would be dedicated to improving the current footprint of the campus and eventually expand. She likes the parking garage idea as a capital investment project. Commissioner Smith said auto park is a better option because it does not require an entire city block, we could build it on what we already have. Sam Laugheed said his focus is on procedure and compliance vs. advocating for any particular use and in this situation, we have some time and it will be critical to thoroughly vet all these things. Putting the money aside for taxpayer relief is in keeping with Canyon County's historical budget philosophy but it is also the safest objectively measurable thing we can do with the monies because in the Treasury rules there is the formula established so it is very objective. All the other uses we are talking about would have to be viewed through a subjective lens whether it's responding to a public health emergency and its negative economic impacts, or to provide premium pay to essential workers to provide government services to the extent of a revenue loss and to make necessary infrastructure investments.

Commissioner Van Beek said a lot of good ideas have been generated and we should triage it on the *SAFE* or the *WANT TO* and get buy-in. She referred to issues the Coroner's staff has in dealing with COVID-related issues and perhaps we could look at getting the Coroner's Office and first responders included in hazard duty pay.

Commissioner Smith likes the Treasurer's idea to identify percentages and set some goals of how we want to divide that up which would allow us to start looking into some of those areas we would like to fund. Clerk Yamamoto said it will involve a priority list and his office will look at what the financial impacts are. He and Controller Wagoner will "crunch it out" and have it after the week of July 4<sup>th</sup>.

The meeting concluded 10:17 a.m. An audio recording is on file in the Commissioners' Office.



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

The Board met today at 1:03 p.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. Mr. Wesley provided a list of active cases with PA's Office and updates. Eric Arthur reviewed the type of cases noting which cases are active and which are suspended. There was discussion about how cases are categorized and the processes for code enforcement cases, and discussion about how to expedite criminal proceedings that are pending. It was agreed that the abatement process would be the most immediate remedy. The Board give direction that it wants to start again on a case and bring it back for abatement noting that this will be a good test run to see if we can find anyone to abate. When details of a specific case were discussed the Board went into Executive Session as follows:

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

Commissioner White made a motion to go into Executive Session at 1:22 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss 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 Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. The Executive Session concluded at 2:09 p.m. with no decision being called for in open session.

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

JUNE 2021 TERM  
CALDWELL, IDAHO     JUNE 21, 2021

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 574941 to 574969 in the amount of \$145,891.44

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Intermountain Wood Products in the amount of \$1680.00 for Trial Court Administrator District Court
- Intermountain Wood Products in the amount of \$1927.05 for Trial Court Administrator District Court
- PIPECO Nampa in the amount of \$4006.31 for Parks
- Army Navy Outdoors in the amount of \$5417.22 for Parks

#### COMMISSIONERS OFFICE STAFF MEETING, AND CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR MARWOOD, INC., DBA 208 BURGER Q, AND RESCHEDULE A PUBLIC HEARING FOR MARLIA SUBDIVISION

The Board met today at 8:52 a.m. for an office staff meeting, and to consider a resolution granting a new alcoholic beverage license to Marwood, Inc., doing business as 208 Burger Q. The Board also went on the record to reschedule the land use hearing for Marlia Subdivision, Case No. 2021-001. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The items were considered as follows:

**Consider new alcoholic beverage license for Marwood, Inc., dba 208 Burger Q:** In reviewing the alcoholic beverage license for Burger Q, Commissioner Van Beek noted it is near a church and so further review of the application is necessary. She would like a review of the alcohol application because it could be improved and she spoke of the need to have a standard review process. Commissioner Smith reviewed the ordinance language. The Board wants to have legal review the application and have staff ask the City of Middleton what action they plan to take and if they have any information regarding the proximity to the church. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the license for 208 Burger Q to this afternoon at 1:25 p.m. in order to gather additional information the facility's proximity to a church.

**Reschedule Marlia Subdivision short plat hearing, Case No. SD2021-001** - The applicant requested the hearing to be continued to a later date. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to table the case to July 22, 2021 at 1:15 p.m.

As part of the office staff meeting, the Board reviewed this week's schedule with staff. The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR MARWOOD, INC., DBA 208 BURGER Q

The Board met today at 1:23 p.m. to consider a new alcoholic beverage license for Marwood, Inc., doing business as 208 Burger Q. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Monica Reeves. This item was continued from this morning to obtain additional information from the City of Middleton, but additional time is needed for legal counsel to weigh in. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith the Board voted unanimously to continue the item to tomorrow at 9:00 a.m. The meeting concluded at 1:24 p.m. An audio recording is on file in the Commissioners' Office.

#### JUNE 2021 TERM

CALDWELL, IDAHO     JUNE 22, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 575188 to 575201 in the amount of \$15,739.37
- The Board has approved claim 575119 in the amount of \$50.00
- The Board has approved claims 575035 to 575064 in the amount of \$28,994.41
- The Board has approved claims 575223 to 575263 in the amount of \$15,153.27
- The Board has approved claims 574915 to 574940 in the amount of \$27,607.64

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Grainger in the amount of \$4906.32 for Facilities Department
- HP INC in the amount of \$2895.00 for Information Technology Department

#### APPROVED CATERING PERMIT

- The Board approved Idaho Liquor Catering Permits for Moad LLC dba O'Michales Pub & Grill to be used 7/10/21; 7/13/21; 7/24/21; Raising Our Bar LLC dba Raising Our Bar to be used 7/1/21; 7/8/21; 7/15/21; 7/23/21; 7/25/21; 7/29/21; 7/30/21; 7/31/21; County Line Wine Co LLC dba County Line Wine Co to be used 6/26/21.

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved employee status change forms for Daniel M Lister, Planning Official; Jenna Petroll, Planner I; Karen Sue Miller, Fee Collector; Abdiel Philpott, Juvenile Detention Field Training Officer, Abigail Woods, Maintenance Technician.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Family Dollar INC dba Family Dollar #30025 (See resolution no. 21-151)
- The Board approved an Alcoholic Beverage License renewal for Family Dollar INC dba Family Dollar #27267; Family Dollar INC dba Family Dollar #27513 (See resolution no. 21-152)

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

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 9:06 a.m.), EOM Christine Wendelsdorf (left at 9:06 a.m.), HR Generalist Jennifer Allen (arrived at 10:24 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution designating surplus property and donating to City of Homedale Police Department:***

***Consider signing resolution designating surplus property and donating to Payette County Sheriff's Office:***

Mr. Robertson explained that notice of these donations was signed about 10 days ago; since that time no public comment has been received. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution designating surplus

property and donating the City of Homedale Police Department (see resolution no. 21-153) and the Payette County Sheriff's Office (see resolution no. 21-154).

***Consider signing written decision on the request for reconsideration in Case Nos. OR2020-0011 and RZ2020-0017:*** Draft copies were provided to the Board for review. The request for reconsideration was received on April 23, 2021 regarding the decision made by the Board on April 9, 2021. The request for reconsideration addressed three areas 1) use of the Nampa comprehensive plan 2) the weight given to certain evidence and 3) request for additional time to negotiate a development agreement. The Board's written response addresses each point which Mr. Wesley reviewed on the record. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the written decision on the request for reconsideration in case nos. OR2020-0011 and RZ2020-0017. A copy of the written response is on file with this day's minutes.

***Consider signing a resolution granting a new alcoholic beverage license to Marwood, Inc. DBA 208 Burger Q:*** There were questions raised yesterday on the proximity of this business to a church. Ms. Klempel explained that the county ordinance references state code in regard to licensing near churches or schools but there are exceptions to that. The exception being if the municipality approves; the municipality in this case is both the County and the City of Middleton. Commissioner Van Beek would like to hold off on signing this resolution until input is received from the City of Middleton. Commissioners White and Smith spoke about the location being in the business district and one can presume the church knew they were located in this area where a business would likely be. The City of Middleton still has the option to deny this application and it will be invalid. Commissioner White made a motion to sign the resolution granting a new alcoholic beverage license to Marwood, Inc. DBA 208 Burger Q. The motion was seconded by Commissioner Smith with the amendment to include language noting that the Board did take into consideration the location of the church. A vote was taken on the motion with Commissioners Smith and White voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote. (See resolution no. 21-155).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:22 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 communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy

P.A. Doug Robertson. Ms. Klempel and Mr. Robertson left the meeting at 9:43 a.m. and HR Generalist Jennifer Allen joined the meeting at 10:24 a.m. The Executive Session concluded at 10:29 a.m. with no decision being called for in open session.

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

#### MEETING WITH THE PARKS DIRECTOR TO DISCUSS FY2022 HISTORIC PRESERVATION GRANT AWARDS

The Board met today at 10:37 a.m. with the Parks Director to discuss FY2022 Historic Preservation Grant Awards. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Park Director Nicki Schwend, Outdoor Recreation Planner Juli McCoy and Deputy Clerk Jenen Ross. Director Schwend gave background information on the Historic Preservation Commission, Advisory Board, Certified Local Government (CGL) and HPC grant award program. This year there were 13 applications received from 11 agencies for a total of \$105,240 being requested this year. Grant award recommendations for FY2022 are as follows:

- American Legion, Joseph H. Murray Post 18 – Nampa American Legion Chateau: \$25,000
- Canyon County Historical Society: \$5,847
- Friends of Deer Flat National Wildlife Refuge: \$10,000
- GFWC Woman's Century Club: \$2,000
- Greenleaf Historical Society: \$6,000
- Historical Society of Middleton: \$8,000 (This is for 2 projects)
- Nampa Public Library Foundation: \$1,000
- Melba Valley Historical Society: \$17,590 (This is for 2 projects)
- Upper Snake River Tribes Foundation: \$11,664
- Warhawk Air Museum: \$9,600

At this time, they are not recommending funding for the Advocates Against Family Violence for the Caldwell Odd Fellow Home for the Aged. This building is on the National Register list and they have requested funding for replacement of the windows, however, it needs to be done historically accurate but with modern upgrades (energy efficient). The Historic Preservation Commission tried working with them and to get them in contact with the State Historic Preservation Office providing information on architectural offices that do this kind of work but the AAFV never got back in contact with the HPC. If this were to be funded and not done to historical standards it could cause the property to be delisted from the Nation Registry. The total amount being recommended for FY 2022 is \$96,701.

Mr. Wagoner said the county has the authority to levy a specific tax for historical preservation purposes. Funding does come from property tax and there is a maximum levy rate. This request is significantly under the maximum potential levy rate. There is no action item today, the official action item is acceptance of the budget and approving the funding amount within the budget.

As a side note, Director Schwend spoke about a musician who will be coming to Celebration Park in May of 2022.

The meeting concluded at 11:26 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:38 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross.

Mr. Bazzoli updated the Board on the following:

- He is going to hire someone to do some scanning in order to clear out one of the storage containers located on the Fleet lot.
- An open staff position was recently filled; currently there are no vacant positions in the Public Defender's department.
- The new investigators are doing well and there will be a training next week on some of the software programs.
- Budget is on track for this point in the year.

The Board took a brief break at 1:51 p.m. and went back on the record at 2:00 p.m.

- There will be an upcoming meeting to discuss the contract with Pine Technologies.

The meeting concluded at 2:04 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:04 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Landfill Director David Loper and Deputy Clerk Jenen Ross.

Director Loper updated the Board on the following:

- Waste amounts were up 2.2% in May, FY21 is up 7%.

- A letter has been submitted to DEQ for the landfill expansion. They are currently in negotiations as to when the meeting will occur but hoping for mid-July. A review of some new rules that have been adopted in regard to landfills was provided to the Board. A plan will have to be submitted within 12 months of June 21, 2021, when the letter was submitted, and implemented within 16-18 months. Director Loper has worked with Controller Wagoner to adjust the budget to accommodate unanticipated expenses related to this change.
- Director Loper would like to start some public relations in order to get community input on a transfer station. The Board is supportive of moving forward with collecting community input. His plan is to speak with the cities and to work with Joe Decker and the 3<sup>rd</sup> party consultant to get information out.
- Operations staff will be demoing a couple of loaders so that the process can start in selecting a new machine.
- They are still working on litter control but having a hard time finding personnel. Commissioner Smith met with the SILD Director (Lt. Engle) and Judge Bever yesterday and learned there are multiple players in the SILD program. Right now, there is an option between community service and SILD but the community service program is free and SILD charges participants \$15 per day. Lt. Engle will work with Prosecutor's Office on the costs. The Board has instructed Director Loper to work with Lt. Engle on the reimbursement agreement for the services. Additionally, the Board would like to see the fee waived for participants.
- They are working to extend the fencing to expand the landfill footprint which will encompass the area used as a motorcycle park.

The meeting concluded at 2:38 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:38 p.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following:

- 2021 Fair update:
  - Competitive entries are being received
  - New layout for the food court area
  - Review of special programs/events that will be part of the Fair
- Budget for FY2021:
  - There are concerns about staffing and equipment rental expenses; Director Sinner anticipates exceeding the budgeted amount on these line items but it shouldn't actually affect the bottom line
- Fair/Extension MOU:



- Director Sinner thinks it's getting close and once she receives it back from Ms. Clarich at the Extension office she will forward it to Mr. Wesley for final review.

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

EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner White made a motion to go into Executive Session at 2:47 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White and Fair Director Diana Sinner. The Executive Session concluded at 3:08 p.m. with no decision being called for in open session.

At the conclusion of the executive session Director Sinner continued with her regular update as follows:

- Building rental/non-Fair:
  - Reviewing the rental process, application, agreement and fee structure
  - Developing event calendar for the website
  - Researching area rental rates for the Expo Building
- Concert ticket sales
  - 2021 ticket sales: \$41,905
  - 2021 ticket sales budget: \$13,000
  - 2019 ticket sales: \$48,815

Discussion ensued regarding the groundbreaking planned for tomorrow. Commissioners Smith and White have decided to cancel the groundbreaking as they feel there should be some additional planning. The construction of the expo building is a big deal and the groundbreaking needs to be celebrated. Tentatively it will be rescheduled for the first day of the Fair.

The meeting concluded at 3:19 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM

CALDWELL, IDAHO     JUNE 23, 2021

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- SHI in the amount of \$1,490.48 for THE Information Technology Department

APPROVED CLAIMS

- The Board has approved claims 574970 to 574999 in the amount of \$92,953.97
- The Board has approved claims 575065 to 575089 in the amount of \$8,827.26
- The Board has approved claims 575090 to 575118 in the amount of \$54,119.38
- The Board has approved claims 575158 to 575187 in the amount of \$28,256.75
- The Board has approved claims 575202 to 575222 in the amount of \$21,319.00
- The Board has approved claims 575000 to 575034 in the amount of \$29,543.98
- The Board has approved claims 575120 to 575156 in the amount of \$108,148.27
- The Board has approved claims 575333 to 575375 in the amount of \$18,364.18
- The Board has approved claims 575295 to 575332 in the amount of \$42,332.07
- The Board has approved claims 575264 to 575294 in the amount of \$56,555.17
- The Board has approved claim 575376 in the amount of \$5,417.22

RESCHEDULE PUBLIC HEARING – APPEAL BY PECKHAM ROAD TRUST FOR A CONDITIONAL USE PERMIT, CASE NO. CU2020-0001

The Board met today at 1:57 p.m. to go on the record to reschedule the public hearing in the matter of the appeal by Peckham Road Trust for a conditional use permit, Case No .CU2020-0001. Present were: Commissioners Keri Smith and Pam White, and Deputy Clerk Monica Reeves. The matter needs to be rescheduled to a later date so the Board can have a full day to consider the case. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to continue the hearing to July 13, 2021 at 10:00 a.m. The meeting concluded at 1:58 p.m.

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

#### APPROVED CLAIM

- The Board has approved claim 575406 in the amount of \$958.33

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Pilot Rock RJ Thomas Mfg.Co. in the amount of \$2,225.00 for Parks

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

*Note for the record: As properly noticed the Board met today at 9:05 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:06 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:40 a.m. with no decision being called for in open session.

#### MEETING TO REVIEW DRAFT ZONING ORDINANCE AMENDMENTS - AGRICULTURAL LAND

The Board met today at 9:45 a.m. to review draft zoning ordinance amendments regarding agricultural land. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planning Official Dan Lister, DSD Planner Kate Dahl, Roger Batt, Dan Steinson, George Crookham, Kris Crookham, various members of the community and Deputy Clerk Jenen Ross.

Commissioner Smith gave background information regarding a meeting that was had several months ago where the Board asked for input on an ordinance. Roger Batt gave his background stating that he is representing the Idaho/Eastern Oregon Seed Association and Coalition for Agriculture's Future.

A PowerPoint presentation was given and reviewed the following topics:

- Land Use Planning
  - "Spot zoning"
  - 2010 zoning ordinance amendments
    - Eliminate rezoning ag land by CUP
    - Require compatibility determination
- 2011 Legislation
  - Right to Farm Act
  - Land Use Planning Act
- 2011 Comprehensive Plan
- CAF Effort to Implement Comprehensive Plan regarding Ag Preservation Provisions
- Treasure Valley Ag. Delineation between 2001-2005
  - Lower Boise River Watershed Ag Land inventory – 2005
  - Treasure Valley Ag change between 2016-2020
- Proposed Rezone Criteria
  - A. The proposed zone change is consistent with the goals, policies and implementation actions of the agricultural component of the comprehensive plan.
  - B. Each lot for which the change is requested is adjacent to non-agricultural or non-agriculturally related uses on at least two (2) sides of the lot and at least fifty percent (50%) of the lot perimeter.
    - Commissioner Smith would like some additional information on this.
  - C. Each lot for which the change is requested is within five hundred (500) feet of existing utilities.
    - Commissioner Smith wants clarification on exactly which utilities; she feels this one is very subjective.
  - D. The change will constitute a logical contiguous extension of an adjacent non-agricultural zone.
  - E. There is no feasible alternative location in a non-agricultural zone for the use for which the change is requested.
  - F. The change will be compatible with nearby agriculture and agriculturally related uses.
  - G. The boundaries of each lot of which a change is requested that is adjacent to agriculture or agriculturally related uses shall include a buffer to prevent conflicts with agricultural uses, activities and practices.

- Commissioner Smith asked what that buffer looks like. Does it need to be big enough that when residential does encroach that strip can be developed or will it always be a 100' dead zone?
- Commissioner Van Beek asked if the option for the county to grant a variance should be eliminated?
- Commissioner Van Beek also posed the question, what are the other options for development when taking into consideration the preservation of ag land?

Ms. Dahl suggested a workshop between the ag community, DSD and possibly the Board might be beneficial to discuss the different strategies and ideas. She is concerned it is being discussed in a piecemeal way and would be better if everyone was on the same page at the same time.

Mr. Lister noted that the comprehensive plan is being updated right now. A lot of the goals and policies are the same and it's really the implementation part that they're looking into. He said that DSD would like to work with the ag group to resolve some of these things at a policy level vs. the law level.

Commissioner White expressed that her biggest struggle is personal property rights and she would like a better understanding of how that plays into zoning and the comprehensive plan. Commissioner Smith spoke about personal property rights stating that when people purchase property they are responsible to do their due diligence and to understand how their land is zoned. LUPA was set up for each county to have land use standards and guide growth. The Idaho property rights guarantees your right to operate the land the way that it was purchased. It allows you to apply for a zone change, however, it doesn't guarantee that it will be approved. Mr. Crookham said that he feels that the zoning is what matters, if you put personal property rights over the zoning then essentially what you have is a free-for-all and anyone can do whatever they want with their property. Mr. Lister spoke about how they have to evaluate the property rights of not just one land owner but the neighbors and how a change affects all of the surrounding area.

Commissioner Smith encouraged the groups to meet and then come back to the Board with an update. She would like to see the ideas shared within a workshop format where there can be a discussion on which criteria is meant for the comprehensive plan and to explore other ideas.

Mr. Batt spoke about how they've operated with other agencies with workgroups and the effectiveness of the process. The Board is supportive of this process.

Discussion ensued regarding the best way to move the ordinance thru the process. Commissioner Smith believes that Canyon County can be the responsible party for moving this forward.

A copy of the PowerPoint presentation is on file with this day's minutes.

The meeting concluded at 11:07 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONTINUE THE PUBLIC HEARING TO CONSIDER A REQUEST BY TAYLOR JENE HOMES, INC. AND VALLEY VIEW RANCH SUBDIVISION NO. 4 FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019/SD2020-0035

The Board met today at 1:30 p.m. to continue the public hearing to consider a request by Taylor Jene Homes, Inc. and Valley View Ranch Subdivision No. 4 for a rezone and preliminary plat, case nos. RZ2020-0019/SD2020-0035. Commissioner White made a motion to continue the case to June 28, 2021 at 1:00 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 1:30 p.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner White made a motion to go into Executive Session at 2:03 p.m. pursuant to Idaho Code, section 74-206(1)(e) to consider preliminary negotiations involving matters or trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Business Manager Jennifer Loutzenhiser, Deputy P.A. Doug Robertson, Steven Jenkins with the City of Caldwell and Planning Official Dan Lister. The Executive Session concluded at 2:41 p.m. with no decision being called for in open session.

JUNE 2021 TERM

CALDWELL, IDAHO     JUNE 25, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 575377 to 575405 in the amount of \$42,631.84

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mtn Home Auto Ranch in the amount of \$365,842.00 for Fleet
- W2W Commercial Flooring in the amount of \$41,471.69 for Trial Court Administration District Court
- Right! Systems Inc in the amount of \$26,790.00 for Information Technology Department
- Right! Systems Inc in the amount of \$1,311.00 for Information Technology Department

#### APPROVED CATERING PERMIT

- The Board approved Idaho Liquor Catering Permits for Fuerte LLC dba Goodwood Barbecue Company to be used 7/3/21; 7/10/21; 7/24/21.

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Edmy Vega, Temporary Summer Employee

#### PUBLIC HEARING TO CONSIDER A REQUEST BY JARDINE TRUST FOR A CONDITIONAL REZONE; CASE NO. CR2020-0011

The Board met today at 9:04 a.m. for a public hearing to consider a request by Jardine Trust for a conditional rezone, case no. CR2020-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Deputy P.A. Zach Wesley arrived at 9:44 a.m., TJ Wellard, Arlene Jardine, Teresa Jardine, Mike Jardine, Christy Pancheri, Cynthia Sandford and Deputy Clerk Jenen Ross.

Commissioner Van Beek noted for the record that she had previously spoken with Teresa Jardine about her frustration with this situation but there was no advice given. It was a benign conversation and will not impact her ability to make an objective decision.

Jennifer Almeida provided one late exhibit, no. 24, which is a letter in opposition from Dr. Harold Neville Cynthia Sandford.

The oral staff report was provided as follows, the Board of County Commissioners heard this case on February 17, 2021 and voted at that time to deny the request. Due to a material change from the Planning and Zoning Commission's recommendation Idaho code requires that a second hearing be held. The subject property is approximately 1.75 acres, not located within an impact area or in a floodplain. The applicant is requesting to conditionally rezone the property from agricultural to single family residential. In 2020 the applicant applied for a secondary residence to care for aging parents. The secondary residence construction was commenced, however, to complete the project the lender required the home to be on its own parcel. In 2020 .75 acres was divided off of the north parcel but because it was smaller than the allowed lot size the applicant also applied for a variance and received approval of a variance by the Director on December 1, 2020. The applicant is requesting the conditional rezone to comply with Canyon County code and complete the residence on the property. The subject property is designated as agricultural on the Canyon County Future Land Use map and as proposed the home would be located adjacent to existing homes and residential uses clustered along Dearborne Rd. and would not impact agricultural uses that are adjacent to the property. The predominant zoning district within the area is agriculture. The subject property is adjacent to residential uses and one additional homesite would not create an incompatible use as proposed. Within one mile of the property there are four platted subdivisions and those subdivisions have a total of 31 lots and a 9.08-acre average lot size. Access to the property will be via Dearborne Rd. which is a public road. The highway district has already issued an approach permit for the residence which was submitted with the building permits. Individual domestic well and septic system will be utilized and a septic permit was submitted with the application for the building permits. As previously stated, the Planning and Zoning Commission did recommend approval of the request in December of 2020. As conditioned staff has found that the request complies with the Canyon County comprehensive plan and are recommending approval as outlined in exhibit 1 of the staff report.

Ms. Almeida addressed questions from Commissioner Van Beek regarding the lot size and ownership of the surrounding properties.

Commissioner Smith asked if putting the property back into the Pancheri's name and do a transfer of development or relocation of building permits was an option. Ms. Almeida said that is always a possibility but doesn't think that is an avenue they have discussed. Commissioner Smith said that the way the ordinance reads is that the land has to be in the same ownership but if there are available contiguous parcels that have a building permit available you can transfer it. She suggested that transfer of development rights might be another option but the ordinance would have to be amended for that so that there could be separate owners.

Mr. Wellard offered testimony in favor of the request stating that the Jardine's needed to move closer to family and there was vacant, fallow ground between two existing houses that was available. There was a property line adjustment made between the Pancheri's and the Jardine's to allow this .75 acres to be part of the Jardine property so the secondary residence had a place to be built. The rezone process and construction of the house were happening at the same time. There is a legally permitted house already sitting on this piece of ground, it's not changing the use of this property and the only reason they're doing this is for ownership purposes. There are



currently two houses on the 1.75 acres and if this gets approved there will still be 2 houses on the 1.75 acres, the restrictions that are going to be put on this conditional rezone make that the case. In Canyon County every property can have 2 residences on it. This house exists legally under the Canyon County ordinance and all they're requesting is to be able to draw a line between the houses so that ownership can be separate. They are not asking for new entitlements, there aren't going to be new residences, there's not going to be new building permits – all they're asking for is to be able to draw this line and be in conformance with Canyon County ordinance. If they wanted to build a shop or sell the property it would have to be sold as two houses on one piece since it's non-conforming with the ordinance and there wouldn't be able to be a loan. Based on Canyon County ordinance no. 7-10-27, single family residences are allowed in the agricultural zone so the character of the area is not being changed. In regard to statements made in the previous hearing about spot zoning, Mr. Wellard read into the record ordinance no. 7-6-07, section 1 and based on that ordinance he feels that this request is valid and that the ordinance does allow for a request like this to be approved. Additionally, ordinance no. 7-6-07, section 3 regarding spot zoning was read into the record by Mr. Wellard who argued that this section of the ordinance states that granting conditional rezones does not create a precedent. It's a case-by-case basis and the limitations that are put on conditional rezones are specific to that property and it's not enabling someone to come in next door and request the same zoning. He also cited a decision made by the Idaho Supreme Court regarding zoning noting that the thing they've made clear is that it defers to the land use agencies determination of whether the application is in accordance with the comprehensive plan. There is a lot of case law that provides the Board a lot of discretion in interpreting and applying the comprehensive plan. The original parcel of this property can still be split thru and administrative land division, all it has to have is a zoning change to do that. It's not a subdivision, new entitlements aren't being created, they are not asking for more building permits. These are existing uses that are there today. In response to earlier questions, Mr. Wellard said that the Jardine's only own the 1.75 acres but none of the surrounding ground. There are no common ownerships of any grounds with any other transferable rights.

Commissioner Smith said there are Supreme Court cases that support LUPA that this would be considered spot zoning. She feels that by requesting a change to a residential zone it is an entitlement.

Commissioner White doesn't feel like the property is being redesigned, they can have the secondary dwelling, it is the circumstances. She said change to the area keeps being discussed but it's allowed. She believes the Board's job is allowing the secondary piece to have a property line, it's not changing any uses or anything else. The issue is the process and the order of the process. In this situation she is not going to hold these people responsible for that process.

Commissioner Smith said that at the last hearing they testified that they bought the property "as is", they developed the property under the current code and they knew that when they built the secondary residence that it had to stay as one parcel.

Mr. Wellard asked how many secondary residence splits have come before this Board? How many non-conforming splits have come before this Board for approval that actually have to be

subdivisions that have to be rezoned and subdivided as one lot subdivisions? He explained that he can count dozens of projects that he's personally been involved with that are one lot subdivisions on a non-conforming parcel that has been allowed to be rezoned specifically for one residence.

Commissioner Smith doesn't think this is a fair question; it would require research for a fair answer and she doesn't think the Board should answer it unless this hearing is delayed. She feels that Mr. Wellard's dispute argues against the statement that its case-by-case, it's now arguing that there has been so many that it has to be done.

Mr. Wellard explained that's not what he's saying, he's just trying to point out whether it has or hasn't happened. The Board says it's creating a precedent so if it is then there have been none before, if it's not or maybe just a couple, then it may not even be an issue. Also, previous Boards have approved sub-roll conditional rezones that actually have to be a one lot subdivision plat. Whether it's interpretation of the code difference, what's they're dealing with right now is that they don't know what to expect. This is the direction that they were given to go.

Discussion ensued regarding the predominant use in this area and the allowed uses.

In response to a question from Commissioner White, Mr. Wellard said they are not opposed to any restrictions on the property, they want the property to stay how it is, all they want to do is separate ownership of the two houses. Commissioner White explained she looks at things on a case-by-case basis and a highly restrictive development agreement that goes with the land is just another safeguard the Board can put there to protect what they want to see growth in Canyon County look like. Additionally, there are already two houses there so there won't be any change to the character.

Mr. Wellard spoke about how he thinks the chairman believes they are trying to skirt the ordinance but that is not the case here. They are just trying to bring the property into conformance and for a specific reason. This was an allowed building permit and all they want to be able to do is separate ownership. He doesn't see how this is an issue, especially with the restrictions they're putting on it. There are no new entitlements for this property, the only thing being allowed is separate ownership. It's a family surrounded by a family farm, nothing is being changed. He referenced a conditional rezone that was recently approved by this Board for Ridgeline Vistas that was irrigated farm ground. He doesn't understand why something like that would be approved but something like this where the use isn't changing can't be approved.

Commissioner White asked about the transfer of development rights and a relocation of a building permit. Commissioner Smith believes this would be an option for solving this but it would require some finagling of property ownership. One option would be to apply for an ordinance text change. She said there are neighboring communities that allow for transfer of development rights, Canyon County has always talked about it but never done it. It would allow for situations like this without rezoning agricultural land. Commissioner White asked Mr. Wesley that even though this is something that hasn't been adopted by Canyon County, is it legally something that can be considered. Mr. Wesley said that before the Board today is the application for the conditional rezone and the applicant is requesting a decision on that application and is entitled to one. If there

is a denial the local land use planning act requires the governing body to make suggestions or recommendations about how the application could be approved. As a suggestion/recommendation of a potential avenue to get this approved the ordinance amendment could be a solution, any amendment to the zoning ordinance has to follow a separate process. There has to be either an application filed or county initiated, go thru the planning and zoning commission for a recommendation and then come before the full Board again for a decision. The application would then have to go thru the process again under the new ordinance, going before the planning and zoning commission and potentially the BOCC.

Teresa Jardine handed out an exhibit for Board review which Ms. Almeida noted as exhibit 25. She then provided testimony in favor of the request speaking of how they had an unused lot between their parents and siblings that has sat vacant and useless for 17 years. They needed to be closer to their parents in order to help them as they age. They started this process as the COVID-19 pandemic began and therefor it was put on hold for quite a while. They realized the lot was not quite the necessary acre but in order to do that they would have to go into prime farm ground and they didn't want to do that. They applied for the variance in order to keep it within the boundaries of the lot that wouldn't affect the farm ground. They followed the advice of Mr. Wellard who was following the advice of the county which was to apply for the variance before they came before the Board. Thru this entire process they've done everything by the book exactly as they've been asked to do. She is confused as to why it has become such a big deal to live between her parents and siblings on a lot that was never maintained and when they've done everything according to what they thought was the law and the right thing to do. She noted that there was one objection that they received late yesterday which has given them no time to address. The objection was received from the former owners of a neighboring property. Letters of support from the current property owners were also received and submitted.

Commissioner Smith spoke about how the county needs to get serious about an ordinance text amendment that allows for a transfer of development rights so that the land can remain zoned agriculture. She explained that sometimes when change happens an application can get stuck in the crosshairs and unfortunately this application is one of them. It is a matter of interpretation but that is where we are at right now. Commissioner Smith asked if Ms. Jardine testified at the first hearing that they knew that it was a secondary residence and that it had to stay as one parcel? Ms. Jardine said she did not testify to that but that Mr. Wellard would be speaking for them. She said that the reason they applied for the secondary residence was because they had waited so long and the county recommended that was the best thing to do at the time. Commissioner Smith explained that the current ordinance allows for a relocation of building permits if the land is under contiguous single ownership. For example, if that parcel was put in the Pancheri's name for a small period of time and then took one of the residential permits they have on other adjoining parcels you could move it. Ms. Jardine said she would need to talk with the family before she would be able to say one way or another if that is something they'd be willing to do.

Christy Pancheri offered testimony in favor of the request reading a statement into the record noting the amount of time they've owned the lot surrounding the subject property and their intention for the future. The letter noted that the parcel had sat vacant for a number of years and

that no farm ground was sacrificed in order for the Jardine's to build their home. She noted specific examples of where homes have been constructed on prime farm ground whereas this piece of property is not.

Cynthia Sanford provided testimony in opposition stating that they recently sold that property to Zach Raptosh. They chose to sell it to the Raptosh's because her husband so strongly believes in agriculture and that the farm was close to being a century farm in his family. After watching all the growth and development within Canyon County their concern is the boundaries of this section of land, they have seen too many times that once zoning is changed to residential zoning future land sales occur, development comes in and the argument is made that it's already been rezoned and nothing is going to be changed. They aren't opposed to the house, they just don't want there to ever be an option down the road that other parcels of land are going to get sucked in to being rezoned.

Mr. Wellard offered rebuttal testimony stating that he thinks everyone in the room is on the same page. He doesn't want farm ground to be developed in Canyon County. He doesn't think the prospect of large development is what is before this Board today, this is people who have been in Canyon County a majority of their life and living next to family. If the ordinance or comprehensive plan don't allow for things like this to occur then the ordinance needs to be fixed. From the evidence he's presented he thinks there is an avenue for this to occur. He doesn't feel that conditional rezones are for 80 acres to be subdivided, he thinks they're more for situations like this one where something that should be conforming with the ordinance can occur without affecting the surrounding property. He thinks this needs to be allowed and whether or not the ordinance needs to be changed he doesn't know, that's up to Board interpretation. He feels something like this can be allowed thru the current ordinance and wonders why it would be denied. He asked the Board to keep an open mind and apply the rules thru the current ordinance and to approve the request.

Exhibits 24 and 25 were entered into the record.

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

The Board took a brief break at 10:17 a.m. and resumed the hearing at 10:24 a.m.

Discussion ensued regarding criteria necessary for conditional rezones, how an administrative land division works, ordinance text amendments and relocation of building permits and transfer of development rights.

Commissioner White feels this development agreement allows for the adjustment and believes Mr. Wellard said it is just a property line adjustment being requested which she approves of and doesn't think it changes the characteristic of any of the ag land. She would like the wording of the development agreement to state that the county is granting the property line adjustment, no secondary residences. The testimony of their representative said, "this is a property line

adjustment request". It is a conditional rezone but the reason they are requesting that is for the property line adjustment. She doesn't believe this creates spot zoning and that the Board should do what it can to find the options for this family.

Mr. Wesley noted that that Board is required to make findings under the current rules.

Commissioner Smith addressed the findings noting that the proposed use is inconsistent with the comprehensive plan map and text so it's a no on that one. And when considering the surrounding land uses *"is the proposed conditional rezone more appropriate than the current zoning designation?"* she feels that the current zoning designation is ag vs. the purposed of an R-1 zone for a predominantly single-family area, this is not a predominantly single-family area, it is a predominate agricultural area and so for that the current zone is more appropriate. She wants to help them find a way and said she would be one of the first people to help draft an ordinance.

Commissioner Smith suggested the application could be suspend in order to give them time to see if there are any transfers available and that the hearing could be tabled in order to allow the Jardine's and Pancheri's to look for available building permits and see where transfers might come from.

Commissioner Van Beek made a motion to table this hearing for 2 weeks.

Mr. Wesley said there has been a motion to close public testimony indicating the hearing is complete and the Board is obligated to issue written findings within 30 days. The record would need to specifically reflect why testimony is being reopened so that testimony can be limited to those items.

Commissioner White motioned to re-open public testimony which was seconded by Commissioner Van Beek.

Van Beek made a subsequent motion that testimony be reopened to establish timelines for continuing this hearing and to articulate the reasons that we want to continue the hearing. Commissioner Smith added this would be specifically for exploring relocation of building permits and timelines for drafting ordinance amendments on transfers, drafting language for the development agreement that would support allowing the rezone and then reverting back. Negotiating the development agreement so that the language fits that. The motion was seconded by Commissioner White and carried unanimously.

Mr. Wellard asked that the Board to make a decision based on the application in front of them today. If it is denied they will research the other avenues but at this point in time he thinks it ends up the same. So, whether this Board decides to approve it or approve it with certain conditions regarding changes in the current ordinance and are looking at transfer of building permits those avenues are currently available, either they've been exhausted or they will be looked into if it's denied. He's not sure continuing the hearing to alter language in the development agreement to fit all those other things happening really changes the situation so he would ask that the Board

issue a decision based on the current application in front of them and if denied they will look at the other options that have been discussed regarding changing the ordinance or looking at transfer of ownership to be able to do a transfer of building rights. Mr. Wellard went on to explain that the bank loan isn't what is the issue here, the parcel has already been created which is what the bank needed to close the loan. The issue is if there were ever a time they wanted to sell the house or put up a shop, that would be problematic. He said they are just trying to get in compliance with the ordinance.

Commissioner Van Beek said with this new information she is not able to support the rezone for this reason, it was her understanding that the Board was trying to assist in order to gain bank financing. In her opinion this remains a non-conforming piece in ag ground and Mr. Wellard has provided support for denying this application.

Ms. Jardine confirmed that the last time they were in front of the Board they had not gotten approval for the loan and were worried they would not get approval based on the fact that it was a non-conforming split. The bank has loaned the money but told them they need to get the property into conformance.

Commissioner Van Beek said that if the request is for a decision to be rendered today based on the testimony that's been provided she now has a different understanding and does not feel the need to rezone a piece of property that's already been approved. To rezone this for the purpose of having a non-conforming, unfarmable piece of ground to make it conforming doesn't make sense to her. She feels the Jardine's have what they need and in her opinion the Board has a real driver to get a text amendment to the ordinance and to find a way to make these kinds of applications easier for people. She feels there just needs to be a pause. When staff reports are presented the Board is given information indicating where other parcels have been rezoned within a one-mile radius that would provide support for another rezone.

Ms. Jardine reiterated her concerns if something were to happen to her in-laws. Although they would hope to keep the property in the family if the parents' home were to be sold the Jardine's home would have to be sold too because their homes are connected on the property as it is right now. Commissioner Van Beek said she understands but the argument she would make is that nobody is going to get everything they want in this. In the event there is a passing of the parents a new property owner introduces a variable that she can't predict into the future, for what is known today she is going to render a decision based on the fact that the parents are alive, they own the property and what you have is a home with a secondary residence which is what was applied for initially.

Commissioner Smith asked the other Board members if they would like to leave public testimony open and continue the path forward of looking for research or close testimony again and render a decision.

Commissioner Van Beek said that in her opinion the best route to split this property is to look for a building permit available on adjacent properties or the other conditions that have already been outlined. She is still interested in continuing this hearing because of that request.

Ms. Almeida reiterated that the applicant's representative has indicated he would prefer to get a decision on this matter and then explore the possibility of a building permit transfer in which it would be an administrative process. It would be a new application with additional costs.

Commissioner Smith noted that today's hearing is for a rezone, not a land division, so no matter what there will be costs incurred for a land division.

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

Commissioner Van Beek outlined her reasons for conclusions A-D as follows:

- A. This is not consistent with the comprehensive plan because as identified, this is predominantly ag and the most appropriate zone for that is ag.
- B. This is not more appropriate so she would redirect staff to make a finding that the current designation is more appropriate.
- C. The rezone introduces a residential zone which is not compatible with the ag component in this which is outside an area of impact, clearly rural and agricultural in nature.
- D. Yes, the introduction of and R-1 residential zone into a large scale diversified ag operation will negatively affect the nature and the character of the area.

She would like to direct staff to issue FCOs with findings that support the conclusions identified.

Commissioner Van Beek made a motion to deny the request for a conditional rezone on case no. CR2020-0011 and direct staff to provide FCOs that support the conclusions identified on those four criteria and to deny the development agreement and ordinance. Additionally, included in the motion is directing staff to draft what the applicant can do, if anything, for future approval including exploring building permits on adjacent parcels that are owned by family or ordinance text amendments. The motion was seconded by Commissioner Smith and carried unanimously. The revised FCOs will be brought back for Board consideration on June 30, 2021 at 8:45 a.m.

Commissioner White thinks this a good application. She sees this as very compatible with the land. The home is already there and it's not changing anything. She feels like the Board is just using this decision to take more time to take care of something that should have been done before. She is in favor of this.

Commissioner Van Beek doesn't disagree with Commissioner White. In the truest sense this is going to change nothing, in what we're directed by, it's the change from ag ground to that [single family residential] is what's problematic. She supports what they want to do, she likes what they

want to do and thinks it's the right thing to do but she has to have a vehicle to do it. She wants to make the fairest decision she can.

A vote was taken on the motion with Commissioners Smith and Van Beek voting in favor of the motion and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote.

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

#### JUNE 2021 TERM

CALDWELL, IDAHO JUNE 28, 2021

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

The Board of County Commissioners was scheduled to sit as a Board of Equalization today, however, no items were brought before the Board of Equalization for consideration.

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Shelby Ransom, Administrative Specialist; Gunnar Clapp, Seasonal Maintenance Technician.

#### MEETING TO DISCUSS PLANNING OF GROUNDBREAKING CEREMONY FOR THE FAIR EXPO BUILDING

The Board met today at 8:33 a.m. to discuss planning of the groundbreaking ceremony for the Fair Expo Building. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro, Fair Director Diana Sinner, PIO Joe Decker and Deputy Clerk Jenen Ross.

Commissioner Smith explained that the previously planned groundbreaking ceremony was cancelled due to lack of good information. The Board feels this is a big deal and needs to be celebrated. Discussion ensued about how previous groundbreakings have gone vs. the expectations from the Board for this groundbreaking, how responsibilities would be divided up,



speakers and who would hold shovels. The meeting concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:11 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution granting a new alcoholic beverage license to The Pretty Bubble Company LLC dba The Pretty Bubble:*** It was noted for the record the Chief Public Defender Aaron Bazzoli is an owner in the company it but will not affect his position at the county. This is his wife's company. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to The Pretty Bubble Company LLC dba The Pretty Bubble (see resolution no. 21-156)

***Continue the public hearing to consider a request by Michael & Heidi Williams-Black for a preliminary plat for Desert Pine Estates Subdivision No. 2, case no. SD2020-0038:*** Commissioner White made a motion to continue this case to August 12, 2021 at 10:00 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING FOR THE BOARD TO ESTABLISH A FRAMEWORK FOR DIRECTOR PERFORMANCE AND EVALUATION

The Board met today at 9:34 a.m. to establish a framework for director performance and evaluation. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek. A request was made to go into executive session as follows:

##### EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 9:35 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek. The Executive Session concluded at 10:44 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said the Board is planning to do Director evaluations but the first thing to complete is employee evaluations on Director performance and morale. In an effort to ensure privacy responses will go to the HR Generalist responsible for the department and then be forwarded to the Board. As part of the Director evaluations the Board will ask the Fleet Director which employees have personal cars and mileage to and from their home. Self-evaluations will be done first and then HR will be asked to help build evaluation forms that review key functions with a rating system. Follow-up will be done with the department heads to make sure that their employee evaluations were completed prior to the Board conducting Director evaluations. The meeting concluded at 10:46 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### MEETING TO CONSIDER ACTION ITEM

The Board met today at 10:47 a.m. to consider and action item. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing FCO's, Ordinance, and Development Agreement for Skyline Homes & Development case no. CR2019-0016 and Thunder Ridge Subdivision, case no. SD2019-0046:***

Ms. Almeida explained that the applicant's representative was not able to make this meeting due to a scheduling conflict and there has been a request to continue the hearing. Commissioner Van Beek made a motion to continue the hearing to July 1, 2021 at 11:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING - REQUEST BY TAYLOR JENE HOMES, INC. AND VALLEY VIEW RANCH SUBDIVISION NO. 4 FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019/SD2020-0035

The Board met today at 1:10 p.m. to conduct a public hearing in the matter of a request by Taylor Jene Homes, Inc., and Valley View Ranch Subdivision No. 4 for a rezone of 122.51 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential zone). Also requested is approval of a Preliminary Plat (including a grading/drainage plan) for Valley View Ranch Subdivision No. 4. The subject properties, R30113010 & R30101011C are located on the east side of Sky Ranch Road, approximately 1565 ft. north of the intersection of Deer Flat Road & Sky Ranch Road. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White arrived at 1:19 p.m., DSD Planner Jennifer Almeida, Bonnie Layton, Mike Woodworth, Mark Hilty, Casey Ames, Matt Munger, Rebekah Ames, Chris Fagan, Claudia Haynes, Kim Yanecko, Ken Yanecko, Kevin Kelso, Linda Kelso, Wes Weidner, Amy Weidner, Dee Sarton Bower, Terry Bower, Mike Cowan, Tamara Vandeventer, Kathy Smith, Manuel Cavazos, Rick Haub, Mark Smith, Tim Vandeventer,

Lisle and Vicky George, Brad Pintler, Sue Salyer, Maureen Angorman, Jeanne Kusterer, Nate Ackerman, Phyllis Kegel, Kerry Greenfield, Donna Sparrell, Ray Eide, Deborah Kane, Sherry Wilkinson, Olga Cavazos, Beverly Cavazos, Rhonda Haub, Johnny Greenfield, Teresa Watson, Angela Bratcher, Frank McClintick, Donna Cooper, Vicki Greenfield, Michael Sparrell, Chris Eide and Deputy Clerk Monica Reeves.

Commissioner Van Beek disclosed she spoke with Randy Haverfield who asked if the Board received his comments. She also spoke with Nate Runyon from the City of Nampa who indicated the city is currently mapping their hydrogeologic system for the city. Commissioner Smith disclosed that some of her family members live in the vicinity and she is very familiar with the area.

Jennifer Almeida gave the oral staff report. The Canyon County Land Use Map designates the property as residential and the applicant is requesting a rezone from agriculture to rural residential. North of the property is Foothill Ranch Subdivision, to the east is Valley View Ranch Subdivision, south of the property are residential uses and residential zoning, and west of the property is Sky Ranch Estates. Within one mile there are 20 platted subdivisions for a total of 277 lots with a 4.07-acre average lot size. The property will be served by internal public roads and the applicant has obtained a variance from Nampa Highway District for the spacing requirements onto Sky Ranch Road. Individual wells and septic systems will be utilized. The property is not located within a nitrate priority area. As part of this application the applicant is seeking approval of the preliminary plat for Valley View Ranch No. 4 which contains 45 residential lots with an average lot size of 2.42 acres. Phase one of the project will utilize pressurized irrigation. Phase 2 does not have water rights to the site, but individual domestic wells can be used to irrigate up to one-half acre. Storm drainage will be collected within barrow ditches. Individual lots will retain storm water on site. Staff received a comment from the Nampa Highway District as well as documentation of the approval of the variance that was granted on February 25<sup>th</sup>. The Upper Deer Flat Fire District noted the development is approximately five miles away from their nearest station and the estimated response time is 17 minutes. The district requested firefighting water supply to be provided to each residential structure. Rather than having that note on the face of the plat, staff is asking the applicant to submit a plan for fire suppression, sprinklers or otherwise, that meets the fire district's requirements, and that documentation (CC&R's) be provided with the application for final plat. The Nampa School District recommended incorporation of locations for bus stops along with appropriate lighting for safety. The Boise Project Board of Control noted that the irrigation for the Mora Canal was 35 feet from the uppermost shoulder water's edge, and 25-feet parallel to the lower embankment of the canal. Staff finds the request complies with the criteria for a rezone as well as the future land use plan for the area. The plat complies with Idaho Code requirements. The P&Z Commission heard the requests and recommended approval on April 15, 2021 and staff has outlined findings of fact for the Board's consideration. Following her report Ms. Almeida responded to questions from the Board regarding:

- Whether staff spoke with the applicant/developer about a conditional rezone versus a rezone with development agreement?
- Which subdivisions in the area have community water systems and have they been tested?

- Have building envelopes been proposed? Perhaps there could be a condition that there be no development in those areas, and the developer could be required to show building envelopes on the final plat.
- Request for updated studies on contaminants or well failures.
- There was review and discussion regarding groundwater information contained in the record.
- Request for clarification on the homes that will have secondary access

*The applicant's representative presented staff with a letter submitted by Mike Knie the owner of Knie Pump and Drilling. The letter was marked as Exhibit #77 and was read into the record by Commissioner Smith.*

**Testimony in support of the request was as follows:**

**Bonnie Layton**, a senior planner with NV5 located in Meridian, gave testimony regarding the project details. The project consists of 122.45 acres and consists of 45 lots with an average minimum lot size is 2.42 acres. Lot sizes range from 2 to 5.59 acres. The project is in compliance with the future land use map designation for residential. The current zoning is agriculture, however, it is not in any sort of crop production and has not been farmed for years, if ever. The proposed zoning is rural residential. They have tried to match the lot lines along the perimeter in terms of lot sizes from fence to fence. They are proposing the homes have fire sprinklers and they are amenable to having a condition on the plat or elsewhere as the Board sees fit. Her client, as well as several his family members, intends to live in this community and so great care will be taken to develop a quality community that is consistent with the area. Following her testimony, Ms. Layton responded to questions from the Board.

**Mike Woodworth** has a degree in geological engineering from the University of Idaho, and a Bachelor's Degree and Master's Degree in civil/geotechnical engineering from Washington State University and he's been a geology and geotechnical consultant in the Treasure Valley since 2000. He is a professional engineer licensed by the State of Idaho. He gave an overview of the hydrogeology of the site and addressed more questions. Based on looking at these wells and this data that we pulled, and the groundwater monitoring in the area, it shows we have a fairly deep aquifer which is just a matter of the level the groundwater is relative to the ground surface. The groundwater flows from the northeast to the southwest from the Lake Lowell area towards the Snake River. The groundwater elevation in the project vicinity is at 2,400 feet elevation which corresponds to a depth of about 300-400 feet. The aquifer is recharged from Lake Lowell and from irrigation in the area, canal seepage. Most of the areas are completed in an alternating sand and clay layer with most of the screens and wells getting their water from sand and coarse sand and in some cases thin gravel zones in the aquifer and subsurface. Mr. Woodworth summarized Exhibit #44 that he previously put together. Surrounding wells produce anywhere from 20 to 300+ gallons a minute based on the well logs available from IDWR. At those pumping levels we see drawdown at the well itself of less than 10 feet to approximately a maximum of 55 feet. (That's a drawdown in the well casing during pumping.) Groundwater levels in the area are steady or

increasing. They have water levels going back to 1965 that were recorded. In 1965 through the late 1980s we had very little data and it was from one well. We had a consistent decline until the late 1980s at which point IDWR was concerned about declining water levels in the area and implemented an increase in monitoring in the area. Now we have additional monitoring data brought online. Since the late 1980s groundwater levels are either steady or increasing. (References Ex. #62.) The data indicates the water level since 2005 to 2020 has increased. In regards to historic water concerns in the area, water levels in a well indicated declines from the late 1960s until approximately 1990 and this decline was noted by Shane Bendickson from IDWR who issued a memo identifying the area as a potential study area. It was never identified as an area of concern or of groundwater concern, nor was it a groundwater management area. The documents from 1995 and 2003 were looking at the data that had been collected at that time and up to that point about 90+% of the data points that had been collected were through the late 1980s. At the time when reports were prepared and the data they looked at showed a steady groundwater level decline primarily based on that water level in that single well (the 22DDC1). Since then we've had some other areas and data that suggest it's flat or steady. Steady or increasing water levels in the project area have been observed since 1990. The water level declines noted prior to 1990 have been the basis of numerous analyses for water right permits and study of the Treasure Valley Hydrogeologic Project lead by IDWR so they looked at some of the information that was developed as part of that project to develop some of their conclusions and analysis in the reports. The declines documented by Bendickson and Schmidt in 1995 and 2003 were based on very limited data points with relatively few wells and data collected only through the late 1990s so subsequent data collected indicates the groundwater levels in the area are stabilized or increasing in the area surrounding the proposed development which is consistent with exhibit from IDWR (#62). Assuming all 45 lots are using water from their individual wells, 37 lots are irrigating via a well so that lower portion that has surface water rights are not irrigating via their well. Looking at a ½ acre irrigation area, he estimate during the maximum day pumping during the hottest day of the summer they would estimate the well would use on average about 5,000 gallons per day for in-home use plus irrigating a ½ acre of turf grass. Of that 5,000 gallons about 180-200 gallons of that is in-home use. The max day water usage they expect the development to use is about 227,000 gallons of water on a peak day which corresponds to 158 gallons per minute, gallons per day divided by the number of minutes in day and it would be a max day water usage of 3 ½ gallons per minute per lot and a yearly total of acre feet of about 72. If compared to agricultural use they would use much less than if they were irrigating this with intensive agriculture, both on a yearly basis as well as a maximum day basis. He reviewed the water table drawdown projections which are detailed in Exhibit #44. They expect the cumulative effect of the drawdown induced by those wells pumping at 5,000 gallons per day to be about two (2) feet. Following his testimony Mr. Woodworth responded to questions from the Board. Sky Ranch Subdivision has a public drinking water system and they have not had any issues with coliform or E. coli in their wells. The arsenic in the most recent readings were non-detect in those public drinking waters wells. It seems we have fairly highwater quality. In most cases if you have bacterial contamination in a well it's almost certainly due to immediate proximity to surface water, in other words if we are doing a public drinking water we have to be at least 50 or 100 feet away from surface water depending on what kind of surface water it is. In this case we are several thousand feet from Lake Lowell so he would not be concerned about surface water impacts. The

biggest risks with respect to potential contamination for any well is the integrity of the well seal. Commissioner Smith asked if a community well is the best route for long-term health given the known contaminants in the area. Mr. Woodworth said community wells can be a great option because it's a public water system that is regulated and has certain testing requirements but that doesn't necessarily mean that that's the only way to achieve that. In some cases, he would argue where we are relying on individual wells versus a community system we are almost certainly going to have less overall water withdrawn from the aquifer than we would have if we were on a community system. the advantage to a community water system is it's a regulated and it has certain standards it has to uphold, but the disadvantage is we would probably end up pumping more water and potentially have a higher lot density to support that infrastructure that was going in. Mr. Woodworth responded to additional questions from Commissioner Van Beek regarding the collection of data on the level of contaminants, and the agricultural area being short on water.

**Mark Hilty** stated the property has a comprehensive plan designation for rural residential that was a result of hard work done by a large committee looking countywide at the various land use needs. He doesn't know why this application was not processed as a conditional rezone, but it may have been because of that comp plan designation and it may have been that staff didn't think it was necessary to condition the rezone. The designation has consequences that bear on us in terms of the decision the Board has to make. This property is surrounded by similar developments in their features, access, and lot sizes – to what is proposed here and that likewise is a consequence we inherit because of that rural residential comprehensive plan designation. The owner, whether it's this applicant or any other owner, is entitled to a viable use of this property. Agriculture is not a viable use of this property. If this were to somehow found to be a viable agricultural development it would be in conflict with every property around it because those are now rural residential homes. It cannot go back to an agricultural comp plan designation even if you think that was wrong when it was done. Following his testimony, Mr. Hilty responded to questions from the Board. Commissioner Smith said the zoning classification map is predominately agriculture and what that tells her is most of these subdivisions were permitted under the prior ordinance that allowed land divisions via conditional use permit. One could argue that putting a subdivision in the middle with no conditions of approval could change the character of that area without trying to mitigate some of those concerns. She thinks it's important to look at some of the conditions of approval that surround this subdivision and try to come up with some type of agreement for a modification to the application to make sure it's compatible with the area. Mr. Hilty said the developer is comfortable with whatever conditions you think are appropriate that are in line with requiring the plat that's proposed to actually be developed. Commissioner Van Beek said it was suggested by those in opposition that there should be 500-foot setbacks to account for aerial fly-ons. Mr. Hilty said aerial spray application is an agricultural activity within the meaning of the right-to-farm act so he would expect to see conditions, deed restrictions and CC&R provisions and the typical right-to-farm act protections which exist at a statutory level. This property owner is entitled to a viable use. Yes, there are conflicts between agricultural use and residential use and if this property was somehow relegated to perpetual agricultural use they will still have those conflicts. Given the pattern of development, the conflicts will continue to be less if a reasonable residential alternative is allowed. Commissioner White asked how it can be said the water level is increasing

given all the development that's occurred. She is very concerned about water levels and said we cannot continue to approve things.

**Casey Ames** testified that throughout this process he has tried to do things from a conservative nature. There could be 62 homes, but he's not in it for maximum density and he's not going to be cardboard houses to make a lot of money. He will be mindful of the houses, the fence situation with canal, and he will spray the dirt. During construction they will follow all guidelines and if the Board wants to add an extra condition to solidify the dust not going in there of course he will do that. He has strategically laid out the houses on the plat and has been mindful of the neighbors. His intent is to live on the land and be mindful of the neighbors. He understands the water concerns but said we have to rely on the experts in the field with IDWR being at the top of that list and Mike Woodworth coming up with the same data. Mr. Ames said did site-specific wells and test pits to make sure the water was okay in that area. He will keep the rural setting which is why he went with the 2 to 5-acre lots. He will be mindful of prairie grass and anything else they can do especially if there is low water yield vegetation. Following his testimony Mr. Eames responded to questions from the Board.

**Matt Munger** is the site civil engineer and he gave testimony regarding the technical aspects of the project. Part of the general permit will include dust abatement. They have no intention of developing near the canal or in the slope itself. With the irrigation districts they work out a license agreement so that fence goes at the top of the slope. Regarding dust mitigation efforts on the road, they have no issue with that. We can work that out with the irrigation district. The canal separates phase 1 and phase 2, and everything to the west of that is above the canal so that is why there are no water rights to that. Once you have over 25 residences there would have to be two community wells to serve this property; a primary well and a backup well. He will identify no-build areas on the slopes that exceed the 15%. He will come up with a plan to show where the building envelopes are proposed. Following his testimony Mr. Munger responded to questions from the Board. Commissioner Smith said it is important to include a note about a portion of the property being landlocked. Ms. Almeida said that portion is not a residential lot, it's being platted as non-residential. Commissioner Smith said it seems to be more in character with the area increasing the average lot size and reducing the number of lots so you don't need a variance especially where you're not proposing a community well. Sinking less wells and increasing the density would be a compromise. Mr. Munger doesn't believe they have a requirement for a variance; the secondary access is a fire dept requirement so they are working with them and meeting their conditions. There was additional discussion about density and lot sizes. Commissioner Smith said if they have a 29.5 lots it will put them under the threshold for the fire department and theoretically it's a safer subdivision because you're not asking for a variance on the emergency exit, and it's similar to the surrounding area.

The Board took a break at 3:48 p.m. and went back on the record at 4:00 p.m.

Testimony in opposition was as follows:

**Claudia Haynes**, who serves as a director for the Canyon County Alliance for Responsible Growth, gave testimony on behalf of numerous families who oppose this project whose concerns include fire protection, appropriate lot sizes, the declining water supply, well depths, and arsenic and nitrate levels, as well as traffic issues. She also spoke of the Amens who operate an aerial applicator (crop dusting) business and the potential impact a housing development could have on their business. She said the subject property has not been used for agricultural purposes; the water rights were sold off more than 20 years ago and the applicant knew that when he bought the property. Ms. Haynes stated she was advised the property owners in the Dry Lake area are having difficulty obtaining building permits due to the instability in the water source, and she spoke of how the Department of Water Resources paid a nearby property owner to leave their land fallow. Following her testimony, Ms. Haynes responded to questions from the Board.

**Kevin Kelso** read an email which summarized a letter provided to a representative for Taylor Jene Homes on June 21, 2021 from the Upper Deer Flat Fire Chief. The email is from Scott Arlano to Matt Munger which stated, in part, *due to the Canyon County P&Z Commission recently voting to remove a fire sprinkler subdivision plat note requirement from an existing subdivision in south Nampa, the Upper Deer Flat Fire Chief is no longer comfortable accepting fire sprinklers as an approved code alternate to otherwise required features of development. This will affect the proposed valley View Ranch Subdivision No. 4 in two ways: 1) the fire district will now require the subdivision to have firefighting water supply in accordance with the fire code by way of installed fire hydrants along the improved roadways; and 2) because the proposed subdivision will include more than 30 dwelling units a secondary fire dept. emergency access road serving this subdivision phase will now be necessary. The road shall be designed and installed in accordance with the Idaho Fire Code. If these homes were fire sprinklered in accordance with NFPA 13D this requirement would not be necessary. It's unfortunate that the P&Z Commission has put the fire district in this position.* The district submitted a revised conditional letter of approval. It is Mr. Kelso's understanding that a community water system is required.

**Kim Yanecko** stated the P&Z Commission recommended approval without completing their due diligence and she said the applicant has not been completely honest or law-abiding. Why weren't the test well reports timely filed? Why didn't they get permits from the highway district until they were reported as having entered off Sky Ranch Road? There were actually two unlawful attempts to that property, and one was along Foothill and the other was along Sky Ranch Road, and the Nampa Highway district got involved they had to get an approach permit. Why wasn't the updated report from the Upper Deer Flat Fire Department provided to the Board? She said what was provided on Exhibit #72 and what they spoke about today was about sprinkler systems, but the highway district has declined their ability to do so. This condition would send this project (Phase 2) back to the drawing board. The entire plan has changed, easements are now required due to limitations on slope of property, new approvals by the Nampa Highway District, the canal district, the fire district, and the County would require these updates. Ms. Yanecko said she has learned about abuse of authority and unlawful activity by some County employees. People are notarizing their own signatures on documents; building officials are overriding fire department requirements; laws and conditions are not being followed, and plat map requirements are not being listed on the permits, so inspectors do not know to comply with those and as a result,



residents are being issued illegal certificates of occupancy. Additionally, public record requests are not being fulfilled according to the law thus preventing citizens from doing their diligence. She has asked the AG and the Prosecutor's Office to look into this. She said DSD is not complying with fire laws and that is a safety issue for everyone in the area. They can't tell you who the fire authority is, and the County is trying to evade that authority by placing that blame back onto the fire department, but they are the ones actually issuing permits. Ms. Yanecko said Taylor Jene representatives will tell you the homes draw less from the aquifer. The neighbors have been told the property did not have irrigation rights, what they have is a domestic well and any water that was used was pulled from the canal. IDWR was asked to testify but they backed out today. She referenced the research done by Dennis Owsley with IDWR. There may be a lot of water available but we cannot pull it easily and we cannot recharge it easily. The aquifer is not being recharged like it should be. We are in a drought so they are going to let the water flow and fill Lake Lowell as much as they can and recharge as much as they can and ultimately, they will have to pull on their pumps because there will be no more water in the canals before the end of the irrigation season. The canal district has told farmers they are getting nearly half of what they are supposed to. They will have to pull it from the aquifer and their pumps are huge which means the residents in the area are going to have problems trying to not suck air from their wells. Ms. Yanecko said the Board should ask IDWR this question: Could a hydrogeologist or a hydrologist representing the builder convince the Board that there is plenty of water to supply this development and current residents? Perhaps, but there should also be a consideration for the ability to access that water, the quality of the water, the conditions to recharge the aquifer the contributions to the nitrate priority area, etc. We are looking at a possible east Boise situation with dry wells, but we are in a position where we can prevent that from happening and not get rid of our agricultural lands. She urged the Board to deny the application stating approval of the application would be an act of bad faith and a lack of due diligence. Following her testimony, Ms. Yanecko responded to questions from the Board.

**Linda Kelso**, who moved to the area two months ago, testified about her concerns with issues affecting water in the area. She wants there to be enough water, fire protection and enough resource services for all present and future generations.

**Amy Weidner** testified she is a 100% disabled Veteran with most of her disabilities coming from toxic exposure she received while stationed at Fort McClellan in Alabama which has been deemed a chemical exposure nightmare in the United States. She is not unfamiliar with government agencies disregarding the welfare of citizens and that ties into her concerns with the case being heard today. She is not surprised by paid expert testimony saying the water is fine and the aquifers are fine. Ms. Weidner gave further testimony regarding her concerns with poor water quality, ground contaminants, the lack of water in the area and how the proposal will have a negative effect on the people who live in the area.

**Dee Sarton Bower** testified about her experience with having a well drilled on her property and how it cost thousands of dollars more than what they expected to pay. She urged the Board to consider the neighbors' concerns with how this development will impact their properties and their wells.

**Mike Cowan** testified he lives 600 feet south of the development and has one of the oldest wells in the area. His well is at 330 feet. In 2008 they had to lower the pump and install a pipe and if they have to go lower they will have to dig a new well. Every time a new well goes in his well sucks sand. He has replaced two pumps within the last 10 years. He also spoke of how residents in the area are unable to get new well drilling permits because the aquifer is so bad.

**Kerry Greenfield** testified about the problems she has experienced with her well and concerns about how the development will impact her property.

**Rebuttal testimony was offered by Mike Woodworth and Mark Hilty**

**Mike Woodworth** said well drilling is complicated, and there are a lot of challenges in this area with groundwater being so deep which is an issue with maintenance, but, IDWR said in their memo that there does not appear to be a groundwater sufficiency issue in the area (Exhibit #62). He said we are conflating groundwater quality with quantity. Groundwater quality whether this development goes forward or not will have zero impact on any neighbors' ground water quality. In other words, if there are arsenic or nitrates, none of things that are proposed for this site will impact that one way or the other.

**Mark Hilty** said a zone change is appropriate when it is consistent with your comprehensive plan and the prevailing development patterns in the area. The best evidence you have concerning the availability of water is Mr. Woodworth's comprehensive and professional report. The water table is holding steady and there will be no, or negligent, impact by the addition of these wells. Except for water, nobody in opposition has challenged any of the criteria the Board has to consider when making its decision on this zone change request. Regarding the fire department, there was no intent to hide anything from the County. There was an explanation as to why they made a very late change which threw the development team a curve. He spoke with the fire chief on Friday and said the developers want to put in fire sprinklers and the chief said they want sprinklers, but the problem is this is not a variance to the secondary access and public water system requirement, it is code-compliant if you put in sprinklers. The difficulty is secondary access and water systems are typically evaluated and required during the platting process. The sprinkler does not come along until somebody requests a building permit and there is a statute that says local jurisdictions cannot require fire sprinklers so there is a little bit of a disconnect in the law that we can get past. The one thing everybody agrees on is that fire sprinklers are the safety alternative for a development with a 17-minute response time, so we are trying to find a way to get there. It's not a cost-savings measure, it's about even to put in a secondary access and public water system, it's just not as safe and that's what's driving that decision. The conditions proposed by staff to do that as a condition of final plat is acceptable to the applicant. The future of this parcel is residential, that is the comprehensive plan designation. The zone change to rural residential is appropriate based upon that comprehensive plan designation. Mr. Hilty said they realize the land is not going back to agriculture. The land has water rights; there is a constitutional water right for people to drill a domestic well on property they own. He said the Board has a duty to protect private

property rights and this developer has a right you have to protect. If you don't approve some kind of residential development on the site there is no use for this property.

Commissioner Smith referred to the property rights component in the code and noted the property was agriculture when the applicant purchased it. Comprehensive plans are a guide for growth, not a mandate. We do have a decision to make, and the Board is not taking away any rights, all the uses listed are still available for the applicant to operate under. There are a lot of different agricultural uses that would be available for him to use on the property. She wants feedback on changing the design. When there are water issues or fire safety issues that is when a conditional rezone and development agreement come into play to have mitigating conditions that would help the development be approved with conditions. She asked if the applicant is agreeable to modifications such as possibly increasing the lot size to reduce the number of lots, and is he interested in a community well that would protect the property owners who buy lots in the future that would protect their water quality and draw less water from the aquifer by reducing the number of homes. If they did lose water, it would change the character of the area because if they cannot afford to put the pumps back in those homes would be vacant and it would become a blighted situation.

Mr. Hilty said the best evidence is the aquifer looks like it's holding level and addition of wells will not change that. Commissioner Smith said but there is evidence a problem exists; residents have had to put in new wells, new pumps. Mr. Hilty said there is evidence there are problems with individual wells but whether that's a general area aquifer problem is not clear. Had the application been processed as a conditional rezone with development agreement that could have been worked out. He said the applicant fully intends to do what he says he is going to do so committing to that is not a problem. He hopes the County's process for that is not starting over. If there's a way to move forward in the next few weeks about developing a development agreement, he would be willing to recommend that. Reasonable ag-type uses are going to be very difficult on that parcel, not just because of the water situation and lack of agricultural history because it's surrounded by residential.

Casey Ames said when the 52 acres was originally purchased, he was aware the above portion did not have water rights. As far as density, if there's a solution to be had, let's work it out. Regarding the phase that has the hillside, he would entertain that that would be the section to go. On the east side of the canal there are water rights and so we are talking about 30 lots on this parcel and there were 8 on the lower area so you have essentially 38/39 lots.

Commissioner Van Beek appreciates the applicant's willingness to negotiate. She said the Board needs more than just a straight rezone. A conditional rezone with a development agreement will give people assurances that we are able to tie it back to what is happening in this hearing. Commissioner Smith said we must pause and visit with the attorney; the P&Z Commission did not consider that, and it is not before the Board either. The Board decided to continue the hearing to obtain more information about the HOA managing the ½-acre maximum irrigated area. The HOA would review the landscaping plans that would include the amount of land drawing from the aquifer for the irrigation. Allow time to contact the Boise Project Board of Control regarding

Commissioner Smith's plan for dust mitigation strategies. Have staff review the new letter from the Upper Deer Flat Fire District and obtain information on the number of community wells in the area and the quality of those, and obtain additional information on water rights. Commissioner Smith asked the parties to start thinking about what the conditions would look like to help mitigate the concerns discussed today. She noted that approval is not guaranteed. Commissioner Van Beek made a motion to continue the hearing to July 26, 2021, at 2:00 p.m. The motion was seconded by Commissioner White and carried unanimously. Public testimony has not been closed since the Board is requesting additional information. The hearing concluded at 6:06 p.m. An audio recording is on file in the Commissioners' Office.

#### JUNE 2021 TERM

CALDWELL, IDAHO JUNE 29, 2021

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

The Board of County Commissioners was scheduled to sit as a Board of Equalization today, however, no items were brought before the Board of Equalization for consideration.

#### APPROVED CLAIMS ORDER NO. 2120

- The Board of Commissioners approved payment of County claims in the amount of \$1,720,815.82 for a County payroll.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Data Bank in the amount of \$10,865.00 for Information Technology Department

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:49 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution granting a refund to David Dykstra for an administrative land division fee:*** A \$300 fee was paid and DSD is recommending refund. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue a refund to David Dykstra for an administrative land division (see resolution no. 21-157).

***Consider signing a resolution granting a refund to Travis Pascoe for a property boundary adjustment fee:*** A \$300 fee was paid and DSD is recommending refund. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue a refund to Travis Pasco for a property boundary adjustment (see resolution no. 21-158).

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

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Lt. Ray Talbot (left at 9:04 a.m.), HR Generalist Ellen Cahalen (left at 9:08 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing agreement to provide school resource officer services to Vallivue School District No. 139:***

***Consider signing agreement to provide school resource officer services to Notus School District No. 135:***

***Consider signing law enforcement services agreement between Melba Joint School District No. 136 and Canyon County:***

Chief Dashiell spoke about each of the agreements. This will be the 3<sup>rd</sup> year providing service to the Vallivue School District. They will be covering the middle school and 2 elementary schools. The contract includes a 2% increase this year. The contract with Notus School District also includes a 2% increase. The contract with Melba Join School District is structured slightly different but the content is the same. Upon the motion with Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreements to provide school resource officer services to Vallivue School District No. 139 (see agreement no. 21-045), Notus School District No. 135 (see agreement no. 21-046) and Melba Joint School District No. 136 (see agreement no.21-047).

***Consider signing Canyon County Sheriff's Office test rental and use agreement with Cooperative Personnel Services:*** Chief Dashiell explained this agreement is to provide written tests for new hires

and that they have been using the service for approximately 10 years. Mr. Wesley said the company is very large and can be somewhat challenging to work with. The agreement does not contain all language the Prosecutor's Office would like but overall it is acceptable. Mr. Wesley and Chief Dashiell addressed questions raised by Commissioner Van Beek. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Canyon County Sheriff's Office test rental and use agreement with Cooperative Personnel Services (see agreement no. 21-049).

***Consider signing supplemental services addendum to the "COPLINK Agreement" with Forensic Logic, LLC:*** Chief Dashiell explained this service allows data to be shared among several different agencies. Chief Dashiell addressed questions from Commissioner White and Commissioner Van Beek. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the supplemental services addendum to the "COPLINK Agreement" with Forensic Logic, LLC (see agreement no. 21-048).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:11 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 communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 10:34 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.

JUNE 2021 TERM  
CALDWELL, IDAHO     JUNE 30, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Robyn Foust, Interpretive Specialist

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Wall 2 Wall Flooring in the amount of \$15,337.80 for Facilities Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Mod LLC dba O'Michael's Pub & Grill to be used 7/17/21.

#### MEETING TO CONSIDER SIGNING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER FOR JARDINE TRUST; CASE NO. CR2020-0011

The Board met today at 9:06 a.m. to consider the findings of fact and conclusions of law and order for Jardine Trust, case no. CR2020-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross.

Jennifer Almeida presented FCOs based on direction provided by the Board at the June 25<sup>th</sup> hearing in which the rezone was denied. Included in the FCOs are things the applicant can do in an effort to gain approval as noted by the Board during deliberation. Additional verbiage will be added to include *"the request for a conditional rezone and a development agreement..."*. Commissioner Van Beek made a motion to sign the FCOs for Jardine Trust, case no. CR2020-0011 [with the additional verbiage] to approve the denial. The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners Smith and Van Beek voting in favor and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote. The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR BRETT BAUSCHER

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:35 p.m. to conduct a property tax assessment protest hearing for Brett Bauscher, (Protest No. 21061), Account No. 36636011 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Rural Supervisor Roger Craig, Rural Appraiser Joni Irby, Brett Bauscher, and Deputy Clerk Monica

Reeves. Greg Himes advised the Board that the Assessor's Office was waiting for additional information that came today in the form of an email. They have assessed cell tower sites throughout the County \$50,000 as a lease site fee and in Mr. Bauscher's case, that lease agreement was prepaid to the previous owner and so he is receiving no remunerations for this lease. Mr. Himes recommended the \$50,000 value be removed and asked the Board to uphold the land value of \$5,150. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to change and uphold the Assessor's recommended value of \$5,150. The hearing concluded at 1:42 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR EDWARD MCNELIS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:35 p.m. to conduct a property tax assessment protest hearing for Edward McNelis, (Protest Nos. 21053, 21054, 21055, and 21056), Account Nos. 30401011 0, 24656000 0, 27918000 0, and 27920000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Rural Supervisor Roger Craig, Rural Appraiser Joni Irby, Edward McNelis, and Deputy Clerk Monica Reeves. Edward McNelis offered testimony in support of the protest applications. Joni Irby and Greg Himes offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Van Beek made a motion to uphold the Assessor's value of \$458,370 on Protest No. 21053. The motion was seconded by Commissioner White. Commissioner Smith believes a 53% increase is a shock and she encouraged Mr. McNelis in the future to work with the Assessor beforehand. Roger Craig said the house had been completely remodeled so they had to update their information and bring it up to market value. Along with the increase they naturally had in the area, there was also the increase of the house being completely redone and that would probably account for the huge increase in value. The motion (on Protest No. 21053) carried unanimously. Commissioner Van Beek made a motion to uphold the Assessor's value of \$188,800 on Protest No. 21054. The motion was seconded by Commissioner White and carried unanimously. At 2:54 p.m. Mr. McNelis stated he did not want to participate in his last two remaining protests and he left the meeting room. The Assessor's staff proceeded with their case review on the last two remaining accounts. Commissioner Van Beek made a motion to uphold the Assessor's value of \$565,850 on Protest No. 21055. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a motion to uphold the Assessor's value of \$320,730 on Protest No. 21056. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:15 p.m. An audio recording is on file in the Commissioners' Office.



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

DATED this 1<sup>st</sup> day of October, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek  
Commissioner Keri K. Smith

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk

JULY 2021 TERM  
CALDWELL, IDAHO     JULY 1, 2021

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

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

The Board met today at 9:01 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services Yvonne Baker, Case Manager Camille Tilden, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decision within 30 days on case nos. 2021-729, 2021-726, 2021-711 and 2021-801. Liens were presented for Board signatures. The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-365

The Board met today at 9:05 a.m. to conduct a medical indigency hearing for case no. 2021-365. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker, Case Manager Camille Tilden, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to deny the case. The hearing concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:19 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker, Case Manager Camille Tilden and Deputy Clerk Jenen Ross. Commissioner White made a motion to continue case nos. 2021-375 and 2021-481 to October 7, 2021. The motion was seconded by Commissioner Smith and carried unanimously. Neither the hospital nor the applicant appeared for case nos. 2021-468 or 2021-475. Case nos. 2021-561, 2021-574 and 2021-472 have been withdrawn by the hospital. Additionally, none of the cases meet the eligibility criteria for county assistance. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue final denials with written decisions within 30 days on the cases as read into the record. The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, IT Director Greg Rast (left at 10:07 a.m.), TCA Jamie Robb (left at 10:07 a.m.), Assistant TCA Benita Miller (left at 10:07 a.m.), HR Generalist Jennifer Allen (left at 10:30 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing Memorandum of Understanding for Information Technology Services for the Third Judicial District and County of Canyon:*** Director Rast explained this is for the Third Judicial District website. There is a one-time fee \$5000 and \$2400 yearly for maintenance of the website. Ms. Robb said an update to the website is very necessary. Mr. Rast has spoken with the Supreme Court and they are supportive of the County taking over maintenance of the website and confirmed his department has the bandwidth to take on this project. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the MOU for Information Technology services between the Third Judicial District and Canyon County (see agreement no. 21-050).

Discussion ensued regarding the HR Director job description. As a housekeeping item Commissioner Smith asked that only the most current revision date be noted on the job description when it is published. Other points of discussion included updating the number of Canyon County employees and to note the educational degree section as 'preferred' and that a combination of equivalent experience could be acceptable. The requirement of a law degree will be removed. The pay range for the position is between \$91,492 and \$116,769; the position will be posted at the minimum salary but depending on experience. Ms. Allen spoke about membership with SHRM and if the position is posted there is will be broadcast nationwide. There is a fee to join SHRM and to post the position, the total cost is anticipated at about \$500. The Board is supportive of both the membership and the posting. There will be no moving allowance if a candidate from out of the area is selected. The posting will remain open until a satisfactory candidate pool is reached. The interview committee will be comprised of the Board, one other elected official (Sheriff Donahue will be asked to participate), Deputy P.A. Zach Wesley and HR Generalist Jennifer Allen. Ms. Allen did request to first speak with the HR team to make sure they are supportive of her being the representation for the HR department. The Board requested that everyone on the interview committee have access to review the applications as they are received. Additionally, the Board will direct HR staff, with the exception of Ms. Allen, that they are not to review any applications or resumes received; Mr. Wesley said he would draft language notifying them of this instruction. Any questions received from candidates will be handled on a case-by-case basis.

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

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

Commissioner White made a motion to go into Executive Session at 10:31 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel. The Executive Session concluded at 10:55 a.m. with no decision being called for in open session.

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

CONSIDER SIGNING FCO'S, ORDINANCE, AND DEVELOPMENT AGREEMENT FOR SKYLINE HOMES & DEVELOPMENT (CR2019-0016) AND THUNDER RIDGE SUBDIVISION (SD2019-0046)

The Board met today at 11:01 a.m. to consider signing the findings of fact and conclusions of law and order, an ordinance and a development agreement for Skyline Homes & Development, case no. CR2019-0016 and Thunder Ridge Subdivision, case no. SD2019-0046. Present were: Commissioners Keri Smith and Pam White, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross. Ms. Almeida provided a summary of the case as follows: Testimony was taken and a decision rendered on June 9, 2021. There were some conditions that were recommended to be included in the development agreement and a modification to one of the conditions in the subdivision FCOs. The one revision in the subdivision FCOs is in regard to changing the note on the plat to reflect that the turnaround is for residential structures. Two conditions on the conditional rezone and development agreement pertain to dust mitigation. Ms. Almeida has worked with the applicant on the condition regarding dust control measures which are outlined in the proposed findings and development agreement. The applicant has agreed to those conditions and the language proposed. Ms. Almeida is recommending the Board sign the FCOs, ordinance and development agreement. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the FCOs, ordinance (see ordinance no. 21-015) and development agreement (see agreement no. 21-051) for Skyline Homes & Development, case no. CR2019-0016 and Thunder Ridge Subdivision, case no. SD2019-0046. The meeting concluded at 11:04 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR PACKAGING CORPORATION OF AMERICA

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:34 p.m. to conduct a property tax assessment protest hearing for Packaging Corporation of America, (Protest No. 21052), Account No. 31201000 0. Present were: Commissioners Keri Smith and Pam White, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, and Deputy Clerk Monica Reeves. The applicant did not appear for their hearing. Mike Cowan offered comments from the applicant's position stating they are seeking a reduction in value from \$13,187,400 to \$10,600,000. He also presented testimony on behalf of the Assessor's Office stating he does not recommend any adjustments to the assessment. Mr. Cowan responded to questions from the Board following his case presentation. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to uphold the Assessor's value of \$13,187,400. The hearing concluded at 1:56 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 2, 2021

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

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CF HIPPOLYTA NAMPA LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 8:32 a.m. to conduct a property tax assessment protest hearing for CF Hippolyta Nampa LLC, (Protest No. 21048), Account No. 30481012 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Sam Stone, Commercial Appraiser Darryl Spieser, Scott Eckhardt for CF Hippolyta Nampa LLC, Other Assessor Office staff and Deputy Clerk Jenen Ross. Mr. Eckhardt offered testimony in favor of the application. Mike Cowan, Joe Cox and Greg Himes offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, the Board requested this hearing be tabled until Wednesday, July 7, 2021 in order for more information to be collected. The hearing concluded at 9:28 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR KOHLS ILLINOIS INC

The Board of County Commissioners, sitting as a Board of Equalization, met today at a.m. to conduct a property tax assessment protest hearing for Kohls Illinois Inc., (Protest Nos. 21043), Account No. 30994105 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Sam Stone,

Commercial Appraiser Darryl Spieser, Other Assessor Office staff and Deputy Clerk Jenen Ross. The applicant did not appear for the hearing. Sam Stone and Mike Cowan offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 6, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Kara Hawkes, Legal Support Specialist II

#### APPROVED MARCH 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR HERON AID PROPCO LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 8:36 a.m. to conduct a property tax assessment protest hearing for Heron Aid Propco LLC, (Protest No. 21066), Account No. 09685010 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser and Deputy Clerk Jenen Ross. Darryl Spieser offered testimony on behalf of the Assessor's Office noting that he spoke with the representative for the applicant and came to an agreed valued prior to the hearing. Following testimony Commissioner Van Beek made a motion to grant the adjusted value of \$2,600,480. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 8:45 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR WEST VALLEY MEDICAL CENTER INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 8:46 a.m. to conduct a property tax assessment protest hearing for West Valley Medical Center Inc., (Protest Nos. 21063 and 21065), Account Nos. 02944000 0 and 02944100 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser and Deputy Clerk Jenen Ross. Darryl Spieser offered testimony on behalf of the Assessor's Office. No one appeared to offer testimony on behalf of West Valley Medical Center. Following testimony Commissioner Van Beek made a motion to uphold the value for protest no. 21063. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek then made a motion to uphold the value on protest no. 21065. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR NATIONAL HEALTH INVESTORS INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 8:54 a.m. to conduct a property tax assessment protest hearing for National Health Investors Inc., (Protest Nos. 21111 and 21109), Account Nos. 12200510 0 and 12200509 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser and Deputy Clerk Jenen Ross. Darryl Spieser, Mike Cowan and Greg Himes offered testimony on behalf of the Assessor's Office. No one appeared to offer testimony on behalf of the applicant. Following testimony Commissioner Van Beek made a motion to uphold the Assessor's value on account nos. 12200510 0 and 12200509 0. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*Note for the record: As properly noticed the Board met today at 9:01 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 11:02 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (left at

11:30 a.m.) and Facilities Director Paul Navarro (arrived at 11:30 a.m. and left at 11:45 a.m.). The Executive Session concluded at 12:17 p.m. with no decision being called for in open session.

#### MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:34 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Assessor Brian Stender, Prosecutor Bryan Taylor, Sheriff Kieran Donahue, and Deputy Clerk Monica Reeves. Commissioner Smith reviewed the topics she wanted to discuss today:

- Employee compensation plan
- Prioritization of (American Rescue Plan Act) ARPA funds
- Switching County emails to a .gov address
- A simple change to the website
- ICRMP

*\*It was noted the employee compensation plan and the ICRMP topics would be discussed in Executive Session.*

Commissioner Smith advised that IT Director Greg Rast wants to change County email addresses for officials and employees from a .org address to a .gov address because it's much safer. The process would be phased over the year and would include a secondary email address as we transition. It's expected to be a seamless process and the timeline can be determined by the elected officials. Discussion ensued about the desire for the group to hear more about this proposal and whether this is a good opportunity for a cloud-based role. A meeting will be scheduled with Director Rast. Commissioner Smith proposed a change to the County website to include information about the elected officials' term dates to include when they were appointed/elected to office and when their current term expires. Commissioner Van Beek thinks it's a good idea. Prosecutor Taylor and Sheriff Donahue had questions about the suggestion and after discussion it was decided that the Clerk will look into adding information to the Elections website page to include not only county officials' terms, but terms information for all elected offices including judges, school board trustees, highway district commissioners, library districts, etc. An Executive Session was held as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 1:50 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss a personnel matter and records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion 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, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Assessor Brian Stender, Prosecutor Bryan Taylor, Sheriff Kieran Donahue, and Deputy Clerk



Monica Reeves. The Executive Session concluded at 2:38 p.m. with no decision being called for in open session.

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

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR LARRY STEVENSON

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:42 p.m. to conduct a property tax assessment protest hearing for Larry Stevenson, (Protest No. 21100), Account No. 28129002 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Rural Supervisor Roger Craig, Rural Appraiser Katrina Ponce, Chief Deputy Assessor Joe Cox, Clerk Chris Yamamoto, Assessor's employees, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she and Larry Stevenson attend the same church. Larry Stevenson offered testimony in support of his protest application. Roger Craig and Greg Himes offered testimony on behalf of the Assessor's Office. Rebuttal testimony was offered by Mr. Stevenson, Mr. Himes and Mr. Craig. Following Board deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value of \$340,800. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:31 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR SUSAN HOLLADAY

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:32 p.m. to conduct a property tax assessment protest hearing for Susan Holladay, (Protest No. 21025), Account No. 32961010 0. The applicant did not appear for today's hearing; however, Greg Himes advised that the applicant believes she has some access issues to her lot but she wasn't able to come up with the documentation in time so the remedy is to uphold the Assessor's value so that Ms. Holladay can appeal to the board of tax appeals. If she able to find additional documentation the Assessor will ask for a reduction. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to uphold the Assessor's value of \$104,680. The hearing concluded at 3:33 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR LAFKY PROPERTIES, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:42 p.m. to conduct a property tax assessment protest hearing for Lafky Properties, (Protest Nos. 21091, 21092, 21093, 21094, 0), Account Nos. 31307000 0, 31308000 0, 31309000 0, and 31310000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Attorney Andrea Rosholt, and

Deputy Clerk Monica Reeves. Andrea Rosholt offered testimony on behalf of the applicant and in support of the protest applications. Sam Stone offered testimony on behalf of the Assessor's Office. Commissioner Smith requested the Board convene into Executive Session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 4:07 p.m. pursuant to Idaho Code, Section 74-206(1) (d) to discuss records exempt from public disclosure. 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, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Attorney Andrea Rosholt, and Deputy Clerk Monica Reeves. The Executive Session concluded at 4:31 p.m. with no decision being called for in open session. While in open session Commissioner Smith said information was shared and it was determined that the Assessor's Office and the appellant will continue to share information and come back at a later date. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board decided to table this item to July 9, 2021 at 1:30 p.m.

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

JULY 2021 TERM

CALDWELL, IDAHO     JULY 7, 2021

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

APPROVED CLAIMS

- The Board has approved claims 575448 to 575478 in the amount of \$14,848.95
- The Board has approved claims 575505 to 575539 in the amount of \$57,136.23
- The Board has approved claims 575407 to 575447 in the amount of \$43,330.11
- The Board has approved claims 575479 to 575504 in the amount of \$164,478.59
- The Board has approved claims 575604 to 575640 in the amount of \$47,715.58
- The Board has approved claims 575641 to 575661 in the amount of \$12,941.79
- The Board has approved claims 575662 to 575675 and 575764 in the amount of 17,230.00
- The Board has approved claims 575720 to 575763 in the amount of \$64,329.60

- The Board has approved claims 575570 to 575603 in the amount of \$196,212.61
- The Board has approved claims 575676 to 575719 in the amount of \$16,892.16

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Marv's Insulation, Inc in the amount of \$5,160.00 for Facilities Department

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR REESE REAL ESTATE

The Board of County Commissioners, sitting as a Board of Equalization, met today at 8:34 a.m. to conduct a property tax assessment protest hearing for Reese Real Estate, (Protest Nos. 21032 and 21029), Account Nos. 12181101 0 and 04529004 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Commercial Appraiser Sam Stone and Deputy Clerk Jenen Ross. Mike Cowan offered testimony on behalf of the Assessor's Office. No one appeared on behalf of the applicant to offer testimony. Following testimony Commissioner Van Beek made a motion to uphold the Assessor's value on both accounts. The motion was seconded by Commissioner White. Greg Himes noted for the record that in cases like this where no one appeared, and no information was provided it has been the protocol of the Assessor's Office to dismiss the protests. Commissioner Van Beek rescinded her original motion and made a motion to dismiss the cases. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 8:43 a.m. An audio recording is on file in the Commissioners' Office.

*Following the meeting an email was received from Courtney Simmons with Pivotal Tax Solutions withdrawing both protests.*

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CITY DEVELOPMENT, INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:00 p.m. to conduct a property tax assessment protest hearing for City Development, Inc., (Protest No. 21089), Account No. 07540500 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Commercial Appraiser Darryl Spieser, Attorney Andrea Rosholt, Jake Smith, and Deputy Clerk Monica Reeves. Andrea Rosholt offered testimony on behalf of the applicant and in support of the protest applications. Sam Stone, Joe Cox, and Greg Himes offered testimony on behalf of the Assessor's Office. Rebuttal testimony was offered by Ms. Rosholt and Mr. Cox. Following testimony and rebuttal, Commissioners Smith and Van Beek discussed asking for a legal interpretation specifically under the claim that under law both the lease contract and the goodwill from the lease contract is statutorily exempt and required to be subtracted. Commissioner White said she understands both sides of the issue. Commissioner Van Beek made a motion to continue

the hearing to Friday, July 9, 2021 at 1:30 p.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 3:03 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR U-SAVE STORAGE, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:04 p.m. to conduct a property tax assessment protest hearing for U-Save Storage, LLC, (Protest No. 21090), Account No. 24368000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Attorney Andrea Rosholt, Jake Smith, and Deputy Clerk Monica Reeves. Andrea Rosholt and Jake Smith offered testimony on behalf of the applicant and in support of the protest applications. Joe Cox offered testimony on behalf of the Assessor's Office. Commissioner Van Beek made a motion to continue the hearing to Friday, July 9, 2021 at 1:30 p.m. in order to gather additional information and evaluate at a deeper level. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:20 p.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER BOARD OF EQUALIZATION MATTERS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:21 p.m. to consider board of equalization matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, and Deputy Clerk Monica Reeves. Mr. Himes presented the Board with three documents which were considered as follows:

- Document 1 pertains to the homeowner's exemptions have gone online in the short timeframe that the BOE started. The total adjustment to the 2021 certified values is \$3,084,690.
- Document 1A pertains to the accounts where the Assessor's Office had discussions with homeowners. The total adjustment to the 2021 certified values is \$582,910.
- Document 1B pertains to the Treasure Valley Marketplace and the total adjustment to the 2021 certified values is \$6,299,000. (Note - just the improvements, excluding the land.)

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the Assessor's adjustments to the 2021 certified values relating to the adjustments that have come in since BOE started. The meeting concluded at 3:28 p.m. An audio recording is on file in the Commissioners' Office.

## MEETING TO DISCUSS OFFICE IMPROVEMENTS

The Board met today at 3:35 p.m. to discuss office improvements. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. There has been a request by the HR office for a plexiglass storefront improvement. Commissioners Smith feels the office allows for distancing and there is already a system in place to keep people away from the majority of the staff. She does not want to spend money on this. Commissioner Van Beek commented that this had already been offered and was not taken advantage of and that there is already a security system in place. Commissioner White concurred with both Commissioners Smith and Van Beek. The Board will let Facilities Director Navarro know not to move forward at this time and the issue can be discussed further once there is a new HR Director in place.

The Board would like to consider an exterior private exit from the BOCC office space for security purposes. Commissioner Van Beek has received a not-to-exceed quote of \$10,000 from Director Navarro for this renovation and would like to see it added to the Facilities budget. Commissioner Smith would like to make sure the proper channels are followed for funding approval.

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

## EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*Note for the record: As properly noticed the Board met today at 3:41 p.m. to discuss Board of Equalization matters. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 3:43 p.m. pursuant to Idaho Code, Section 74-206(1) (f) 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. Doug Robertson, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 3:57 p.m. with no decision being called for in open session.

JULY 2021 TERM

CALDWELL, IDAHO JULY 8, 2021

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

APPROVED CLAIMS

- The Board has approved claims 575540 to 575569 in the amount of \$28,579.99

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Western Building Supply in the amount of \$63,626.56 for Facilities Department
- In-Situ, Inc in the amount of \$3,557.80 for Solid Waste Department

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:47 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. Case no. 2021-811 meets the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to approve the case. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on case nos. 2021-765. 2021-818. Liens were presented for Board signatures. The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION REAPPOINTING MEMBERS TO THE CANYON COUNTY HISTORIC PRESERVATION COMMISSION

The Board met today at 8:49 a.m. to consider signing a resolution reappointing members to the Canyon County Historic Preservation Commission. Present were: Commissioners Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Following a brief review of the resolution Commissioner White made a motion to reappoint George DeFord, Juli McCoy and Zach Wesley to the Canyon County Historic Preservation Commission. The motion was seconded by Commissioner Van Beek and carried unanimously (see resolution no. 21-159). The meeting concluded at 8:51 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 9:06 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Chief Public Defender Aaron Bazzoli, Fair Director Diana Sinner (left at 9:10 a.m.), IT Director Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing 2021 Canyon County Fair and Romeo Entertainment Group Stage Contract with Lee Brice, Mark Chesnutt, and Rodney Atkins:*** Due to unforeseen circumstances Mark Chesnutt has had to cancel but three replacement acts are being evaluated and they are hoping to finalize the decision this week. The contract can still be signed today as Romeo Entertainment will be responsible for filling the vacant spot. The rider for Mark Chesnutt has been removed from the contract and any amendments will be signed at a later time if necessary. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the 2021 Canyon County Fair and Romeo Entertainment Group Stage Contract with Lee Brice, Mark Chesnutt and Rodney Atkins (see agreement no. 21-053)

***Consider signing contract with Pine Technologies:*** This contract has been reviewed by legal and the terms are fairly standard. The annual cost is \$45,000 for the licenses, maintenance and support. Director Rast addressed questions posed by Commissioner Van Beek and Mr. Robertson reviewed the substantive changes. This is a year-to-year contract with auto renewal unless terminated. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the contract with Pine Technologies (see agreement no. 21-052).

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

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR JOANNE AND REIN WOLTERS TRUST AND CALDWELL CAMPGROUND AND RV PARK LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:33 a.m. to conduct a property tax assessment protest hearing for Joanne and Rein Wolters Trust and Caldwell Campground and RV Park LLC, (Protest Nos. 21013, 21012 and 21011), Account Nos. 34927000 0, 34926000 0 and 34925000 0). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Kevin Sorenson, Commercial Appraiser Darryl Spieser, Scott Eckhardt for CF Hippolyta Nampa LLC via Webex and Deputy Clerk Jenen Ross. No one appeared on behalf of the applicant to offer testimony. Commissioner Van Beek made a motion to dismiss the cases due to lack of evidence. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CF HIPPOLYTA NAMPA LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:32 a.m. to conduct a property tax assessment protest hearing for CF Hippolyta Nampa LLC, (Protest No. 21048), Account No. 30481012 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Scott Eckhardt for CF Hippolyta Nampa LLC via teleconference and Deputy Clerk Jenen Ross. A brief review of the previous hearing was provided by Greg Himes, Mike Cowan and Scott Eckhardt. Mr. Eckhardt offered testimony on behalf of the applicant. Mike Cowan and Greg Himes offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal and deliberation Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Van Beek. The hearing concluded at 12:44 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 9, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change forms for Bonnie C Puleo, Sr. Administrative Specialist; and Vincente Olvera, Juvenile Detention Officer.

#### PUBLIC HEARING – PRELIMINARY PLATS FOR HESSE ACRES SUBDIVISION, CASE NO. SD2019-0013 AND HESSE LANDING SUBDIVISION, CASE NO. SD2019-0011

The Board met today at 8:39 a.m. to conduct a public hearing in the matter of requests by Mark Hess for approval of a preliminary plat with irrigation and drainage plans for Hesse Acres Subdivision, Case No. SD2019-0013, as well as preliminary plat approval with irrigation and drainage plans for Hess Landing Subdivision, Case No. SD2019-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Planning Official Dan Lister, William Mason, and Deputy Clerk Monica Reeves. Today's hearing was continued from June 11, 2021 where the Board wanted to allow time for Mr. Mason to speak with the owners about compliance with floodplain requirements; removal of the note about the waiver of sidewalks; and to correct the FCO's to address certain sections of the ordinance, namely 07-



10A-11, and others, to make sure the plat meets the floodplain requirements of the ordinance. Dan Lister testified that staff added a paragraph showing how it meets the floodplain ordinance. He attached the engineer's review of that section and included Mason and Associate's letter. Regarding Hesse Landing, they found there are no alterations to the water course as part of this, there are no improvements. At the time of building a house they will have to meet the floodplain requirements for that development. There is some construction that will be required for the road, however, they found the location is above base flood elevation and therefore found the improvements would not change the base flood elevation and that minimal improvements to that are within the floodplain. The plat is in conformance with what was asked for by the Board. Mr. Lister revised the notes and added a sentence that says any construction within a mapped floodplain requires a floodplain development permit in accordance with the standards of the Canyon County Floodplain Ordinance. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White made a motion to approve the preliminary plats for Hesse Acres Subdivision, and Hesse Landing Subdivision, and to approve the FCO's for both cases, and to add the condition regarding the floodplain development permit. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR TWIN ISLANDS LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:32 a.m. to conduct a property tax assessment protest hearing for Twin Islands LLC, (Protest Nos. 21020, 21018 and 21019), Account Nos. 35336000 0, 04082000 0 and 31223011 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Chief Deputy Assessor Joe Cox, Commercial Appraiser Sam Stone, Greg Ruddell and Mike Band for Twin Islands LLC and Deputy Clerk Jenen Ross.

#### EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*Note for the record: As properly noticed the Board met today at 10:32 a.m. for a Board of Equalization hearing for Twin Islands LLC. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 10:39 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Chief Deputy Assessor Joe Cox, Commercial Appraiser Sam Stone and Greg Ruddell and Mike Band for Twin Islands LLC. The Executive Session concluded at 11:31 a.m.

At the conclusion of the executive session Mr. Band gave a brief summary of their testimony and Mr. Ruddell offered comments on the protest. Sam Stone, Joe Cox and Greg Himes offered testimony on behalf of the Assessor's Office. After testimony, rebuttal and Board deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value on accounts 35336000 0, 04082000 0 and 31223011 0. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 12:14 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CITY DEVELOPMENT, INC.;  
AND U-SAVE STORAGE, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:41 p.m. to conduct a property tax assessment protest hearing for City Development, Inc., (Protest No. 21089), Account No. 07540500 0; and a property tax assessment protest hearing for U-Save Storage, LLC (Protest No. 21090), Account No. 24368000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Attorney Andrea Rosholt, Jake Smith, and Deputy Clerk Monica Reeves. Today's hearing was continued from July 7, 2021. Andrea Rosholt and Jake Smith offered testimony on behalf of the applicant and in support of the protest application. Sam Stone, Joe Cox and Greg Himes offered testimony on behalf of the Assessor's Office. The Board wanted to look at the sale information so it went into Executive Session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 2:28 p.m. pursuant to Idaho Code, Section 74-206(1) (d) to discuss records exempt from public disclosure. 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, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Attorney Andrea Rosholt, Jake Smith, and Deputy Clerk Monica Reeves. Chief Deputy PA Sam Laugheed and Deputy PA Doug Robertson arrived at 3:00 p.m. The Executive Session concluded at 3:22 p.m.

When the Board returned to open session discussion resumed. Commissioner Van Beek asked if there is there room for these two groups to negotiate and come together. Greg Himes said the Assessor's Office made an offer and increased the cap rate 2%. Discussion ensued with Ms. Rosholt offering additional testimony. Commissioner Smith said the Board should table this case until 4:00 p.m. Ms. Rosholt asked if the parties can agree on the record to treat U-Save Storage the same and combine the two cases. Joe Cox asked if the Board will uphold the value of the new adjustment that way Jake Smith can appeal and we can be done. Commissioner White made a motion to accept the adjusted value for City Development to include a 9% cap rate on the open

parking. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Smith noted for the record that the applicant waived additional testimony and rebuttal for the U-Save Storage case (Protest No. 21090). Commissioner Van Beek made a motion to accept the adjusted the value for U-Save Storage to include a 9% cap rate on the open storage area. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:30 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR LAFKY PROPERTIES, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:30 p.m. to conduct a property tax assessment protest hearing for Lafky Properties, (Protest Nos. 21091, 21092, 21093, and 21094), Account Nos. 31307000 0, 31308000 0, 31309000 0, and 31310000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Attorney Andrea Rosholt, and Deputy Clerk Monica Reeves. This case was continued from July 6, 2021. Andrea Rosholt wanted to go into Executive Session to review the applicant's information. The Board convened into Executive Session as follows to review financial information:

#### EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 3:32 p.m. pursuant to Idaho Code, Section 74-206(1) (d) to discuss records exempt from public disclosure. 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, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Appraiser Sam Stone, Deputy PA Doug Robertson, Attorney Andrea Rosholt, and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:42 p.m.

When the Board returned to open session discussion resumed. Andrea Rosholt offered testimony on behalf of the applicant. Joe Cox gave testimony on behalf of the Assessor's Office and said based on the new information that was provided he would ask the Board to uphold the value and give us ample to review it and if an adjustment is warranted they will make it in good faith, and at the very minimum they will work with Ms. Rosholt on resolving the issue prior to the Board of Tax Appeals. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to uphold the values on Protest Nos. 21091, 21092, 21093, and 21094 to give the Assessor and the appellant time to evaluate new information that was introduced today on those four properties. The hearing concluded at 3:45 p.m. An audio recording of the open portion of this meeting is on file in the Commissioners' Office.

#### UPDATE FROM SHERIFF DONAHUE REGARDING FILM PROJECT PROMOTING CANYON COUNTY

The Board met today at 3:49 p.m. for an update from Sheriff Donahue regarding a film project promoting Canyon County. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy PA Sam Laugheed, PIO Joe Decker and Deputy Clerk Monica Reeves. Jay Pickett has written a screenplay that highlights the Treasure Valley, specifically Canyon County and it tells a story of redemption. They will film in Owyhee County on three separate ranches and at various locations in Canyon County. The Sheriff will allow them to use parts of the Canyon County Sheriff's Office and jail commencing August 1 and ending August 16, 2021. Sam Laugheed has reviewed the agreement which has insurance in place with a known production company that has the financial backing and professionalism and involvement on the part of the County to make sure our interests are protected. The film company indemnifies, defends, and holds harmless the County and its representatives and agents from anything associated with the development, production, and distribution of the film. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the Treasure Valley Film Location Agreement. (Agreement No. 21-054). The meeting concluded at 4:11 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO     JULY 12, 2021

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

#### CONSIDER TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR JUNE 2021

The Board met today at 8:50 a.m. to consider Treasurer's tax charge adjustments by PIN for June 2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Treasurer Jennifer Mercado, other interested citizens, and Deputy Clerk Monica Reeves. Ms. Mercado said the adjustments include homeowner exemptions and a board of tax appeals settlement for Amalgamated Sugar Company. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the tax charge adjustments by PIN for June 2021. The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

### COMMUNITY INPUT MEETING

The Board met today at 9:01 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Mark and Tami Cron, Larry Stevenson, Sheila Ford, Darryl Ford, Ron Harriman, Steve Burton, John Maryon, Kim Deugan, and Deputy Clerk Monica Reeves. Comments were offered as follows:

Mark and Tami Cron offered comments about their continued concerns with the City of Star's annexation of property into Canyon County. The Crons live in an agricultural area and they want to remain in the County and they want the Board to fight for them. Commissioner Smith said the Board will meet on July 20<sup>th</sup> with the City of Star/Canyon County Area of Impact Committee regarding impact area negotiations to discuss the boundaries. Because the Middleton impact area boundary that goes to the County line was already negotiated and approved, this committee will have to push back to the City of Middleton and the City of Star to negotiate an agreed upon line. Star has been proceeding with annexation but the Board has asked them to stop annexations until an impact area agreement can be negotiated. Mr. Cron said the concern is that Star continues to piece large plots of land together and he's worried about high-density surrounding him. He's also concerned that the City of Star does not listen to the residents in the unincorporated area of Canyon County. Commissioner Smith spoke about the provisions in Idaho Code for de-annexation, and how there is a difference in opinion on it, but the Board cannot comment further on it, but it is going through the process. Commissioner White said perhaps it's time to talk to the Ada County Commissioners about this. Tami Cron spoke of her concern about forced annexation. Commissioner Smith said the city cannot force annex the Crons unless they are in their impact area. Discussion ensued on the impact area negotiation process.

Steve Burton asked how the City of Star was able to annex into Canyon County in 2007. Commissioner Smith said a hearing was held and they did a Category A annexation where the applicant asked for annexation and it went off the interpretation where they believe you don't have to be in an impact area. In 2007 the Board of Commissioners opted to sit silent and not get involved, but the current Board sent a letter to the City of Star asking them to stop annexing until we have an impact area agreement in place. There was discussion regarding the Willowbrook Development and the Northstar Monument Subdivision, as well as zoning issues and property rights.

Ron Harriman asked for a status update on the concerned citizens committee's request for impact fees for a jail. Commissioner Van Beek said impact fees for public safety cannot be used to address existing needs related to public safety, but only for system improvements for new growth. This means the fee structure could not include pricing that would help facilitate the construction of a new building as the need for a new building has been identified as an existing need. The County could use public safety impact fees to plan additional space requirements but the corresponding dollar amount for the fee may not generate sufficient revenue to be spent within the 8-year time constraint once the County starts collecting fees. She said the Board is having discussions with the other elected officials to figure out if there is a revenue stream to help toward that. There has to be a coordinated effort between a lot of elected people and then the institution of that fee has to be studied to ensure the collection of the fee, if it is not used in that timeframe, would have to be

refunded to taxpayers. An impact fee for public safety is not a dependable funding source to get the job done. Mr. Harriman and he is aware that and he's concerned about what happens in the future because we are missing a lot of impact fees on new construction and he wants to see impact fees in place. Commissioner Smith said at this time we don't have a group started to create an impact fee for the jail and she encouraged Mr. Harriman's group to help get that started. They have to consider the things we have heard from the Sheriff and the Prosecutor and weigh all of that. Commissioner Van Beek said with COVID there is a changing dynamic and they are doing a lot of negotiating between the PA, the PD, and the Courts. The County is contemplating creating a district within Caldwell that would expand and house more county functions. Commissioner White said the Board is in favor of impact fees.

Larry Stevenson offered comments on how government could be more transparent and save tax dollars. Recently he appeared before the board of equalization and disagreed with Commissioner White's position that he should let the Assessor into his home for a proper appraisal. According to Mr. Stevenson, that's not required by law and it would be time consuming for the Assessor's staff to go into every home and take pictures. Last year he suggested the Assessor's budget was overinflated and it could be cut by \$490,000. He said over a three-year period \$246,000 was given to the Assessor's Office in reimbursements from the Idaho Association of Counties to sue selected commercial county taxpayers, such as CTI-SSI; U-Save Storage; and Twin Islands/Republic Self-Storage. He believes it's wrong for the Assessor to receive IAC reimbursements to sue commercial taxpayers and the Board needs to stop the unfair practice. He said the PA and Assessor have supplemented their budgets to fund outside attorneys and professional witnesses to litigate against existing small commercial taxpayers while Commissioners were giving new commercial businesses 75% property tax reductions for a five-year period. He is opposed to Prosecutor Taylor and Assessor Stender's participation on the voting board of the litigation fund. He said there needs to be better utilization of tax dollars and valuation litigations need to be done in-house. The Assessor needs to try mediation and/or dispute resolution between parties. Additionally, Mr. Stevenson believes the Board is dragging its feet on impact fees.

Sheila Ford stated she agrees with Ron Harriman's comments regarding impact fees and said we need to start that immediately because it's not right to look to existing residents to cover growth.

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

#### CLERK'S FISCAL YEAR 2022 SUGGESTED BUDGET

The Board met today at 10:03 am. to receive the Clerk's FY2022 suggested budget. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Civil Deputy PA Sam Laugheed, Chief Deputy Sheriff Marv Dashiell, Treasurer Tracie Lloyd, Assessor Brian Stender, PIO Joe Decker, PD Aaron Bazzoli, Ambulance District Director Michael Stowell, Julie Yamamoto, Kim Deugan, and Deputy Clerk Monica Reeves. Clerk Yamamoto gave a brief overview of the budget. In 2016 the Idaho legislature raised the homeowner's

exemption to \$100,000 and eliminated the residential indexing, and because of the rapidly rising values of residential and the flat commercial values, we have seen a major tax shift from commercial to residential where homeowners get to pick up that slack. Canyon County drafted a bill to reverse this shift in a small way and 48 legislators co-signed the legislation but it never got out of the revenue and tax drawer. In FY2021 Canyon County did not take the 3%, or the foregone amount, or new construction, and we lowered the budget and yet residential taxes went up based on the valuations. The FY2022 Clerk's suggested budget is a repeat of last year's budget and it has the same property tax request as 2021. This move is unprecedented. Citizens should expect excellent service at a reasonable cost. The County had a 10-year period with almost no salary increases and we fell far behind and we were the training ground for employees. Five years ago, we developed a compensation plan and although it was not perfect it did help. Now we find ourselves coming up short again. The dispatch center, which is already short-staffed, recently lost three dispatchers to another agency. The County provides constitutionally required services and it has become very difficult to manage this when losing experienced people and we have to hire from an insufficient work pool. This has to be brought back to a manageable level and that has been addressed in this budget.

Controller Wagoner reviewed the details of the budget as follows:

### **Suggested budget priorities**

#### Property tax relief:

- For the second straight year:
- No new construction increase
- Zero 3% increase taken
- Zero forgone increase requested
- No increase in the property tax budget

#### Quality Service Delivery

- \$5 million investment in current personnel
- Increased workforce including 35 new additional fulltime positions

The County's current total property tax budget is \$53,970,567.

House Bill 389 affords the County a property tax budget of \$61,214,718. This would increase the average owner-occupied residential county specific property tax by \$64.22 to \$579.66. The Clerk's suggested budget provides \$7.5 million in property tax relief decreasing the average owner-occupied residential county specific property tax bill to \$508.36.

The total suggested expenditure budget is \$17,008,095. \$6.6 million of that is allocated to culture and recreation; \$9.9 million is for public works with the majority for the landfill; \$48.6

million for public safety services; \$9.9 million for health, welfare and indigency; and \$41.8 million for general government services.

### **American Rescue Plan Act (ARPA) of 2021**

The ARPA provides that Coronavirus Local Fiscal Recovery Funds may be used for the provision of government services to the extent of the reduction in revenue due to COVID-19. Prior to COVID-19, Canyon County's general revenue growth rate was 10.5%. Had that growth rate continued our estimated general revenue would have been \$106,206,670. Due to COVID-19 disrupting our revenue stream the actual revenue was a little over \$100 million. Canyon County's revenue reduction, as a result of COVID-19, is \$6.1 million.

\$6.1 million of ARPA monies are available for the provision of government services so the Clerk's suggested budget includes the following government services paid for with ARPA monies:

- \$70,000 for the annual outside financial audit
- \$85,000 for architect fees – storage facility and possible juvenile detention center remodel
- \$255,000 for Jail Pod 5 roof replacement
- \$850,000 for the annual liability insurance premium
- \$501,000 for public safety police vehicles
- \$1,454,085 for the annual Pod 6 inmate housing lease payment
- \$895,000 for inmate food service
- \$1,888,960 for inmate medical service
- \$170,000 for the jail body scanner

### **Service Quality Investment**

Canyon County did not include a cost of living adjustment in the FY2021 budget. As of May 2021, the consumer price index has risen 5% over the last year. The Clerk's suggested budget includes a \$5 million investment in current personnel and positions. With a total salary and benefit budget of \$75 million a \$5 million investment is around 7.5%.

The Clerk's suggested budget includes \$2,767,920 for 35 new fulltime positions:

- Public Defender: 6 positions
- Facilities: 1 position
- Assessor's Reappraisal: 3 positions
- Trial Court Administrator: 2 positions
- Juvenile Detention: 1 position
- IT: 1 position
- Development Services: 2 positions
- Fair: 1 position
- Solid Waste: 4 positions



Court Clerks: 7 positions  
Recorder: 1 position  
Prosecuting Attorney: 6 positions

*21 of the positions are for attorneys or court-related functions tied to receiving three new judges at the start of the fiscal year.*

**Significant Capital Investments:**

\$8,000,000 for Fair Expo building  
\$2,000,000 for Fair site improvement project  
\$1,008,000 for general vehicles, police vehicles and trucks  
\$350,000 for a Landfill loader  
\$210,000 for a Landfill service truck  
\$1,454,085 for Pod 6 inmate housing lease  
\$2,50,000 for Landfill property acquisition  
\$175,000 for the Fleet carwash  
\$170,000 for the jail body scanner  
\$255,000 for Pod 5 roof replacement

Controller Wagoner reviewed the expenditure budgets by office/department for FY2021 (approved) and FY2022 (suggested). The total operating expenditure budget is \$117,008,095. Also included are the Melba Gopher District (no change), and the Pest Control District which includes salaries and benefits and the acquisition of a truck for FY2022.

The Board asked follow-up question of the Controller following his report. Additional budget meetings will be held where a “deeper dive” will be taken. No Board action was required or taken at this meeting which concluded at 10:46 a.m. An audio recording is on file in the Commissioners’ Office.

MEETING TO CONSIDER BOARD OF EQUALIZATION MATTERS

The Board met today at 1:36 p.m. to consider Board of Equalization matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender and Deputy Clerk Jenen Ross. Assessor Stender provided two documents outlining Assessor Adjustments to 2021 Certified Values - #2 which are adjustments made in their office and qualified homeowner’s exemptions; these adjustments did not come before the Board of Equalization. A brief review of some of the adjustments was provided to the Board. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign both documents identifying Assessor Adjustments to 2021 Certified Values #2. The meeting concluded at 1:41 pm. An audio recording is on file in the Commissioners’ Office.

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

The Board met today at 1:48 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Steve Fultz and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution granting a refund to William Mason for a withdrawn building permit relocation fee:*** Director Fultz explained that an administrative land division was more appropriate for this situation and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to William Mason for a withdrawn building permit relocation fee (see resolution no. 21-161).

***Consider signing a resolution granting a refund to Lori Lovelace for a quasi-public temporary use permit:*** Director Fultz said that upon review this was already permitted under the current CUP and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a refund to Lori Lovelace for a quasi-public temporary use permit (see resolution no. 21-162).

The following was discussed with Director Fultz:

Director Fultz said he has not yet had a chance to review the proposed code enforcement amendment. The Code Enforcement Office has been out of the office due to personal reasons and they've not had a chance to discuss this. Director Fultz is hoping he'll be back tomorrow giving them an opportunity to discuss. Commissioner Smith would like to evaluate staff cost prior to the fee schedule being established so that the fee and/or fines are able to cover the cost of the code enforcement division and to get to the point that there is enough staff to enforce the county ordinance. Commissioner Smith is also concerned about RVs being used as living quarters without the proper permitting or in places they should not be used as homesteads. Additionally, Director Fultz said his department recently met with Roger Batt and his group and they have agreed to assist in writing the ag portion of the comprehensive plan.

They will be adding two people to the P&Z Commission. Director Fultz's recommendations are Brian Sheets and Tanya Robinson; a brief background was provided on each candidate along with some concerns. Ms. Robinson is a real estate agent and due to that they may ask Scott Brock to step down as he is also a realtor. Commissioner Smith disclosed that she has a friendship with Ms. Robinson but feels she would do a good job as she loves ag land. Mr. Brock's term is up the end of the year and Rick Fried is up next year. The Board would like to do short meet and greet with both candidates.

An activity summary report was provided to the Board comparing June 2020 to June 2021.

Discussion ensued regarding the development of ag ground and city instituted moratoriums on building.

Director Fultz said his department has been working on an ordinance amendment to allow additional splits on land that is not economically viable farm ground, minimum one-acre residential up to 4 parcels. Once approved there would be no further administrative land divisions. They hope to have it to the P&Z Commission in August and then to the Board for further discussion. Commissioner Smith suggested changing original parcel dates. Director Fultz said he would talk with his staff in trying to determine a reasonable date.

They are working on their noticing to include an expanded area depending on the type of project.

In regard to the comprehensive plan they are meeting every Tuesday and Wednesday and he anticipates a draft being ready to go out to the public by the end of August.

The meeting concluded at 2:43 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS PLANNING OF GROUNDBREAKING CEREMONY FOR THE FAIR EXPO BUILDING

The Board met today at 2:49 p.m. to discuss planning of the groundbreaking ceremony for the Fair Expo building. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner, Facilities Director Paul Navarro, PIO Joe Decker and Deputy Clerk Jenen Ross. Discussion ensued regarding tasks to be completed, invitations, media notifications, and order of events. The meeting concluded at 3:07 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO    JULY 13, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Rebecca Ramsey, Weed and Gopher Control Technician.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Boise Appliance & Refrigeration Co. in the amount of \$1,767.18 for Facilities Department
- Les Schwab in the amount of \$9,060.00 for Solid Waste

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Stewart & Christensen DBA Stewart's Bar & Grill to be used 7/31/21.

#### APPROVED APRIL 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

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

The Board met today at 9:03 a.m. with county attorneys for legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell, Emergency Operations Manager Christine Wendelsdorf (left at 9:16 a.m.), Fair Director Diana Sinner (left at 9:06 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing parking lot rental agreement with Caldwell Bowling, Inc.:*** Director Sinner explained that every year the county enters into an agreement to use the Caldwell Bowling parking lot during fair. They are normally closed for maintenance during this time. The contract and cost are the same as previous years. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the parking lot rental agreement with Caldwell Bowling, Inc (see agreement no. 21-055).

***Consider signing a resolution approving award of officer's badge and duty weapon:*** Lt. Martineau has over 24 years with the agency and Chief Dashiell gave a review of his time with the Sheriff's Office. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board

voted unanimously to sign the resolution approving award of officer's badge and duty weapon to Lt. Martineau (see resolution no. 21-160).

***Consider signing Canyon County Idaho Multi-Jurisdiction All Hazard Mitigation Plan Promulgation of Adoption letter:*** Ms. Wendelsdorf explained that once the adoption letter is signed it will be forwarded to FEMA and in turn they will send back to the county the formal adoption letter along with the plan which will then be forwarded to the Board. This is the All Hazard Mitigation plan which incorporates all the different agencies within the county so that they are eligible to receive FEMA monies for mitigation projects within their district to address such things as water, sewer and wildfire prevention among other things. Currently there are 6 partners, Nampa and Middleton fire district are still working to complete their paperwork to join this plan. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Canyon County Idaho Multi-Jurisdiction All Hazard Mitigation Plan Promulgation of Adoption letter. A copy of the letter is on file with this day's minutes.

***Consider signing Idaho Office of Emergency Management 2017 subrecipient agreement for Canyon County 2017 Pre-Disaster Mitigation Program:*** Ms. Wendelsdorf said this is the grant that was awarded to the county in order to put the all hazard plan together. It is a 50/50 matching grant but due to an overmatch the county is due a refund of about \$54,000. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Idaho Office of Emergency Management 2017 subrecipient agreement for Canyon County 2017 Pre-Disaster Mitigation Program (see agreement no. 21-056).

***Consider signing notice of termination of IFB for Thermal Imaging Project:*** Mr. Robertson gave a brief background of this project. After the intent to award letter was sent there were a couple of objection letters received so at this time the recommendation is to reject all bids. A letter has been prepared notifying all bidders of the rejection. Chief Dashiell spoke about how he is supportive of slowing down the timeline of the project and evaluating the needs of the county in order to avoid litigation or liability. He said this has been budgeted for in the FY2022 budget. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of termination of IFB for Thermal Imaging Project. A copy of the letter is on file with this day's minutes.

The meeting concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – APPEAL BY PECKHAM ROAD TRUST FOR A CONDITIONAL USE PERMIT, CASE NO. CU2020-0001

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of an appeal by Peckham Road Trust of the P&Z Commission's decision which denied their request to modify a conditional use permit (CUP), Case No. CU2004-92, to allow the existing feedlot (CAFO) to expand from the approved 6,000 head of beef cattle to 12,000 head. The operation will be expanded from 9 parcels to 13 parcels, R36987010, R36987, R36988, R36989, R36991, R36991010, R36967,

R36968013, R36968012, R36975010, R36992, R36992010, & R36986. The facility is located at 27443 Peckham Road in Wilder. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, Todd Lakey, Dr. George Murgel, Dillon Wickel, John Hepton, James Pierce, Cameron Mulroney, Trey Hart, Mitch Anderson, Trey Roberts, Cari Berrett, Jared Gould, Pete Arritola, Burke Neely, Jody Moos, Todd Smith, Michael McHugh, John Peterson, Jess Painter, Jason Tindall, Ed Leavitt, Nathaniel Nesbitt, Sam Turner, Connie Brandau, Cesar Renteria, Leo Swensen, Donald "Levi" Masmeyer, Garrett Hodges, Kellsie Peterson, Sid Freeman, Adam Duckett, David Shenk, Michael Hackney, Ken Wynn, Lawrence Nixon, Russell, Laurson, Dave Crandall, Sheriff Kieran Donahue, Andy Bishop, Bill Doramus, Jon Mortensen, Eric Derr, Kortney Masmeyer, Todd Smith, Ken Wood, Debora Wynn, Dawn Shahan, Dallas Holton, Travis Allen, Halie Lambrecht, Wendy Hackney, Speelman Feeders, David Gomez, Taylor Funk, Chris Rueth, Robert Luna, Chris Landa, Andrea Gooding, Brock Obendorf, Josie Thurman, Darin Mann, Jim Lambrecht, Jodie Lambrecht, Darin Taylor, Art Rodriguez, Brenda Abbott, Cindy Foster, Sandra Smallwood, Merle Hammons, Kevin Anderson, Ken Gaines, Linda Dillon, Paul Bryson, Candis Abbott, Sherry Jetton, Kent Vaughters, Paul Schwedelson, and Deputy Clerk Monica Reeves. *\*In addition to the persons present for today's hearing there were also approximately 180+ people who registered online for the hearing to note their position on this case. The vast majority of the online registrations were people in support of the appeal; approximately 30 were in opposition and 2 were in a neutral position. The majority of those who signed-in online did not appear for today's hearing.*

Commissioner Smith disclosed that her uncle owns a feedlot but neither she nor he has any financial gain in this case. She has a lot of friends here today and a lot of people have called her about this case but she did not gather any testimony or information outside of the hearing. She was a former employee of DSD and is familiar with the subject property, both as a former planner and code enforcement officer, but that will not impede her decision-making moving forward. Commissioner White disclosed that she too knows several people in attendance at today's hearing but that will not impact her decision. Commissioner Van Beek disclosed that she and her husband have sold calves to Wilson Creek Cattle Feeders, the predecessor to Peckham Road Trust, but that should not impact her ability to make an unbiased decision.

Jennifer Almeida gave the oral staff report. The request is an appeal of the P&Z Commission's denial of a request to modify an existing CUP. The modification would allow the existing CAFO to expand from 6,000 head to 12,000, and the operation will be expanded to additional parcels. Ms. Almeida gave a report on the history of the property including previous hearings and siting team reviews. She gave a review of the subject property and the surrounding property. The area is primarily agriculture in nature and agriculturally zoned, however, there are numerous residences located in close proximity. Within one mile there are 13 platted subdivisions. Portions of the properties contained within this proposal are located within the City of Wilder impact area. The city designates the properties as residential, and the feedlot abuts Wilder's proposed future residential area which has potential for conflict. Staff did find there was criteria it did not meet. It has the potential to negatively impact the essential character of the area due to the increase in numbers, in truck traffic, the feedlot encroaching on the historic landfill, the nitrate priority area and existing wells that have tested high in nitrates, and as a result staff recommended denial at

the P&Z Commission level and that recommendation still stands at the Board level for the same reasons. The Department of Agriculture has indicated they were not in violation of any requirements. Ms. Almeida reviewed and summarized the exhibits were submitted. Following her report, she responded questions from the Board.

**The following people testified in support of the appeal:**

**Todd Lakey** testified this is an agricultural business in an agricultural zone in an agricultural County and it's an expansion and modernization of a compliant historic operation by a proven, responsible operator who takes environmental issues seriously and improves the facility from an environmental impact standpoint. They performed a site-specific analysis with individuals with expertise that shows their commitment to a responsible low-risk compliant operation and design. The comprehensive plan strongly supports agriculture; the right-to-farm act protects agriculture; the CAFO Ordinance protects agricultural uses; the decision on whether this is an appropriate site for a feedlot was made long ago as you have a responsible operator proposing to improve the compliant operation it merits protection. The operation significantly reduces risk. It's an environmentally responsible plan and operation to improve the facility. The owner will modernize the site with the expansion and there will be extensive re-leveling, berming to retain water and drainage onsite, and directing that water to retention areas that are lined for evaporation. The composting operation has been moved from the small six-acre site to the old landfill to the east portion off Rodeo Lane. They acknowledge the impacts of these kind of operations and they will continue using best management practices and enhance efforts to deal with manure, water, odor, dust and flies. A modern sprinkler system will be installed. There will be no trucks going west on Peckham Road or Fish Road. Most will travel on Peckham to the north either via Rodeo, Fargo or Batt Corner Road, and a little to the south to Stewart. Rodeo Lane will be the main access. Following testimony Mr. Lakey responded to questions from the Board.

**Dr. George Murgel, Ph.D.**, is a professional engineer who testified about the environmental uses associated with this project. He said contamination is not likely to occur. The site has been and will be designed to contain the runoff and any water that would fall on the site to prevent it from getting offsite and/or from percolating into soils. Following his testimony, Dr. Murgel responded to questions from the Board.

**John Hepton** testified he will rebuild the feedlot to the highest standards and the newest technology. For the last 26 years he has been consulting with feedlots. They have removed half of the pens at the facility but it's not just a matter of putting new pens on the same facility; it needs massive dirt work and a water system. He will spend \$3 million updating the feedlot and he estimates he will spend \$11 million a year on local feed around the Wilder area. There is nothing more sustainable for the future of food production than taking local feed, making high quality protein, composting that manure and putting it back onto farm fields. They always give back to the community by supporting F-H and FFA to encourage young people to get into agriculture, and by donating beef to Love, Inc., and to the Hope House, and to the food pantry in Wilder, and to the Idaho Feed Bank. The benefit for the cattle, the employees, and the neighbors is to totally redesign the operation with the newest technologies and make it up-to-date and that

will make for the best neighborhood for this agricultural area. Following his testimony, Mr. Hepton responded to questions from the Board.

**Burke Neely** is a livestock nutrition and management consultant with a degree in animal sciences and a degree in crop and soil science. He gave testimony about John Hepton being a responsible well-respected owner/operator and employer. He said the expansion will result in more efficiency and economic advantages and will stimulate the local ag economy.

Dillon Wickel, James Pierce, Cameron Mulroney, Trey Hart, Mitch Anderson, Trey Roberts, Cari Berrett, Jared Gould, Pete Arritola, Jody Moos, Todd Smith, Michael McHugh, John Peterson, Jess Painter, Jason Tindall, Ed Leavitt, Nathaniel Nesbitt, Sam Turner, Connie Brandau, Cesar Renteria, Leo Swensen, Donald “Levi” Masmeyer, Garrett Hodges, Kellsie Peterson, Sid Freeman, Adam Duckett, David Shenk and Bill Doramus offered testimony in favor of the appeal. The majority of the testimony in favor dealt with importance of the beef industry, job creation, economic impacts of agri-business, the owner’s professional management practices and his efforts to help farmers buy local commodities, and how the feedlot will benefit the ag/market sales, and how the residences that came after the feedlot are a conflicting use.

**The following people testified in opposition:**

**Darin Taylor** was hired to represent a development (three projects) consisting of 174 lots located two miles east of the project property and adjacent to the Wilder city limits. He said no one is stopping Mr. Hepton from improving the site; the issue is with the addition of 6,000 head of cattle in two years. In recent months there have been relatively few animals on site even though it’s permitted for 6,000. If we added 6,000 head it will startle the neighborhood and if we had 12,000 head it will stun the neighborhood and community. The County is charged with avoiding mixing incompatible land uses. Concentrated animals in a confined area is industrial; it’s different from farming, it’s not ranching it’s industrial. Just because a 6,000 head concentrated animal operation is compatible with the area that does not mean 12,000 head is. A feedlot is not an allowed use, it’s a special use permit. The geo-tech study found that Peckham Road is deficient in its sub-base, base, and surface. There are recommendations to reclaim Peckham Road, and in response the applicant routed traffic off Peckham Road and they are putting the trucks on the roads that are in decent shape rather than fix the deficient one. If the County approves this he strongly recommends the Board designated truck routes – one north, and one east and have the applicant repair Peckham Road where the trucks have been driving for 50-60 years rather than start using Stewart Lane. Mr. Taylor said they are not opposing the applicant, they want to focus on the subject. He said this will be a great contribution to the community and if there’s a way to make it a compatible use either with numbers or timing or routes then let’s be intellectually honest and not say it does not change the character of the area. Following his testimony, Mr. Taylor responded to questions from the Board.

**Art Rodriguez** lives across from the feedlot and has concerns about dust, flies, odor, and shallow water wells. He is opposed to the feedlot expansion because the operators have not met the obligations that go along with the CUP. The same problems exist today that existed in 1994.



**Brenda Abbott** testified that Canyon County law mandates the Board close the nonconforming feedlot based on the permit violations. She sent pictures of the violations many times over the last year but they were ignored. Peckham Road Trust has owned the property since 2015 and have had six years to comply with the conditions and make upgrades. They have no CAFO siting permit transfer permit from Peckham Road Trust as required by law which means the applicant has been operating a feedlot at this location without the legally required permit for six years and that is grounds to revoke the permit. They have violated almost every condition put on them and over 100 pictures have been submitted which show the violations, but neither the DSD Director nor the Board responded to any of the violations. An inspector was sent to the property and he sent a letter but it did not address the issues. Peckham Road Trust does not have a permit, the permit is for Grass Cattle Systems and based on records from the Secretary of State, they ceased to exist in 2009. The facility is a discharger into the Snake River and as a result of the 2003 EPA compliance guide they are required to have an NPDES permit, but they do not. There are no sprinklers at this site, and it has been required since 1994. The feedlot creates odors and toxic dust consisting of ammonia, hydrogen sulfide, methane, and particulate matter. They have cattle outside the feedlot and when they were denied expansion they began expanding onto land that is not included in the permit. Additional concerns include: the unlined pond and wastewater; encroachment onto her right-of-way; and the open canal and lagoon on the property. She said the engineer from the City of Wilder previously testified they are concerned this feedlot could contaminate the entire drinking water system for the City of Wilder. Following her testimony, Ms. Abbott responded to questions from the Board.

Jennifer Almeida responded to questions regarding ownership information submitted by the applicant. Commissioner Smith said she understood the DSD Director issued a letter to Ms. Abbott stating there was not sufficient evidence of a CUP violation. Ms. Almeida said that is part of the record as Exhibit #126. (The letter was in response to Ms. Abbott's letter to the County.) Ms. Abbott said the feedlot has violated every condition of the CUP, but the DSD Director and inspector did not address her complaints about the violations. Commissioner Smith said the Prosecutor's Office sent a letter to Ms. Abbott stating if she believes a County official committed a crime or if she felt Director Nilsson's determination was incorrect, there are options available to her. Discussion Ms. Abbott continued responding to questions from the Board.

**Cindy Foster** lives west of the subject property and she testified the property on the ridge is a French drain that consist of sand and boulders and which is brilliant for drainage but is a disaster for a stockyard, for the aquifer, for the Snake River, for the City of Wilder's well, and for all the residences around it. She questioned how close is it to the open pit and who will be held responsible if it breaks and goes into the old dump site. She believes it's a disaster waiting to happen. Ms. Foster also questioned why Mr. Hepton, who has owned the property for years, hasn't installed a sprinkler system.

**Sandra Smallwood** owns property across from the subject property and her family has lived in the area since 1948. There haven't been as many cattle on the property in recent months as there has been in the past so there hasn't been as much dust but she's worried about what it will

be like with 12,000 head. With 5,000 head they couldn't enjoy their backyard because of the dust, odor, and flies. She does not want the additional 6,000 head of cattle because it will dramatically change the area.

**Merle Hammons** lives on Peckham Road and he has not changed his opinion of the feedlot with the new owner. His concerns include: trucks that drive past his property blow debris, such as onions, onto his lawn and driveway; previous feedlot managers have not complied with the permits for several years; and the problem with starlings, flies, and odor making it so it cannot enjoy his backyard. He urged the Board to deny the feedlot.

During rebuttal testimony Todd Lakey said there has been testimony expressing broad support relating to the factors in the comprehensive plan from those who live in the immediate vicinity and from those in the industry. We have an existing compliant operation based on the Department of Agriculture's inspection and the County's code enforcement inspection. The plan is to do a lot of earth work and make improvements to the site. Dr. Murgel's has done a site-specific analysis and his testimony carries the most weight in analysis and credibility. Our requirement is to comply with the regulations and standards and we'll have to do that in design and moving forward in the future. They have added an additional intersection. People moved to the area after the CAFO operation was in place. It's a compliant operation and they are limited in their ability to complain about dust, noise, odor, flies, and manure. The CAFO ordinance requires it be completed in five (5) years, but the applicant's intent is to start the improvements this fall and complete it next year. They believe they are in compliance with the canal that runs through the property. The re-leveling of the site will be the major adjustment to most of the issues on site with the water draining to retention areas so there will be less liquid for flies to breed in so the enhancement and modernization will dramatically improve the fly situation. There was a purchase of the property by the Trust approximately 8 eight years ago but there was some litigation between the owner and the purchaser. Mr. Hepton advised they began operating the property as soon as they could which was two years ago.

Commissioner Smith said it's important to consider the testimony and make sure we come up with conditions the feedlot can follow, but not conditions that can be "picked on" constantly. The Board asked additional questions of John Hepton regarding the feedlot operation. Mr. Hepton said in 2019 they tore down half the corrals and were working on getting to the P&Z Commission, but COVID put it off by another year. If the expansion request is approved they will start work this fall and then they will shut down for the winter and finish it next year. One year from September it will be completed. Commissioner Smith asked if the Mr. Hepton will agree to a condition that would limit the CUP specifically to his organization's ownership. Mr. Hepton said he will not agree to that condition because the improvements he makes to the location will make a majority of the difference. If the facility is well built then someone else can follow in those footsteps and manage it appropriately. Commissioner Smith said the use goes with the land so the conditions of approval need to have those standards of what the operation would look like. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. (The Board entered the exhibits into the record.) Commissioner White said the previous owners have left a bad smell, but she feels good about today's discussion with

the owner about the business plan and the best management practices. She supports a continuance of the hearing. Commissioner Van Beek said there has been a lot of information, but the most credible testimony for groundwater and surface water is with the hydrologist who has a six-page distinguished resume. We have to craft conditions for the conditional use. Commissioner Smith said she finds support for expansion request from the evidence presented today. She doesn't want to be a County that just develops rooftops and changes who we are. Businesses like this have an unending effect for youth and the community that is something and if we don't allow an expansion here where do we allow it? She spoke about the importance of having industry support job creation. She wants to approve the CUP; however, we need to consider what those conditions of approval are to protect the operator and the constituents. She wants to allow the applicant and staff time to review conditions based on the testimony received and to hear mitigating factors we can consider for the constituents and to allow the owner to operate within the rules of the state and federal guidelines. Commissioners Van Beek and White support that. Commissioner White said there are certain areas she wants to make sure are covered in the conditions. Staff will work on conditions of approval and bring them back at the next hearing. Testimony will remain closed. Commissioner Van Beek made a motion to continue the hearing to July 27, 2021 at 2:30 pm. in order to consider approval with conditions. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 4:56 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 14, 2021

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

No meetings were held this day.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 15, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman - OUT

Commissioner Pam White – VIA TELECONFERENCE  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 575793 to 575796 in the amount of \$8,796.21

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:53 a.m. to consider matters related to medical indigency. Present were: Commissioner Keri Smith, Commissioner Pam White via teleconference, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-758, 2021-756, 2021-756, 2021-851, 2021-834 and 2021-764. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days.

Lien, lien releases and assignments were presented for Board signatures.

Director Baker said that all cases scheduled for hearings today have either been withdrawn or continued as follows:

Case nos. 2021-576 and 2021-451 have been withdrawn by the hospital and do not meet the eligibility criteria for county assistance. Commissioner White made a motion to issue final denial due to being withdrawn and not meeting the eligibility criteria. The motion was seconded by Commissioner Smith and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Smith case nos. 2021-573, 2021-577, 2021-487 and 2021-649 will be continued to August 19, 2021.

Commissioner White made a motion to continue case no. 2021-394 to October 7, 2021. The motion was seconded by Commissioner Smith and carried unanimously.

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

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*Note for the record: As properly noticed the Board met today at 10:00 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner White made a motion to go into Executive Session at 10:01 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Smith, Commissioner Pam White via teleconference, Deputy P.A, Zach Wesley, Facilities Director Paul Navarro and HR Generalist Jennifer Allen. The Executive Session concluded at 10:06 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner White made a motion to continue the legal staff update to 1:15 p.m. today. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 10:07 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### PUBLIC HEARING – REQUEST BY RICHARD CHAMBERS FOR A REZONE, CASE NO. RZ2020-0026

The Board met today at 1:21 p.m. to conduct a public hearing in the matter of a request by Richard Chambers, represented by Tyler Bosier with Blast Properties for a rezone from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone, Case No. RZ2020-0026. Present were: Commissioners Keri Smith, Commissioner Pam White (participated via conference call), DSD Planner Jennifer Almeida, Tyler Bosier, Richard Chambers, Tim Bosier and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property is designated as residential on the Canyon County Future Land Use Map. The surrounding area contains both agricultural and residential uses. West of the property are parcels with homesites that range in size from 2.07 acres to 4.55 acres. The property is within the Nampa impact area and is designated as residential. There are 28 platted subdivisions within one mile of the site with a .91-acre average lot size. The property is within a nitrate priority area. Ms. Almeida reviewed the agency comments. The P&Z Commission recommended on April 15, 2021 and staff is also recommending approval finding this request complies with the comprehensive plan as well as the criteria for a rezone. Tyler Bosier testified they have done our homework with the agencies involved and they will comply with all recommendations and requirements. He said when the Chambers' purchased the property it was their intention to split the property upon retirement, and as the developer he will develop it into residential homesites that include fencing and irrigation. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner White said this is very straightforward case and she sees nothing that would cause her to be against this. Commissioner Smith agreed and noted that the neighboring property to the east was rezoned in 2019, there are quite a few subdivisions in the area, and the city is close. Upon the motion of Commissioner White and the second by Commissioner Smith to approve the zoning map amendment (rezone) of Parcel 29545 from “A” (Agricultural) to an “R-R” (Rural Residential) zone and to sign the FCO's and to sign the ordinance directing the map change.

(Ordinance No. 21-016.) The hearing concluded at 1:31 p.m. An audio recording is on file in the Commissioner's Office.

#### CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 1:44 p.m. for a continued meeting with county attorneys for a legal staff update. Present were: Commissioner Keri Smith, Commissioner Pam White via teleconference, Deputy P.A. Zach Wesley, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross.

Mr. Wesley spoke about Valley View Ranch Subdivision stating that there was a development agreement that was submitted by an attorney on behalf of applicants. This case went thru P&Z as a straight rezone and was noticed the same for the hearing before the Board. Mr. Wesley advised that for the hearing taking place on July 26<sup>th</sup> that the Board could consider the development agreement at that point and if the Board chooses to approve it, it could be approved with the conditions and development agreement. However, because that is a material change from the planning and zoning commission's recommendation there would need to be a second hearing. A second hearing would also allow this to be pushed out so that they could finish their preliminary plat that needed changes before it was signed. The preliminary plat and second hearing could happen at the same later date. The Board feels this is a good plan.

In regard to the hearing held July 13<sup>th</sup> for Peckham Rd. Trust, Ms. Almeida noted that she incorrectly stated a letter was from the previous DSD Director, Tricia Nilsson, when in fact it was from the Code Enforcement division at the direction of then Director Nilsson. Mr. Wesley feels that since the letter was presented as an exhibit it speaks for itself and there is no need to open the hearing to correct the record. If Ms. Brenda Abbott has further complaints about the erroneous statement it would be best for her to submit an email that Ms. Almeida could respond to, those emails could then be added to the record. The Board is supportive of this course of action.

The meeting concluded at 1:50 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 16, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Linda Vanacore, Fair O'Connor Supervisor; Linda Ellis, Fair Admissions Supervisor; Debra Amyx, Fair Admissions Assistant.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$1,171.90 for Canyon County Sheriff
- Pro Vision in the amount of \$1,050.00 for Canyon County Sheriff
- BOE in the amount of \$3,390.00 for Information Technology Department
- Titan HQ in the amount of \$13,200.00 for Information Technology Department
- Elevate in the amount of \$11,564.60 for Information Technology Department

#### EXECUTIVE SESSION – PERSONNEL MATTER

*Note for the record: As properly noticed the Board met today at 1:06 p.m. for the HR hiring committee to discuss the hiring process. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 1:07 p.m. pursuant to Idaho Code, Section 74-206(1) (a) regarding personnel matters. 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 and Leslie Van Beek, Commissioner Pam White participated via teleconference, Sheriff Kieran Donahue, Deputy P.A. Zach Wesley and HR Generalist Jennifer Allen. The Executive Session concluded at 2:14 p.m. with no decision being called for in open session.

#### CONSIDER SIGNING RESOLUTION TO TRANSFER ALCOHOL LICENSES FOR VARIOUS JACKSON BEVCO INC DBA TOBACCO CONNECTION

The Board met today at 2:15 p.m. to consider signing a resolution to transfer alcohol licenses for various Jackson Bevco dba Tobacco Connection nos. 1, 6, 12, 16, 22, 23, 32 & 37 and Big Smoke nos. 102, 109, 113 & 115. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the resolution of transfer alcohol licenses for Jackson Bevco dba Tobacco connection as read into the record (see resolution no. 21-163). The meeting concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2021 TERM

CALDWELL, IDAHO JULY 19, 2021

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO Engineered Systems in the amount of \$3,545.00 for Facilities Department
- Idaho Power Company in the amount of \$7,066.00 for Solid Waste Department

COMMISSIONERS OFFICE STAFF MEETING, FILE TREASURER'S MONTHLY REPORT, AND CONSIDER MAKING A REAPPOINTMENT TO THE CANYON COUNTY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES

The Board met today at 8:41 a.m. for an office staff meeting, and to file the Treasurer's monthly report for May, 2021, and to consider a reappointment resolution for the Canyon County Mosquito Abatement District Board of Trustees. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, and Deputy Clerk Monica Reeves. Chief Deputy Treasurer Jennifer Mercado arrived at 8:49 a.m. The items were considered as follows:

**File Treasurer's monthly report for May 2021** - Commissioner Van Beek said the report comes on a regular basis and she's asked if the beginning and ending balance represent the fund balance for each fund under the levy rate. Chief Deputy Treasurer Jennifer Mercado arrived at 8:49 and responded to questions from the Board and noted that the report is generated by the Auditor's Office. Discussion ensued about fund balance. Commissioner Van Beek said the Board needs a greater explanation and detail on this information on how to read and understand the report.

**Consider reappointing Tammy Dittenber to the Canyon County Mosquito Abatement District Board of Trustees** - The Board received a recommendation from the district to reappoint Ms Dittenber to the board of trustees. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reappoint Tammy Dittenber to the Canyon County Mosquito Abatement District Board of Trustees. (Resolution No. 21-164.)



The Board reviewed the upcoming schedule with staff. This afternoon Commissioner Smith will meet with Director Gary Spackman from the Idaho Department of Water Resources about farmers reaching out to her with concerns about full crop losses because of the shut off times the Boise Project Board of Control has set. She said they are asking the County to declare a disaster if they do that. The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

#### COMMISSIONERS TO REVIEW AND DISCUSS THE FY2022 SUGGESTED BUDGET

The Board met today at 9:08 a.m. for the Commissioners' to review and discuss the FY2022 suggested budget. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, Chief Deputy Sheriff Marv Dashiell, Director Misdemeanor Probation Jeff Breach, PIO Joe Decker, Canyon County Ambulance District Director Michael Stowell, Director David Loper (arrived at 9:45 a.m.), Deputy P.A. Alex Klempel (arrived at 9:56 a.m.) and Deputy Clerk Jenen Ross.

Commissioner White said she would like to see the requests for capital projects that weren't funded so they can be projected for future budgets. Commissioner Smith explained that the Board is thinking of sending an email to elected officials and department administrators asking for information on items that they requested but weren't included in the Clerk's suggested budget. Controller Wagoner said he can't think of anything that wasn't funded in regard to capital projects. The Assessor has dropped his request for an additional site based on the unknown situation with ITD. Controller Wagoner noted that the suggested budget detail is now in PowerPlan and there is a report within the software that will show line-by-line what was requested vs. what was suggested.

Commissioner Van Beek asked about salary changes for elected officials which Controller Wagoner explained are included in a separate compensation line item which is under the compensation program. At the request of Commissioner Van Beek, Mr. Wagoner said he can provide to the Board a spreadsheet detailing wages for each employee. No monies were allocated for equity pay this year.

Commissioner Van Beek spoke about a health insurance program she recently heard about and asked when the last time the County's plan was evaluated. Mr. Wagoner said that the County's health insurance program is regularly evaluated. The County is self-funded so it pays its own claims and the employees who utilize services do contribute by paying deductibles, etc. He feels that the plan the county is currently on is an appropriate plan that is in solid financial condition. Commissioner Smith feels that evaluation of a different health care plan might be something better left to an HR Director once someone is hired.

Discussion ensued regarding the outline provided in a previous document regarding the American Rescue Plan monies. Controller Wagoner explained that COVID interrupted the county revenue

stream so the \$6M is replacing what was lost in the economy at the time everything was shut down in 2020. Clerk Yamamoto clarified that proposed salary increases are not being supported with ARPA money. These funds will be subject to a single audit so from an auditing standpoint it is easier and cleaner if the funds are used for a few large items vs. many smaller items.

Commissioner Van Beek asked questions about the taking of new construction, capital improvement projects, long-range planning, funding of a public safety building, property acquisition, and the Treasurer's monthly report.

Clerk Yamamoto spoke about property taxes, changes made in the legislature and the impact it's had on taxpayers.

In regard to a question from Commissioner Van Beek about security needs, Controller Wagoner said there were requests from different offices and departments that were included in the budget.

A brief discussion was had about funding of the outside agencies, Commissioner Smith would like to see a breakdown comparison of the requested vs. funded amount. Controller Wagoner noted that the outside audit will be funded with ARPA monies, the Nampa Family Justice Center requested \$40,000 but have been allocated \$20,000 in previous year so was left at that amount and a new position was added to the Fair but funding of the County Extension office remains the same.

Commissioner Van Beek asked the Clerk and Controller about the unfunded liability for PERSI. Neither are sure the details of the question so Commissioner Van Beek said she would contact them later to clarify her request.

Recommended changes to the budget need to be to the Clerk's Office as soon as possible.

The county funds 3 full-time positions along with contributing to the university for the educators in the Extension office budget; these numbers remained similar to FY2021. Controller Wagoner said their contract has increased \$1000 from the prior year. Commissioner Smith explained that they took the money used for the Fair Aide position and applied it to the Master Gardner program. The three staff members funded by the county will no longer be handling Fair related tasks.

Controller Wagoner said that so far, the Western Idaho Community Crisis Center has not requested any additional funding.

Discussion ensued regarding costs for office renovations, furniture and software related to the 6 additional positions requested in the Prosecutor's Office. Commissioner Van Beek feels like additional questions may need to be asked of the Prosecutor for clarification.

Commissioner Smith would like to see the payroll report, spreadsheet showing all the organizations that requested funding and for the Board to have further conversation regarding the Agent's contract.

The Board will send an email to all Offices and departments to identify any unfunded items in the budget and the impact it will have to them.

Commissioner Van Beek made a motion to continue this meeting to tomorrow, July 20, 2021 at 11:00 a.m. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 10:04 a.m. An audio recording is on file in the Commissioners'

#### CONSIDER SIGNING NOTICE OF SOLE SOURCE PROCUREMENT OF JOHN DEERE 644 P WHEEL LOADER FROM COASTLINE EQUIPMENT COMPANY

The Board met today at 10:05 a.m. to consider signing a notice of sole source procurement of a John Deere 644P Wheel Loader from Coastline Equipment Company. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross. Director Loper explained that they looked at a couple of different loaders from John Deere and Caterpillar, both of which are on the Sourcewell government contract. The Sourcewell contract gives the county the opportunity to choose whichever machine works best but by providing notice of the intent to go sole source it makes the process more transparent. Further discussion ensued as to why the John Deere machine was chosen. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of sole source procurement of John Deere 644P Wheel Loader from Coastline Equipment Company. The meeting concluded at 10:16 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:36 a.m. for a monthly meeting with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman, DSD Director Steve Fultz and Deputy P.A. Zach Wesley (arrived at 9:54 a.m.) and Deputy Clerk Jenen Ross.

Director Tolman updated the Board on the following:

- The recent vehicle auction went well and closed on July 15<sup>th</sup>. On some vehicles they doubled what they'd anticipated. Director Tolman anticipates running another auction in about a month.
- A patrol vehicle was recently totaled and discussion ensued regarding potential situations for retention or scrap of the vehicle.
- Director Tolman is working to collect information on the carwash build which is included in the FY2022 budget.
- A take home vehicle form will be coming before the Board soon for the new DSD inspector. Commissioner Smith requested a list of employees who have take home vehicles and the mileage they drive daily. If there is an employee that is no longer provided a take home vehicle Pam Freeman in auditing needs to be contacted so that taxing of the employee for this benefit can be discontinued. Further discussion ensued regarding the vehicle use policy, maintaining of the vehicle use policy, forms for take home vehicles and de minimis mileage. Commissioner Van Beek will work with Director Tolman to compile information

for an updated policy, procedure and drug testing policy. Once they have a solid foundation they will ask for input from legal so that they don't have to start from scratch.

The meeting concluded at 11:04 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:05 a.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

Commissioner Smith has had 2 meetings with Chief Timinsky regarding removal of conditions for fire sprinklers on plats. She let him know that the Board's position is that fire sprinklers are not always required, there are exceptions to the rules and that the county doesn't want to mandate fire sprinklers. Chief Timinsky expressed his concern about his firefighters going into homes in subdivisions without water sources or sprinkler systems. She believes one thing that would help constituents is an ordinance that addresses some of the standards for safety and try to standardize some of the requirements across the board to ensure DSD would only have to enforce county standards. Mr. Wesley said that highway and fire districts do have their own originating authority in Idaho law. The State adopts a fire code and that the fire districts, thru the State's authority, have the authority to site people for violations of the fire code and he believes it goes as far as declaring a building unsafe. Commissioner Smith is proposing no longer having a carte blanche approval from the highway and fire district, she wants there to be standards in place that could be enforced. Zach Wesley explained this way the county could clearly identify what's being looked for and could approve without a bunch of additional conditions. It still reserves the highway and fire district's authority, independent of the county.

**Code enforcement updates:** there are currently 59 open and active cases for 2021 and 42 pending complaints that require inspections. The part-time code enforcement person recently resigned but they are actively working to get additional help in place. Commissioner Smith informed Director Fultz that she knows of a previous DSD employee who may be able to help train a new administrative person for the code enforcement division. Both Commissioners Smith and Van Beek are supportive of the added payroll expense to assist in training as Mr. Arthur doesn't have time to do that. Discussion ensued regarding requested positions for DSD including a full-time Economic Development position and looking at eliminating the part-time Code Enforcement position in favor of a full-time administrative position for the code enforcement division. Director Fultz said he would continue to work with Mr. Wesley regarding the ordinance and fee structure. A review of office space revisions and personnel movement was given.

**Comprehensive plan meetings:** internal weekly meetings are being held for updates on the comprehensive plan. They are currently 70-75% done with the draft and will have it to the Board by the end of the month. Anticipating public meetings to start again at the end of August for community input.

**Tom Daniels training:** this will be a 2-day event being held August 10<sup>th</sup> and 11<sup>th</sup>. The 1<sup>st</sup> day will be a training session for DSD staff and the second day will include invited community members. Director Fultz hopes to video the presentation so it can be shared later.

The Planners are tracking ordinances that continue to come up as issues as they are looking to do some rewrites. The ordinance for non-productive farm ground is currently being worked on.

There was an offer made to someone for the Sr. Administrative Specialist position but had to rescind the offer due personal issues. They are continuing to look for the right person to fit with the team.

Director Fultz spoke to Commissioner Smith's request about resetting original parcel dates to 2010. He and his staff will continue the conversation once several staff members return from vacation.

PI score is down to 20.

A draft copy of the hearing examiner contract was forwarded to Mr. Eggleston, he had a couple of concerns which legal was able to resolve quickly. They are looking to have him start in August.

There is concern about the number of subdivision applications coming in; 7 applications came in just last week. Director Fultz may still want to talk more with the Board about bringing an engineer in-house.

Commissioner Smith would like to host a meeting between the Board, DSD and the Mayors and planning directors of each city to have a conversation about growth in Canyon County. Commissioner Van Beek is supportive of this idea. The Board will create an itinerary for a roundtable discussion during a working lunch/afternoon. Discussion ensued as to what it would look like and the impacts of limiting residential growth. Commissioner White expressed she is also in favor of this type of meeting but would like to have some more specific details.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 11:57 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk 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, DSD Director Steve Fultz and Zach Wesley. The Executive Session concluded at 12:09 p.m. with no decision being called for in open session.

The meeting concluded at 12:10 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

## JULY 2021 TERM

CALDWELL, IDAHO JULY 20, 2021

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

### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Larry Haney, Interpretive Specialist.

### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Fuerte LLC dba Goodwood Barbecue Company to be used 8/6/21 and 8/14/21.

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

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, IT Director Greg Rast (left at 9:08 a.m.), Fair Director Diana Sinner (left at 9:11 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing authorization letter to .Gov Domain Registration:*** Director Rast explained that this letter applying to the GSA is the first step in changing the county domain from .org to .gov. All changes to new email addresses will happen behind the scenes. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the authorization letter to .Gov Domain Registration. A copy of the letter is on file with this day's minutes.

***Consider signing 2021 Canyon County Fair contract with Banda Machos and FM Entertainment:*** Mr. Wesley said the only difference between this contract and others recently signed is the force majeure clause in that the county will still be responsible for payment if there is a cancellation for any reason. There are several strikethroughs within the contract which Mr. Wesley said need to be initialed by the Chairman or designee. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the 2021 Canyon County Fair contract with Banda Machos and FM Entertainment (see agreement no. 21-057).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:12 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 10:49 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.

#### CONTINUED BOARD DISCUSSION REGARDING FY2022 CLERK'S SUGGESTED BUDGET

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

*Note for the record: As properly noticed the Board met today at 11:05 a.m. for continued Board discussion regarding the FY2022 Clerk's suggested budget. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 11:06 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek. The Executive Session concluded at 12:56 p.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said no decisions were made and no further action is required. However, there is an email from Commissioner Van Beek with

requested budget information from the Clerk. Commissioners Smith and White will reply to that email and then forward it to the Clerk.

The meeting concluded at 12:57 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO REVIEW AMERICAN RESCUE PLAN FUNDS FOR THE PURPOSE OF REVIEWING ALLOWABLE EXPENSES

The Board met today at 1:40 pm. to review the American Rescue Plan Act (ARPA) funds for the purpose of reviewing allowable expenses. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Civil Deputy PA Sam Laugheed, Chief Deputy Sheriff Marv Dashiell, Assessor Brian Stender, PIO Joe Decker, and Deputy Clerk Monica Reeves. The Board previously met on this topic on June 18, 2021 and had a roundtable discussion about how to utilize the funds and further discussion ensued today. Below are the highlights of the discussion:

The County received nearly \$45 million in ARPA funds and is continuing discussions about how to utilize those funds.

There was a review of the new version of the FAQ's from the Treasury regarding use of the ARPA funds which will be subject to auditing. There is broad latitude; you cannot the funds to pay interest or principal on outstanding debt, or use it to replenish rainy day funds or to pay settlements or judgments, but it is generally okay to use it for services that are provided to citizens.

There were brief comments about a proposal to have a courthouse district or a County urban renewal agency, but the topic warrants further discussion down the road.

Commissioner Smith suggested a onetime bonus/premium pay to eligible workers who showed up to work and performed essential work during the health emergency. Chief Dashiell said those who lost their jobs during COVID should get that incentive, but he has issues with paying additional monies to people who worked and received a salary. There was discussion about who would determine the metrics for a bonus payment and the questions and concerns that could arise if the money was used for that purpose. Commissioners White and Van Beek are not supportive of the bonus pay idea. Sam Laugheed said if we are using monies out of ARPA we run into interpretive problems about what is an essential employee and what percentage of their work is devoted to getting rid of COVID, etc. On the backend he is concerned about making it through an audit with using that portion of the monies. With regard to the monies that are part of the revenue reduction, he said we could make up our own program as long as it's for the provision of government services. Commissioner Smith wants to do that. Controller Wagoner said if the Board wants to go that route they need to use the revenue reduction monies to invest in raising starting wages and investing in our current personnel because that would be a more efficient use of cash rather than a onetime lump sum payment. Commissioner Van Beek supports that argument.



Commissioner Smith said we need to make a choice as leaders to say our people worked hard and we appreciated those showed up every day. By saying no to the idea, it says let's keep finding ways to pay people who choose not to work. Clerk Yamamoto wants to finalize what's within the list for the budget related to the ARPA funds. Commissioner Van Beek said if it's been calculated and vetted she has no problem using it that way.

Commissioner Smith wants to add the Celebration Park addition capital improvement project (roughly \$30,000) and the fleet carwash (\$170,000). Controller Wagoner said the thought process is to try to limit the activity to larger purposes so it's easier to audit. Mr. Laugheed said it's still possible some capital projects throughout the year could be funded by ARPA monies. We are committing the \$6.1 million because it's the easiest/safest amount to identify. Commissioner Van Beek likes what's been put together and is in favor of supporting it with the information that's been provided on Page 6 of the suggested budget.

Assessor Stender asked if we will be able to open the budget if we want to commit some ARPA funds to expanding into a second DMV location, or, does he have to wait for another budget cycle? Controller Wagoner said there will still be \$39 million available and at the end of this calendar year we will roll through the calculator again and determine a new revenue reduction number. We have latitude as long as those monies are used to provide government services. The critical calculation will be January/February of 2022. We have time for how those monies can be spent.

Commissioner Smith asked if there's a way to tie in the escalating costs of the fair building that were caused by delays due to COVID. Commissioner Van Beek said you could also say there was a loss of revenue totaling \$365,000 because the fair didn't go forward in 2020. Controller Wagoner said the fair is already included and the \$6 million is strictly revenue loss. Sam Laugheed asked if there are things on the list under \$6.2 million that could qualify, such as the jail scanner? We can make an argument that it's directly related to COVID. Commissioner Smith said there is still a huge pot of money to spend and we have to decide how we want to spend it and it will require accounting and some level of risk. Mr. Laugheed said if there are projects the Board or another elected official identifies we have to run it through the budget officers for auditing compliance and the legal risk issues and then we can reopen the budget and treat it as unanticipated revenue. We don't have to make those decisions right now. Clerk Yamamoto said it's an open book and we just want to get a start and get a budget that makes sense and this is an integral part of the budget because it fits the first and most important category. Commissioner Smith agrees, but would like to get other items into the other pile so that it opens up more room. Mr. Laugheed said using revenue reduction money for the body scanner arguably opens the money in the justice fund for something else that allows us to not take it out of property tax. Commissioner Smith asked Assessor Stender and Chief Dashiell to think of some projects. The meeting concluded 2:29 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today 2:40 p.m. with the City of Star/Canyon County Area of Impact Committee regarding impact area negotiations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Deputy PA Zach Wesley, Star Mayor Trevor Chadwick, Star City Council Members Michael Keyes and Kevin Wheelock, Richard Edgar, Spencer Kofoed, Middleton Mayor Steve Rule, Middleton City Clerk Becky Crofts, Assessor Brian Stender, PIO Joe Decker, Rachel Spacek with the Idaho Statesman, other interested citizens, and Deputy Clerk Monica Reeves.

Deputy PA Zach Wesley gave a summary of what the impact area negotiations look like. Idaho Code provides for the county and the city to negotiate an area of impact agreement, and it provides for a committee of nine (9) to be formed to format recommendations for the area of impact. The Commissioners fill three of those seats, and there are three elected representatives from the City of Star, and three citizens. By majority vote this committee has 180 days, from the date the members were selected, to make a recommendation to the City of Star and Canyon County on the area of impact. Following that recommendation, the city and county have 60 days to go through their respective processes to adopt the recommendations or not. Mr. Wesley envisions that at some point the committee of 9 will have some room to talk to the City of Middleton representatives and get their input and bring them into the discussion and try to get ahead of any potential conflict. We could engage Middleton with Star and figure out where the boundaries are going to lie and get rid of any overlap.

Trevor Chadwick asked if it allows the Board of Commissioners to invoke the committee of 9 with Middleton to do negotiations after that, or is that just if there was no impact area to begin with. Mr. Wesley said the County wouldn't invoke the committee of 9 with Middleton because we already have the existing area of impact agreement. At issue would be the overlap with the City of Star. There is a process for negotiating those agreements, but the process does not have the same committee of 9. Spencer Kofoed asked how the City of Star was able to cross the county border and start annexing without an agreement in place. Mr. Wesley said the bigger answer to the question is that annexation is different than the area of impact boundary and so the area of impact boundary is intended as a guide and it has some legal implications on how lands can be annexed, but they are separate. There is a provision for cities to annex outside of the area of impact boundaries. Mayor Chadwick said that would be only the Category A annexations. Category B and C annexations, that is what the area of impact is for and if the city forces an annexation they have to be within an area of impact. Commissioner Smith said that is the city's interpretation. The County issued a letter saying we do not agree with that interpretation and we asked the city to stop annexing until we have an agreement. Mayor Chadwick said if we're going to go down the legal rat hole we need to table the meeting so his attorney can attend. Mr. Wesley said the goal of this meeting is to accomplish the goals of the committee of 9. Mayor Chadwick said the City of Star has had an overlapping area of impact with the Cities of Meridian and Eagle for many years. At one point, Eagle and Star's impact areas did overlap with the agreements in place with Ada County. Commissioner Smith asked if there is any opposition to Middleton being at the table to negotiate a line that doesn't overlap because we do not want to ask our planners to enforce two areas of impact and two sets of ordinances. Mayor Chadwick said he has objection

to the Middleton providing input, but it just needs to be the committee of 9 that creates the area of impact. Discussion ensued. Kevin Wheelock said if everyone is not willing to negotiate we are wasting our time. We want to make a recommendation that matters as opposed to two sides arguing for a future court case. Mayor Chadwick said we have to look at the entire area of impact for Star on the Canyon County side, not just Middleton, and if we're going to talk about that we need to make sure the City of Nampa is involved in the discussions because they have an overlapping area between what Star wants and what Nampa wants between the river and Chinden Blvd. Discussion ensued regarding Star Sewer and Water capacity.

Mayor Chadwick said there are differing opinions regarding Category A annexations that are contiguous to Star outside of impact area. If you have landowners that want to come into the City of Star regardless of the impact area that's created if we have a different opinion than the county has it's still going to happen under Category A annexations. Commissioner Van Beek said some of those constituents are lobbying to remain in the rural county and so three things are happening: the area of impact for Star, the area of impact for Middleton, and the remaining county. Mayor Chadwick said the only annexations coming to Star are the ones the landowners are bringing in themselves. Since he has been in office the City of Star has never done a Category B or C annexation. Spencer Kofoed said the concern he hears from residents and business partners is about density and does the desired density in that area for the county residents match what Star wants. The density allowed in that area is a big concern to those residents who live along the river in the area of impact. Commissioner Smith said typically when you have area of impact agreements we are agreeing that we will develop any subdivisions in that area according to their subdivision standards or ours; is there any reciprocal behavior we can ask for on agreements? If you are annexing into agriculturally viable areas are you looking at that for the county and are we looking at how the city wants the subdivisions to be developed so you can annex them in the future. Kevin Wheelock wants the landowner to have a choice and if someone doesn't like the density they should buy the property. Why does a neighbor have a right to decide what someone does with their land? Commissioner Smith said we need zoning for controlled growth so you don't have incompatible uses next to one another. Michael Keyes said the process for doing that would be for the county to request Star to change its comprehensive plan. The legislature charged cities with managing urbanization and the way they plan that is partly for zoning, which is driven in large part by the comprehensive plan, and they are open to input to modify what the plan might look like in different areas. They are going through the final stages of master planning the area between the Boise River and Chinden Blvd., and they have budgeted to master plan the West Star Plan, the area between the river and the foothills, Kingsbury and the county line. When they do that that would be the perfect time to have the county get involved. Commissioner Van Beek said as the county changes there is a need for a coordinated effort between mayors, planners and the Board. Commissioner Smith wants to come up with a plan that meets in the middle on density.

Michael Keyes said Star has been a city for 25 years and it's been politically immature for a long time and they are trying to establish things that should have been in place a long time ago. They want to be good partners with Canyon County. Commissioner Smith suggested perhaps the planners from Middleton, Star and the County should meet and see if they can come up with a

recommendation. Mayor Steve Rule said that sounds reasonable, but he needs to consult with legal counsel about it.

Richard Edgar asked if there is a master plan to take care of roads? Mayor Chadwick said the developments will be paying impact fees to help with the improvements of roadways. Star has an agreement with ITD to collect a portion to be used on the state highways, and they are working to do some widening from Can-Ada to Star Road to help move traffic. The group reviewed a map showing the Nampa overlap area.

Commissioner Smith asked if we can get consensus to get the planners from Nampa, Middleton, Star, and Canyon County and have one meeting with the planners and have them bring back a recommendation on planning areas based off of sewer and water capacity availability and general planning and see if they can come up with an agreed upon area. The committee has until November 28, 2021 to come up with the recommendation. Commissioner Van Beek said in the interim it would be a good idea for those nine cities to meet with the Board as a separate meeting and communicate about what impact areas will look like. Commissioner Smith that's a separate meeting. The County will host a meeting regarding growth in the County and managing it with the high influx of people that are coming and how to handle that growth. One of the discussions is that the impact areas are too big and we cannot handle that, and keeping areas smaller is important so you don't have sprawl occurring in ag areas. We want to have a discussion with mayors and ask them to pull back their impact areas so we can concentrate growth near the city and protect agriculture.

The City of Star presented a graph containing population data and area of impact miles. There are 12 miles of existing established area of impact lines; it does not include what Star is looking to add to its impact area.

The planners will be asked to set their own meeting. The committee of 9 will meet again on Friday, August 20<sup>th</sup> from 12:00 noon to 1:00 p.m. The meeting concluded at 3:48 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 21, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 575765 to 575792 in the amount of \$96,740.21
- The Board has approved claims 575797 to 575831 in the amount of \$65,255.82
- The Board has approved claims 575832 to 575855 in the amount of \$36,120.38
- The Board has approved claims 575883 to 575914 in the amount of \$56,566.87
- The Board has approved claims 575915 to 575949 in the amount of \$112,699.24
- The Board has approved claims 575950 to 575981 in the amount of \$52,697.48
- The Board has approved claims 575982 to 576006 in the amount of \$23,126.94
- The Board has approved claims 576104 to 576130 in the amount of \$22,929.65
- The Board has approved claims 576205 to 576230 in the amount of \$32,451.02
- The Board has approved claims 576153 to 576204 in the amount of \$28,783.07
- The Board has approved claims 576062 to 576103 in the amount of \$79,489.02
- The Board has approved claims 576131 to 576152 in the amount of \$21,143.49
- The Board has approved claims 576007 to 576061 in the amount of \$67,415.24
- The Board has approved claims 576231 to 576247 in the amount of \$51,214.83
- The Board has approved claims 575856 to 575882 in the amount of \$30,064.80

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mountain Home Auto Ranch in the amount of \$56,018.00 for Fleet Department
- SHI in the amount of \$272,688.94 for Information Technology Department
- Intermountain Wood Products and Flooring in the amount of \$19,092.40 for Trial Court Administrator

#### MEETING TO PREPARE FY2022 BUDGET FOR PUBLICATION

The Board met today at 9:00 a.m. to prepare the FY2022 budget for publication. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Assessor Brian Stender, Controller Zach Wagoner, PIO Joe Decker, Ambulance District Director Michael Stowell, Director of Misdemeanor Probation Jeff Breach, DSD Director Steve Fultz and Planner Dan Lister (arrived at 9:50 a.m.) and Deputy Clerk Jenen Ross.

Assessor Stender spoke about an email he sent, he is tentatively okay with his reappraisal budget but there is uncertainty with ITD so he is waiting to move forward with some plans on the DMV side. Some requested positions were removed but at this point he is okay until they know what the workload with ITD will look like; he may need to reassess at a later time. There was a wage increase of 7.5%, however without a compensation plan it may be difficult to address any low or high points. At the request of Commissioner Smith, Assessor Stender provided an example of

positions that may need to be addressed. For comparison purposes, the Customer Service Specialist positions at DMV were compared to the Recording/Passport Specialist positions in the Clerk's Office. Mr. Wagoner said that by the compensation plan all Customer Service Specialists throughout the county have the same pay range. Assessor Stender feels that it's an optics situation, both the Customer Service Specialists at DMV and the Recording Specialists are frontline to the general public. In response to Commissioner White's comments, there was discussion regarding topics addressed in an executive session meeting yesterday. Mr. Wagoner spoke about how there is no increased revenue in the motor vehicle collections. The county has invested in additional personnel and transactions are up but revenues are not. Assessor Stender said some of that is due to COVID and part is due to people renewing for multiple years at one time. He said that he and his staff are in the process of reviewing the numbers. Additionally, he noted that once the budget is approved they will be addressing the admin fee to maintain the service level.

Discussion ensued regarding the importance of providing salaries to both attract and retain quality employees looking for longevity with the county. Commissioner Van Beek expressed her concerns about nothing being added to capital improvements and that long-term capital needs aren't being addressed.

Commissioner Smith said there were some positions cut from DSD and she would like to see to those added back in - a full-time Economic Development position, one full-time and one part-time Code Enforcement position. DSD is not able to meet the level of service that constituents deserve. Mr. Wagoner said an Economic Development position, an additional Code Enforcement position and a part-time Administrative Specialist position have all been included in the budget. He said he recently met with Director Fultz who discussed changing the part-time admin position to a full-time admin position which is not funded, however, it wouldn't be much of a budget change since two full-time positions were already budgeted for.

In response to a question from Commissioner White, Controller Wagoner said that \$27,650 is included in the WAED budget. Commissioner Smith would like to see that amount pulled back to the minimum request of \$15,000 in order to help cover costs for some of the new positions. Commissioner Van Beek concurred with Commissioner Smith.

Controller Wagoner confirmed that full-time Marshals are included in the proposed 7.5% COLA. Full-time positions are included in the compensation plan; however, part-time positions are not included.

Commissioner Smith requested \$10,145.05 be added to the budget for an additional private BOCC entrance for safety purposes. Commissioner Van Beek is supportive of this and has a not-to-exceed bid amount provided by Director Navarro. The Board spoke about some of their safety concerns and wondered if perhaps COVID monies could be used. Funds have also been included in the budget for renovations to the BOCC meeting room.

In response to a question from Commissioner Smith, Controller Wagoner spoke about what it would take to account for funding to replace the roof on the animal shelter. The last projection on

roof cost was \$1.5M. Controller Wagoner suggested waiting until early 2022 to see if there is ARPA monies available. When 2021 ends there will be a recalculation of lost revenue and then that will be available for government service which is a wide range of uses. The Board is supportive of waiting to see the availability of ARPA monies.

Clerk Yamamoto responded to a comment from Commissioner Smith about the potential of a Procurement Officer position similar to Ada County. He said several years ago he proposed a procurement office but it was rejected at that time. He does feel that the county is operating at a good level the way things are right now. Commissioner Smith would like to look at why there are large discrepancies in Directors prior to the compensation plan being completed although it may be a compensation plan discussion.

Director Fultz joined the meeting at 9:50 a.m. and confirmed the positions that were discussed earlier – the addition of one full-time Code Enforcement Officer, one full-time Admin for code enforcement and one full-time Economic Development position.

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

PUBLIC HEARING TO CONSIDER A REQUEST BY GINO AND SUSI GUIDI FOR A REZONE, CASE NO. RZ2021-0006

The Board met today at 10:09 a.m. for a public hearing to consider a request by Gino and Susi Guidi for a rezone, case no. RZ2021-0006. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Gino and Susan Guidi, Dalece Sardina and Deputy Clerk Jenen Ross.

Dan Lister gave the staff report stating that this is a rezone from agricultural to rural residential which is an average 2-acre minimum lot size. The parcel was created in 1990 and per the county code at that time there was no land division application process in place, it was created by deed. It includes a 28' easement that goes thru the parcel adjacent to the south which connects to Breezy Lane. The property is surrounded by other larger lands. The requested RR zone would allow their 10-acre lot to be divided into an average minimum lot size of 2-acres, which would result in approximately 4 lots when accounting for the private road. On the zoning map the area is primarily zoned agricultural, however, there are a lot of divisions within the area that serve residential uses. The two nearest similar zones were approved in 2013 and 2019, one is a 20-acre lot to the west and to the east is a 10-acre lot that has already been divided thru the rezone process. The future land use map designates the parcel as residential. There are 6 subdivisions within a one-mile radius that have an average lot size of 3.37 acres. The soils in this location range from 3 to 6 which is considered moderate to least suited soil probably due to the topography in the area and lack of irrigation. It is outside of a nitrate priority area. Future development of the area would require individual wells and septic. There is no irrigation in the area so a domestic well would have to serve for irrigation. There is access to the property via Breezy Lane. They have the option of developing 3 lots thru the land division process or 4 thru the platting process. If they choose to do the 4 lots they will need to dedicate right-of-way and do some road improvements to Breezy Lane. The



applicants are aware of this and do not seem to be opposed to the improvements. Staff believes the findings can be made and any issues regarding access, traffic, road improvements, water well or septic can be addressed at the platting or land division stage. Staff is recommending approval of this application which is commensurate with the Planning and Zoning Commission's recommendation on May 20<sup>th</sup>.

Commissioner Van Beek asked about the adjacent property belonging to Governor Little and confirmed that this development would have no impact to the dry grazing done there.

Commissioner Smith stated that the average in the area is 3.3-acres for platted and for non-platted is 10-acres. Mr. Lister said that at the P&Z hearing there were concerns from the neighbors regarding roads which could be addressed at the land division or platting stage. One neighbor at that hearing also felt that a 2 to 2.5 lot size was not in character with the area.

In response to a question from Commissioner Van Beek about some of the smaller lots developed south of the subject property, Mr. Lister said many of them are from Lansing Estates which was developed in the 1970s. Many of them were larger lots that were split thru a land division process.

Mr. Guidi provided testimony in favor of the application stating that IDWR did grant them a water permit for the property. Dalece Sardina also offered comment stating that she assisted in the well application process and there will be a domestic and an irrigation well. Mr. Guidi explained they just wanted this piece of property for them and their kids. He stated that he did speak with the highway district and with an administrative split they may just need to do improvements to the west approach which is the easement where the road stops and there may need to be a maintenance agreement between himself and any future residents that will be using that road.

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

Exhibit 7 was entered into the record.

Commissioner Van Beek stated she is in support of this application given that the comprehensive plan includes this as rural residential and she feels the applicant has done due diligence in trying to gain information from IDWR, they are not in a nitrate priority area and staff has reported that there is a rezone that could potentially mirror these lot sizes. She has testimony that Mr. Guidi wants to do this for his family and is making a good faith effort. She does not have a problem with this and thinks that staff has done a good job providing support for the analysis on the zoning amendment.

Commissioner White said she has no issues with this request.

Commissioner Smith doesn't think it fits the character. She understands that the comprehensive plan identifies it as a rural residential area, she thinks if it was a conditional rezone where the number of lots could be limited she could support it.



Commissioner White made a motion to grant the request for rezone and sign the findings of fact and conclusions of law and order and ordinance (see ordinance no. 21-017). The motion was seconded by Commissioner Van Beek. A vote was taken on the motion with Commissioners White and Van Beek voting in favor and Commissioner Smith voting in opposition. The motion carried in a 2-to-1 split vote.

The hearing concluded at 10:38 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY GREG SCHATZEL FOR A REZONE FROM AGRICULTURE TO SINGLE-FAMILY RESIDENTIAL, CASE NO. RZ2020-0027

The Board met today at 1:21 p.m. to conduct a public hearing in the matter of a request by Greg Schatzel for a rezone from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone, Case No. RZ2020-0027. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Alan Mills, Nancy Farnsworth, Terri Slay, Priscilla Anderson, and Deputy Clerk Monica Reeves. The Board met on May 5, 2021 and again on June 2, 2021 and approved the request by Greg Schatzel for a rezone and because the approval was a material change to the P&Z Commission's recommendation of denial, a new hearing was required. Dan Lister gave the oral staff report and summarized the property history. It was slated to be divided into 17 lots in 2006, and 2007 they applied for a subdivision but the conditional use permit and subdivision expired and so this rezone process is to bring back the development. On March 18, 2021 the P&Z Commission recommended. The area is zoned agricultural and the staff report and findings show there is a number of approved rezones for R-1 zoning. It's within an area that has many subdivisions within a one-mile radius. The future land use map shows this as residential and is commensurate with the City of Middleton's future land use plan which also shows it to be residential. The parcel has best to moderately suited soils and is surrounded by residential uses. There was a review of agency comments. The City of Middleton was opposed to the request and wanted a pre-annexation agreement and connection to city services; however, in looking at the impact area agreement with Middleton the County's comprehensive plan is the plan that's applied in area of city impacts. Staff found the request is consistent with the comprehensive plan, and there are no issues with SWDH where city services would need to be brought in. The property can be served by individual septic systems and wells. The neighbors in Whisper Creek believe this is commensurate with their neighborhood. Staff recommends approval. Following his report, Mr. Lister responded to questions from the Board. Alan Mills gave testimony on behalf of the applicant. He agrees with the eight (8) points the Board has to consider and he agrees with staff's report. They understand the ramifications of the road issue and they will have to request a variance and potentially come back. There will be major improvements to the irrigation system and by putting in a good system they will make it better for everyone because they are currently losing a lot of water through gopher holes. Following his testimony, Mr. Mills responded to questions from the Board. Terri Slay testified her previous concerns dealt with the street going through alongside Whisper Creek and said if the road is opened to traffic it will disrupt the way of

life. Upon the motion of Commissioner White and the second by Commissioner Van Beek to close public testimony. Commissioner Van Beek said given the fact the property is surrounded by other development and there are assurances by Mr. Mills she supports approval. Commissioner White said her concerns have been addressed and she supports approval. Commissioner Smith said the Board covered a lot and asked the developer to work with the neighbors and agencies. She believes the request is in keeping with the area. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the rezone for Greg Schatzel, Case No. RZ2020-0027 and sign the FCO's and the Ordinance (No. 21-018.) The hearing concluded at 1:43 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 22, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Pluralsight in the amount of \$9,264.00 for Information Technology Department
- HP Inc in the amount of \$5,454.60 for Information Technology Department
- Sunbelt Controls in the amount of \$2,950.00 for Facilities Department

#### MEDICAL INDIGENCY DECISIONS

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

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-856; 2021-802; 2021-778; 2021-849; 2021-789; 2021-791; 2021-775; 2021-766.

Liens and lien releases were presented for Board signatures.

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

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:11 a.m. with county attorneys for a legal staff update. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

Commissioner Van Beek referenced an email received from Director Fultz regarding a property that was discussed last week. She noted that the email indicated that the case has been referred to the Prosecutor's Office and that written notice has been provided to the property owner regarding abatement of debris. Commissioner Van Beek would like to provide written notice to a nearby property owner letting them know that there is now a timeframe for clean-up which should be resolved by mid-August. Mr. Wesley confirmed it would be okay to provide that information.

Mr. Wesley said there was an email from the Facilities Director about an employee who needs to travel out of the county for bereavement purposes. The county policy in the personnel manual is to allow some amount of bereavement time but not to this extent. However, if the employee has sick and/or vacation time available those may be applicable. Additionally, if the employee needs unpaid time off there is a procedure in place for those situations.

The meeting concluded at 9:18 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING - SUBDIVISION MAKER LLC, REPRESENTING RUBIX LAND HOLDING LLC, IS REQUESTING PRELIMINARY PLAT APPROVAL FOR LAKE VISTA ESTATES SUBDIVISION, CASE NO. SD2020-0043

The Board met today at 9:36 a.m. to conduct a public hearing in the matter of a request by Subdivision Maker LLC, representing Rubix Land Holdings LLC, for approval of a preliminary plat (with drainage, grading and irrigation plan) for Lake Vista Estates Subdivision which proposes 13 residential lots. Present were: Commissioners Leslie Van Beek and Pam White, Planning Official Dan Lister, Darin Taylor, Sean Conner, Kim Yanecko, Daniel Lowry, Holly Thomas-Mowery and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 10:20 a.m. Dan Lister gave the oral staff report and reviewed agency comments. The property is zoned "R-R" (Rural Residential). The 30.34-acre property is located southeast from the intersection of Pump Road and Locust Lane (Parcel R29982010). The project will have 13 residential lots with an average lot size of 2.03 acres, and it will be served by public internal roads: Waterfront Court and Lowell Peak Place. A late exhibit was submitted noting concerns with individual wells for this project, and the weeds on the property. On May 20, 2021, the P&Z Commission recommended approval of the request subject to conditions of approval. Staff is recommending approval subject to eight conditions. Darin

Taylor gave testimony on behalf of Rubix Land Holdings, LLC, stating this was a straight rezone because it's shown on the future land use map as rural residential. The lots meet the County's size and frontage requirements. He testified about the irrigation, drainage, access, and mitigation efforts that will occur during construction. The weeds on the property can be mitigated in the next 30 days. Following his testimony Mr. Taylor responded to questions from the Board. Sean Conner is a partner with Rubix Land Holdings, LLC, and he testified they have been working on the project for two years to design a quality subdivision. All homes will be built a Larry Richardson, who is a custom home builder. They will remove the weeds down upon construction. Kim Yanecko testified in a neutral position and said the Board is relying on HOA's to manage water usage and irrigation as well as maintenance of community lands, but she's concerned about putting a lot of responsibility onto an HOA when you have a people who are not necessarily qualified to serve. Ms. Yanecko has four neighbors whose wells went dry and she is concerned with the water shortage, the availability of water, and the lack of awareness about possible water issues. If you have irrigation rights to a canal there is no limitation to the amount of water you can pull. Regarding the open ditch on the property, she recommends there be a condition that says the ditch should never be concreted because that helps to recharge the soil when it's an open ditch vs. a concrete ditch. Daniel Lowery gave testimony regarding the following concerns: Construction noise and dust, and construction vehicles are entering the property from Locust Lane which is not a proper access onto the property; they should be entering from Pump Road. The neighbor to the west is having problems with their well and with irrigation being cut off early he questions how people will water their lawns.

Deputy PA Zach Wesley arrived at 10:20 a.m., at which time Commissioner Van Beek requested the Board go into Executive Session so she could ask a question of legal counsel.

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

Commissioner White made a motion to go into Executive Session at 10:22 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss 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 Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Leslie Van Beek and Pam White, Deputy PA Zach Wesley, Planning Official Dan Lister and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:43 a.m. with no decision being called for in open session.

The hearing resumed at 10:44 a.m. with Darin Taylor offering rebuttal testimony. Road construction is anticipated to take about four weeks and a water truck will be onsite for that period. The issue of water is worked about between the contractor and the irrigation/drainage company. Water companies have said they don't want to deal with multiple people, they want to deal with one contact. We have low water this year and next year we may or may not and so it's

better to not make a condition of approval, or a restriction based on one water year. A longer-term perspective taking averages, showing trends and patterns is a better basis for making decisions. They recognize this year is a low volume irrigation water year and most people comply with the law and are mindful of their ½ acre water rights. There are a lot of reasons why wells can have reduced/no flow and we need to look at those on an individual basis. Mr. Taylor spoke about the process for recording final plats and CC&R's. The code allows 12 months to record a final plat so it might be better to require recording the CC&R's consecutive with the final plat. Regarding Mr. Lowery's concern about access, Mr. Taylor said the vehicles accessing from the south will change as soon as they get an approach cut in from Pump Road. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White said most of the questions have been answered; she struggled with the plat note regarding CC&R's but said it will be settled at the final plat stage. Commissioner Van Beek asked about adding pressurized irrigation to the plat notes as the applicant has outlined it will be pressurized to each site. Commissioner White asked for staff's input. Mr. Lister said it's up to the Board if it wants a plat note saying the homeowners have to have a pressurized system, but there is one established at the valve on each point. Mr. Taylor said it wouldn't be a plat note, it would be a condition of approval on the preliminary plat. Commissioner Van Beek has no problem with that. She referenced plat note #16 regarding stormwater retention, and plat note #17 regarding construction Locust Lane will not be a point of access. Commissioner White would like it addressed that through a condition of approval. Commissioner Van Beek said we should include the correction on plat note #19 regarding the condition of approval for the pressurized irrigation. Commissioner White made a motion to approve the preliminary plat for Lake Vista Estates Subdivision, Case No. SD2020-0043, with the changed plat note #19 correcting the street address and adding pressurized irrigation to each lot as a condition of approval. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING - REQUEST BY SKINNER LAND SURVEY, REPRESENTING GENE KING, FOR A SHORT PLAT AT MARLIA SUBDIVISION, CASE NO. SD2021-001

Commissioner White went on the record today at 1:20 p.m. to reschedule the public hearing in the matter of a request by Skinner Land Survey, representing Gene King, for a short plat for Marlia Subdivision, Case No. SD2021-001. Present were: Commissioner Pam White and Deputy Clerk Monica Reeves. Due to a lack of a quorum the hearing had to be rescheduled. The case will be rescheduled to tomorrow, July 23, 2021 at 9:30 a.m. The proceeding concluded at 1:20 p.m. An audio recording is on file in the Commissioners' Office.

CALDWELL, IDAHO JULY 23, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 576248 to 576252 in the amount of \$194,375.00
- The Board has approved claims 576253 to 576256 in the amount of \$2,980.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Holt Services Inc in the amount of \$16,995.00 for Solid Waste Department
- Cellebrite in the amount of \$9,300.00 for Prosecuting Attorney's Department
- Cellebrite in the amount of \$1,994.99 for Prosecuting Attorney's Department

#### RESCHEDULE PUBLIC HEARING - APPEAL BY SAMUAL CLAGG OF DIRECTOR'S DECISION FOR CASE NO. RD2021-0007

The Board went on the record today at 9:01 a.m. to reschedule the public hearing in the matter of an appeal by Samuel Clagg of the Director's decision, Case No. RD2021-0007. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to July 26, 2021 at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING 2021 CANYON COUNTY FAIR MAIN STAGE ENTERTAINMENT AGREEMENT AND CANYON COUNTY FAIR ENTERTAINMENT CONTRACTS

The Board met today at 9:05 a.m. to consider signing the 2021 Canyon County Fair Main Stage Entertainment Agreement and the Canyon County Fair Entertainment Contracts. Present were: Commissioners Leslie Van Beek and Pam White, Fair Director Diana Sinner, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The items were considered as follows:

- **2021 Canyon County Fair Main Stage Entertainment Agreement with Neal McCoy** - Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the agreement with Neal McCoy. (Agreement No. 21-058.)
- **Canyon County Fair Entertainment Contract with Pedro Solorio** - Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the contract with Pedro Solorio. (Agreement No. 21-060.)
- **Canyon County Fair Entertainment Contract with Aztec Dancers** - Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the contract with Aztec Dancers. (Agreement No. 21-059.)

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

PUBLIC HEARING - A REQUEST BY SKINNER LAND SURVEY, REPRESENTING GENE KING, FOR APPROVAL OF MARLIA SUBDIVISION, CASE NO. SD2021-001

The Board met today at 9:00 a.m. to conduct a public hearing in the matter of a request by Skinner Land Survey, representing Gene King, for a short plat for Marlia Subdivision, Case No. SD2021-001. Present were: Commissioners Leslie Van Beek and Pam White, Planning Official Dan Lister, DSD Planner Elizabeth Allen, TJ Wellard, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request is for approval of a preliminary plat and final plat for Marlia Subdivision which consists of one (1) residential lot. The subject property, Parcel No. R36132011A, is located adjacent to 21758 Van Slyke Road, Wilder. The property consists of 7.83 acres and was approved by a conditional rezone subject to a development agreement. On May 6, 2021, the Planning and Zoning Commission recommend approval subject to the recommended conditions of approval. Staff is also recommending approval. Following his report, Mr. Lister responded to questions from the Board. TJ Wellard offered comments in support the request and answered from the Board. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the short plat for Marlia Subdivision and to sign the final plat. The hearing concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

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

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:51 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Marv Dashiell (left at 8:54 a.m.), Lt. Ray Talbot (left at 8:54 a.m.) and Deputy Clerk Jenen Ross.

***Consider signing Memorandum of Understanding between City of Nampa and Canyon County – 2021 Byrne Justice Assistance Grant (JAG) Program:*** Lt. Talbot explained this is a yearly grant to assist in buying equipment, this year the funds will be used to buy tasers. The amount awarded to Canyon County is \$19,222 which will be managed by the City of Nampa. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Memorandum of Understanding between the City of Nampa and Canyon County for the 2021 Byrne Justice Assistance Grant (JAG) Program (see agreement no. 21-061).

***Consider signing resolution granting a transfer alcoholic beverage license to Beer Guys Caldwell LLC DBA Beer Guys Saloon:*** Commissioner Smith said this business is in the previous Dutch Goose location. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a transfer alcoholic beverage license to Beer Guys Caldwell LLC dba Beer Guys Saloon (see resolution no. 21-165).

The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

#### PREPARE FY2022 BUDGET FOR PUBLICATION

The Board met today at 9:04 a.m. to prepare the FY2022 budget for publication. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Judge Southworth (left at 9:26 a.m.), Chief Deputy Sheriff Marv Dashiell, TCA Jamie Robb, Administrative Supervisor Tara Hill (left at 9:26 a.m.), Assistant TCA Benita Miller (left at 9:26 a.m.), County Agent Jerry Neufeld, DSD Director Steve Fultz, Treasurer Tracie Lloyd, Public Defender Aaron Bazzoli, Parks Director Nicki Schwend, Director of Misdemeanor Probation Jeff Breach, Facilities Director Paul Navarro, Fair Director Diana Sinner, Deputy P.A. Alex Klempel, Solid Waste Director David Loper, PIO Joe Decker, IT Director Greg Rast, Coroner Jennifer Crawford, Sr. System Analyst Steve Onofrei (left at 9:22 a.m.), Fleet Director Mark Tolman and Deputy Clerk Jenen Ross.



Commissioner Van Beek asked about compensation comparisons between Canyon County and Ada County specifically for Chief Deputies, Directors and Elected Officials. Mr. Wagoner said he has provided all the information he has in regard to this. Commissioner Van Beek noted that she submitted a public records request to Ada County Friday but has not yet received the information requested. Per Commissioner Van Beek, Ada County and the City of Caldwell are each providing 2% COLAs this year, the City of Caldwell may have an additional 1% based on performance. In response to Commissioner Van Beek, Mr. Wagoner said no levy rate has been set at this time, that will not be determined until the amount of property tax dollars the county is going to request and the final taxable value is known.

Commissioner Van Beek asked about a proposed 9 items to be paid from ARPA funds but she feels in order to make that a true property tax relief it would need to be backed out of the budget because in essence it's being accounted for twice. Mr. Wagoner said the \$6M is replacing revenue that was lost due to COVID-19 so those expenditures have been moved to a new ARPA fund. The ARPA money will be its own fund and expenditures will come from the ARPA fund with ARPA replacement revenue dollars.

Judge Southworth said that for the most part their requests were included in the budget. There was discussion regarding Coordinator positions in the Treatment Courts fund. Currently there are 2 full-time positions and 1 part-time position but in FY2022 the part-time position will be changed to a full-time position. There will be no other changes besides the change from part-time to full-time.

Courts budget seems to be in line with what was requested. The position of Eviction Coordinator is still included in the District Court fund. A brief discussion ensued regarding wage increases for the part-time Marshals. Ms. Miller said that the part-time Marshals are paid \$20/hour but doesn't believe there has been an increase since the position was established approximately 5 years ago.

Mr. Neufeld said the County Agent's office is happy with their suggested budget. Commissioner Smith requested to know more about the programming they currently offer and increased programming they intend to offer this year. Mr. Neufeld said an email could be sent outlining future plans for programming.

Director Fultz said that Development Services is happy with their budget. Commissioner Van Beek asked about the Economic Development position and if there would be enough workload for someone. Mr. Fultz explained that a workplan has been drafted which he can forward to the Board. They are starting to work with the smaller cities as to what DSD can do to help them and some of the larger cities regarding tracks of land within their impact areas. He anticipated there will be more than enough work.

Director Sinner doesn't have any questions or concerns regarding her budget but expressed her appreciation for funding of the Expo Building and the position added to her department.

In regard to new positions in the Public Defender's department, 3 positions were granted thru the Public Defense Commission for workload compliance. The Board had originally approved 6

positions for the Public Defender but that number has been reduced five, 4 attorneys and 1 staff. Mr. Wagoner explained that roughly two of the positions will be funded by PDC grant money, the other three will be funded by general county dollars. Mr. Bazzoli feels there is parity between his department and the criminal side of the Prosecutor's Office.

Commissioner Smith said that she did speak with Mayor Nanacolas this morning and there is some concern about such a large COLA and fulfillment of the compensation plan being considered by the County. He noted that the city is currently down 40 positions and there are major employers in the area that are down significant numbers. However, with that being said, this is a competitive market and she is grateful that the Clerk and Controller found a way to fund employees that puts the county at a competitive advantage without increasing property taxes. She doesn't believe they would have done that if there wasn't a sustainable path forward. Although she doesn't fully understand the compensation plan adjustments she is in favor of continuing forward with the plan. Discussion ensued about the options for implementing increases for part-time employees and at the conclusion of the discussion Commissioner Smith requested that any department administrator or Elected Official with part-time/seasonal employees they feel need an increase work with the Clerk and Controller prior to the meeting on Wednesday afternoon.

Clerk Yamamoto said that the Clerk's Suggested Budget has some significant increases, mainly in the 'A' budget, but also things like the Fair building so to come in with a budget that is a little less property tax money, he considers that property tax relief. The county is growing at a rapid rate, the county hasn't had to increase positions and it's been done by asking for a little bit less money than was requested last year.

The meeting concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING - APPEAL BY SAMUAL CLAGG OF DIRECTOR'S DECISION FOR CASE NO. RD2021-0007

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of an appeal by Samual Clagg of the Director's decision in Case RD2021-0007 regarding the naming of the private road to Catfish Lane. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, DSD Planning Official Dan Lister, GIS Analyst Tony Almeida, James Stone, Nina Clagg, Samual Clagg, Twila Clagg, other interested citizens, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. The private road is located approximately 1,205 feet south of Peckham Road and begins at approximately 1,435 feet on Gravelly Lane in Wilder, and it serves multiple parcels (R36963030, R36963030A, R36963030B, and R36963030C). On February 4, 2021 DSD received an application for a residential building permit for a manufactured home on parcel R36963030C. The submittal of a residential building permit created a third residence served by a shared access which required the access to meet private road requirements. A private road name application was submitted and the DSD Director approved the road name of Catfish Lane. An appeal was filed by Samuel Clagg who owns parcel R36963030B and listed several

concerns, which do not pertain to the road naming issue. Some of the concerns are a civil issue. Staff recommends the Board uphold the Director's decision and deny the appeal. Following her report, Ms. Allen responded to questions from the Board.

**The following people testified in support of the appeal:**

Nina Clagg testified that her opposition is because as an affected property owner she did not receive pertinent information regarding the road name change and she wants an opportunity to provide input on the private road name. She also has concerns that are of a civil matter. Ms Clagg testified that the owners of Parcels 1, 3, and 4 choose the following road name choices over Catfish Lane:

- Riverpoint Lane
- Quail Valley Lane
- Chimney Rock Lane

James Stone testified the first 8 feet of the road belong to the US Army Depot, who was not notified of the application, and approximately 75 feet belongs to Ginger DeMeyer, who did not give approval to do improvements on her property. According to Mr. Stone, there is a lot going on with this case beyond the road name change. The applicant, Twila Clagg, has applied for a building permit which has invoked the ordinance, however, there is no good faith towards building. She must obtain approval from the health department for a septic system, and improve the entire road with four inches of gravel, but she has yet to do any of that so why would the ordinance kick in and require the Claggs and the Stones to change their addresses. The ordinance should not go into effect until the certificate of occupancy has been issued. Mr. Stone gave a background of the property, citing claims of fraudulent documents, lack of notification, the fact there is a broken-down trailer on the property which borders his parcel, and threats by the applicant to rent the property to someone who would rob from him. Commissioner Smith asked Mr. Stone to focus his testimony to the road name issue, and not the civil issues. Mr. Stone said he is asking for the following:

1. Asking for the road name to be changed to Riverpoint Lane
2. Asking for the ordinance not be in effect until the certificate of occupancy is issued
3. County should require an engineer to look at Parcel 2 about where they can/cannot build.
4. Concerns about due process breaking down and he wants the process to start over to notify all four parcels and allow parcel 2 to start the building permit process over.

He said there could be civil action against the County if they approve the building permit.

Testimony in opposition to the appeal was offered by Twila Clagg. Her husband Donald Clagg helped pay for the property in 1969 and she testified about the process she followed to inform the neighbors about the road name change. She is not set on the name of Catfish Lane and has no opposition to the neighbors' top three road name choices. She spoke about how she has tried

to work with neighbors, but the tension involved has made it difficult to reach a resolution. She does not want to sell the property but feels she has no other choice. She believes the neighbors are upset about the having another house, rather than the road name itself. She said a doublewide was placed on the property because of the neighbors. The cement has been put in at the top for the apron, and she said the neighbors have spent thousands of dollars to improve the road. Following her testimony Ms. Clagg responded to questions from the Board. Rebuttal testimony was offered by Nina Clagg. She said the costs incurred for the road were due to weather damage and there needs to be a significant amount of improvement to the road to make it safe for emergency vehicles. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Smith wants to add modify the decision since three property owners have asked for a name change to Riverpoint Lane, and the applicant has agreed to that name. She said the Board has issues to discuss with the DSD Director related to the ordinance but right now we need to move forward with a name change. Commissioner Van Beek supports the road name change to Riverpoint Lane and she made a motion to modify the appeal and direct staff to make findings of fact to support the decision for the name change. Commissioner White seconded the motion which carried unanimously. The FCO's will be brought back at a later date. (If Riverpoint Lane is not available, another name will be chosen from the list of names provided.) The hearing concluded at 10:57 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:36 p.m. for a monthly meeting with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross.

Mr. Decker updated the Board on the following:

- Chris McPete with CBS2 News would like to do a story on the landfill expansion. Director Loper thinks it's a good opportunity to have one of the Board members also speak on behalf of the landfill. The Board is supportive of this idea so Mr. Decker will work with Commissioner staff to coordinate a time for the interview. Commissioner Van Beek thought it may also be a good time to speak about the transfer station and how the county will be collecting community input at a future time on this project.
- Groundbreaking announcement for the Fair Expo building has been sent to the media.
- He has been working in the project management software but there is a learning curve for inputting time regularly.
- The KBOI interview that was missed last week will just be skipped for July and get back on schedule in August.

- Commissioner Smith requested that Mr. Decker do as much social media regarding the Fair as possible to get the word out.

The meeting concluded at 1:44 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY TAYLOR JENE HOMES, INC. AND VALLEY VIEW RANCH  
SUBDIVISION NO. 4 FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019/SD2020-  
0035

The Board met today at 2:04 p.m. for a continued hearing in the matter of a request by Taylor Jene Homes, Inc., and Valley View Ranch Subdivision No. 4 for a rezone of 122.51 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential zone). Also requested is approval of a preliminary plat (including a grading/drainage plan) for Valley View Ranch Subdivision No. 4. The subject properties, R30113010 & R30101011C are located on the east side of Sky Ranch Road, approximately 1565 ft. north of the intersection of Deer Flat Road & Sky Ranch Road. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Mike Woodworth, Jackson Morris, Chris Fagan, Casey Ames, Randy Haverfield, Mark Hilty, Rebekah Hames, Bonnie Layton, Matt Munger, Nick Miller, Shelley Keen, Rhonda Haub, Kim Yanecko, Angela Bratcher, Rick Haub, Cole Ryden, Michael Sparrell, Ken Yanecko, Claudia Haynes, Maureen Angerman, Wes Weidner, Olga Cavazos, Randall Ryden, Amy Weidner, Manuel Cavazos, Rene Bine, John O'Hare, Raymond Eide, Deborah Kane, Shannon Shope, Donna Sparrell, Tim Petrucci, Michael Chenope, Cindy Petrucci, Sheila McCully, Frank McCully, and Deputy Clerk Monica Reeves. Commissioner Smith opened the hearing and reviewed the hearing procedures/process. Commissioner Van Beek disclosed that she overheard conversations about the short water year and the conversation turned toward this area and she indicated she could not continue the discussion because this case which is pending before the Board. It will not impact her ability to make an unbiased decision. Commissioner White disclosed that she too heard a conversation about water issues and she told the person she could not discuss the topic. Commissioner Smith disclosed that she met with Director Spackman at the Idaho Dept of Water Resources (IDWR) and they talked about water shortages related to irrigation, not this case. She asked the Director to encourage Nick Miller to attend today's hearing. She was soliciting additional information to come to the Board. Today's hearing was continued from June 28, 2021 where the Board asked for more information regarding:

- The HOA managing the ½-acre maximum irrigated area, and their review of the landscaping plans that would include the amount of land drawing from the aquifer for the irrigation.
- Allow time for staff to contact the Boise Project Board of Control regarding Commissioner Smith's plan for dust mitigation strategies.
- Have staff review the new letter from the Upper Deer Flat Fire District and obtain information on the number of community wells in the area and the quality of those,
- Obtain additional information on water rights.

- Commissioner Smith asked the parties to start thinking about what the conditions would look like to help mitigate the concerns discussed today. She noted that approval is not guaranteed.

Jennifer Almeida presented the updated summary and late exhibits. There were no changes to the staff report, however, there are additional exhibits since the last hearing held on June 28, 2021. At the last hearing the Board seemed to be leaning toward having a development agreement tied to this application, and if the Board goes that direction it would be a material change to the P&Z Commission recommendation and it would require a second public hearing. Commissioner Van Beek wanted to submit information from Nate Runyon with the City of Nampa regarding the Treasure Valley Aquifer System Groundwater Flow Model and she wants it included in the record. Mr. Runyon is interested in partnering with the County to evaluate the compounded growth and looking at the offer for a system in that area. It's related to sufficiency in groundwater for future population growth in the County. Commissioner Smith said it does not have specific information and therefore she doesn't see how it helps the case today.

Neutral testimony was offered by Nick Miller from the Idaho Department of Water Resources (IDWR) who gave testimony regarding the department's role and the information submitted so far. Mr. Miller explained that a groundwater management area is a statutory designation for an area the department has determined is approaching the characteristics of a critical groundwater area, it's an area they have determined where the existing and probable near future withdrawals from the aquifer exceed the rate of natural recharge resulting in there not being a reliable source of water for existing and expected future uses. When they have knowledge that the groundwater supply isn't sufficient for existing and uses that are coming up, that's a critical groundwater area. When they have information that an area is approaching that state but hasn't reached it yet they can designate it as a groundwater management area which is identified by long-term declines in groundwater levels, perhaps water budget studies. Most of the areas designated this way were designated several decades ago, some earlier in Eastern Idaho but he hasn't been involved in how those have been designated. He is not aware of any that have been designated in the Treasure Valley. In this area south of Lake Lowell they have not designed a groundwater management area or a critical groundwater area or issued any kind of moratorium on new groundwater appropriations. According to Mr. Miller, the department has been in communication with the residents about their wells that are either failing or not producing water. When asked to summarize a report prepared by Dennis Owsley, Mr. Miller said it's normal for the hydrologists to prepare reports from time to time when there's a need to, but whether it was in response to this application he would say yes, he thinks the report was written in response to a request by DSD staff. He responded to questions from the Board regarding the types of things that can cause a well to go dry. In looking at the hydrographs overall the general trend for water level appears to be fairly stable or rising. Neither a groundwater management area or critical groundwater area has been designated for this area and he doesn't know if IDWR has done a study specifically for that purpose. He would gather from Dennis Owsley's report that if the long-term trends in the monitoring are that the groundwater supply is currently sufficient for the uses, he doesn't think they would find that it warrants a groundwater management area. They have had concerns about the groundwater supply in this area for quite a long time and that's why they have a monitoring

network out there that's been monitored since the early 1990's because they know it's an area where there isn't a lot of surface recharge.

**Testimony in support of the request was as follows:**

**Bonnie Layton** gave a summary of the revisions they made based on comments provided at the previous hearing. Initially the northeast corner was part of an older project, and in the revised plat they have left those 8 lots and looked at revising number of lots on the west side. They are now presenting a revised plan for 35 residential lots with 8 lots on the east side and 27 on the west side of the canal. Only 26 lots will take access off the new drive, and one lot will take access off an existing cul de sac. Ms. Layton reached out to Boise Project Board of Control and they told her they do not require fencing along canals and they want fencing kept outside their easement. When she inquired about dust abatement measures, they said they do not permit any third party to mitigate for that. Their ditch rider drives it once a day and it will remain that way. The average lot size is 3.14 acres, initially the project was at 2.42 acres. Following her testimony, Ms. Layton responded to questions from the Board.

**Mike Woodworth** gave testimony related to Nick Miller's testimony regarding failing wells and nonproductive wells. (Referring to Ex. #97 which are well logs from the IDWR database.) In summary it does not appear there is a groundwater decline in the area. Following his testimony, Mr. Woodworth responded to questions from the Board.

**Casey Ames** testified they eliminated lots, moved lot lines over, and moved the road to give more surface area. He will not interfere with the neighbors' views. They removed a cul de sac and enlarged the lots so there are fewer houses. Mr. Ames said hours of testimony have been heard and a lot of the data has been overshadowed by commentary that goes on and on. Following his testimony, Mr. Ames responded to questions from the Board. He indicated he is willing to explore a community well, but it's not at the top of his priority list.

**Randy Haverfield** is the project architect and he spoke about the importance of smart growth, as well as his experience with the developer who builds nice homes. Following his comments Mr. Haverfield responded to questions from the Board.

**Mark Hilty**, the attorney representing the developer, testified the modifications made to the preliminary plat were done in response to concerns by the Board and by the neighbors. The project density has decreased which will decrease traffic and the number of wells and it provides greater space. Building envelopes can be pinned down and getting them off hillside slopes. This is the right development in the right location. Water issues aside, when looking at the criteria for evaluation this application it is consistent with the plan and on point with the character of the area. It's an infill development that plays into smart growth. Regarding water, the Board is hearing conflicting evidence and testimony, but based on what it heard from IDWR today it's clear there is not a problem in the area with a depleting groundwater level. It is not a groundwater management area nor is it a critical area, and IDWR has a monitoring network they are looking at. The water level is consistent or increasing over a 20-year period. There may be problems with



other wells and they may have various causes for those problems, but this development should not cause a problem for neighboring properties based on the evidence.

**Testimony in opposition was as follows:**

Commissioner Smith asked the audience to give non-repetitive testimony and advised that people would not be allowed to give their time to other speakers.

**Claudia Haynes** is a member of Canyon County Alliance for Responsible Growth and has well drillers information that the water level has dropped 65 feet in the last years, and 10 wells have gone dry in a short period of time. Her well was drilled 20 years ago and has gone dry leaving her without water for the past week. She said Davis Well put in 90% of the wells in the Deer Sky Ranch Subdivision and in 20 years not one of the wells has been replaced or pulled for sand, screen, or low water issues. This is the first year that has occurred. She knew water was an issue because of Artie Schmidt's report from several years ago. It is not just the volume of water that's there, it's the type of dirt, rock, soil, sand, etc., and IDWR knows this has been a problem for more than 20 years. She has met with IDWR for years and their website has shown a decline in water, but now it's showing an increase which she believes is erroneous. Following her testimony Ms. Haynes responded to questions from the Board. There was discussion between Commissioner Smith and Ms. Haynes regarding the 2021 report from Dennis Owsley from IDWR which includes a table that shows positive water level increases since 2005. Ms. Haynes believes the numbers in the graph reflect one day of measurement. Commissioner Smith questioned if there was a misunderstanding because there isn't anything in the report that shows the water is decreasing in fact the conclusion states it is increasing. Further discussion ensued.

**Kim Yanecko** clarified previous questions that were raised regarding community well issues and the problems experienced with the Huter well. She referenced communication from Dennis Owsley regarding wells and the aquifer, and referred to information from 2015 which shows the area is red, as referenced in an exhibit from one of the memos from Mr. Owsley. She spoke of the developments, overlapping of wells, the cones of depression, and how when you have a lot of people drawing water it is problematic. It is not acceptable to expect homeowners to turn off their water every time a cone of depression occurs. She said the rural residential designations have been granted the ability, through a development agreement, that almost gives developers the ability to build whenever they want. IDWR says the current use is good but what they aren't referencing are the homes that could be built, and we have no historical data to show the suck on the aquifer. She asked the Board to refrain from approving developments until we have data to go forward and have responsible growth. She also said DSD is aware there are water issues in this area. Ms. Yanecko said Mark Hilty said the neighbors did not argue anything but water, but that is inaccurate because she argued traffic, increased population, water concerns, crime, etc. She requested the Board afford the opportunity for the neighbors to bring in counsel.

**Rhonda Haub** said if the request is approved the developer should put in hardscape (rock and boulders) in the areas where there won't be any water usage.



**Randall Ryden** testified about his concerns with setting a precedent and questioned what will happen after this development approved. He said the Board needs to be careful of assumptive reasoning and read the report the way it was intended. He has experience as home inspector and said it's a farce that all custom homes lead to quality building techniques. Mr. Ryden also spoke about how community wells get overused.

**Amy Weidner** stated there have been water/well experts who said the well failures could be caused by mechanical or water quantity issues, but they really don't know for certain. She is concerned about the cumulative effect hundreds of homes coming to the area will have on her property. She is also concerned about the potential for state employees to falsify documents and she questions who will take responsibility when there is no water.

**Rene Bine** is the President of the Canyon County Alliance for Responsible Growth and he said the problem with this development is the issues with water, availability, and the impact on local farming. They have heard the water level is stable but if wells are failing it seems unlikely the water supply is stable.

**Sheila McCully** gave testimony regarding the problems the Hutters and the McCullys have had with their wells going dry. She does not know why they are having a water problem.

**Frank McCully** testified he moved to the area 6 ½ years ago and the person he purchased the home from said there was plenty of water. The fire hydrants in the area are not workable, and the farmers found out there wasn't enough water to farm so they turned it over to a developer. They have had little to no problem with water up until now. They still have two farmer's wells and they will have to replace both because they only use them for fire protection and taking care of the common area.

**Shannon Shope** hopes some kind of consideration is given for the education system because an influx of homes coming in without addressing the issue is going to exacerbate the problem.

**Jeannie Amen** offered testimony as a neighboring resident and as the manager of Frankie's Aerial Application business. She said the evidence presented by IDWR and others is not current evidence. She has 49 acres of legitimate high priority water rights and she has a concern of overallocation because there are acreages all around her property that do not have water rights. She is concerned that people are selling off water rights and she may not be able to access what is legitimately hers. She is down to 10 minutes of full open water without it sucking air and her well is 550 feet deep with no option of going deeper. The developer has no water rights and he should be made to purchase water rights to sufficiently supply the project he is proposing. She wants the Board to deny the request because it is injurious to the area. Ms. Amen gave testimony regarding the aerial applicator business and how they have lost revenue. The density has increased and they lost their air pathway and this project will seal the deal to where they can't even put fertilizer on it. She estimates they have lost \$42,000 this year because a subdivision has interfered with their flight path. Past developments have hindered their ability to fly and the proposed subdivision will eliminate any path they have to fly the nearby farms. Ms. Amen believes

agriculture has been kicked to the curb. In 1961 Alan Noble was instrumental in making the land farm ground and he recognized the water problem in the area, and she wants to get his entity involved to help defend agriculture.

Rebuttal testimony was offered by Mike Woodworth. Without a doubt 200-400 houses would have a significant impact on the aquifer, but we are talking about 35 houses, 8 of which will not be using wells for irrigation. In-home use is fairly negligible compared to irrigation use, and with conservative assumptions it would be a relatively negligible impact for a half-mile away. The density is three acres or greater so they can space the wells out so they don't have the influence and the cone of depression impacts. Following Mr. Woodworth's testimony, he responded to questions from the Board.

**Mark Hilty** addressed some of the agricultural and residential conflicts in the area based on Jeannie Amen's testimony. The residential development has previously caused that conflict and that is a result of the decision made years ago with respect to the comprehensive planning of this area to move it away from agriculture to rural residential and that will be the future of this as long as that remains the comprehensive plan designation. By making this area available for rural residential it likely protects other areas in the County for agricultural use.

(The exhibits for this case were entered into the record.)

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner White is not ready to decide as she wants time to review the information including the development agreement. Commissioner Smith said if the Board chooses to approve a conditional rezone and development agreement, a full second hearing will be held to hash out the requirements. Commissioner Van Beek agreed and said there is a lot of conflicting information within IDWR, and she cannot approve a request that might render someone without water. She cannot approve a straight rezone. Commissioner Smith spoke about the amount of information that has been submitted and noted there is some doubt in the new evidence that was provided by IDWR that gives a one-day snapshot. It would be interesting to see additional information from IDWR that shows more than one snapshot, specifically why there are issues being reported in the immediate vicinity and another snapshot when the canals go dry. Did IDWR identify this as a study area and do they have evidence of why they lifted that critical groundwater area. Commissioner White wants information on the monitoring system and when was the last time they walked the property and talked to people. Commissioner Smith said we can either continue the hearing for additional information, or deny the request and give things the applicant could pursue for approval in the future which would give them what to work on between now and the next hearing. A denial today does not mean a denial at the next hearing. You can approve it with conditions. You can request to table it for time to review the documents. Commissioner White made a motion to continue the deliberations, based on the evidence received to this point, to Monday, August 2<sup>nd</sup> at 3:00 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Smith said testimony is closed and the Board will not review additional information. She told the audience to hold additional information because it sounds like the Board could be leading toward a decision

that will require a second hearing so citizens were advised to save their information for a future hearing. The hearing concluded at 5:52 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2021 TERM

CALDWELL, IDAHO JULY 27, 2021

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

#### APPROVED CLAIMS

- The Board has approved claim 576341 in the amount of \$91.50
- The Board has approved claims 576342 to 576342 in the amount of \$4,500.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial in the amount of \$2,899.40 for Canyon County Sheriff
- Western Building Supply in the amount of \$2,226.35 for Facilities
- Timberlake Construction in the amount of \$35,930.00 for Facilities
- Big Ass Fans in the amount of \$57,017.28 for Facilities
- Platt Electrical Supply in the amount of \$45,314.18 for Facilities
- Consolidated Supply Co. in the amount of \$33,501.36 for Facilities
- Tran Supply in the amount of \$2,207.06 for Facilities

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Tom R. Crosby

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Moad LLC DBA O'Michael's Pub & Grill to be used 7/30/21 for Meachern memorial service; 8/28/21 for Diaz wedding; 8/28/21 for Brown wedding

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

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 Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Facilities Director Paul Navarro (left at 9:08 a.m.), DSD Director Steve Fultz (left at 9:18 a.m.), Elections Supervisor Haley Hicks (left at 9:11 a.m.), Election Technician Kylie Marks (left at 9:11 a.m.) and Deputy Clerk Jenen Ross.

***Consider signing a resolution designating surplus personal property with nominal value and authorizing sale by auction:*** Ms. Hicks explained these are cases for voting machines that are no longer used but believe they may be of interest to the public. If there are any cases that do not sell the elections office will request a resolution for destruction. Total value of the cases is of nominal value. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating surplus personal property with nominal value and authorizing sale by auction (see resolution no. 21-167).

***Consider signing a resolution designating polling locations for the August 31, 2021 Election:*** Mr. Robertson said this is for a school district election that bridges counties. Statute states that the two counties are to coordinate in facilitating the election. The election will be held in Homedale (Owyhee County) and card notifications will be sent to eligible voters. The location meets ADA requirements. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign a resolution designating polling locations for the August 31, 2021 election (see resolution no. 21-166)

***Consider signing independent contractor agreement with Bruce Eggleston for Hearing Examiner Services:*** Mr. Fultz said that Mr. Eggleston is the hearing examiner for the City of Caldwell. There was one error found in section 13D regarding compensation - mileage rate needs to be changed to \$.52/mile. Mr. Eggleston will be paid \$110/hearing, \$140/PUD and \$30/administrative cases which is based on the amount paid by the city. Work will begin on the 3<sup>rd</sup> Thursday of August with at least 2 cases to be reviewed. Ms. Klempel suggested a strikethrough to make the correction to mileage which will need to be initialed by both the Board and Mr. Eggleston. Term expiration to be one year from today's date. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreement with Bruce Eggleston for Hearing Examiner Services (see agreement no. 21-062).

The meeting concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:33 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*Note for the record: As properly noticed the Board met today at 9:33 a.m. for a monthly meeting with the Fair Director. A request was made to go into Executive Session as follows:* Commissioner White made a motion to go into Executive Session at 9:34 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek and Fair Director Diana Sinner. The Executive Session concluded at 9:50 a.m. with no decision being called for in open session.

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

- Fair opens in 2 days; concert ticket revue has exceeded historic high
- Shows are going well, animals are moving in, fair vendors and carnival are being set up
- Groundbreaking is tomorrow at 10:00 a.m.

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

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:00 a.m. to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Planning Official Dan Lister and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider approving final plat for Pony Meadow Subdivision, Case no. SD2020-0046:*** Mr. Lister said this is minor replat which the code says can be decided by the Director providing 120 days from approval to gain Board signatures. The applicant is asking to amend the findings to change lot 2 to 3.3 acres (was 1.8 acres) and reducing lot 1 to 5.9 acres (was 7.4 acres). Mr. Lister stated for the record that the applicant had issues receiving signatures from SWDH just due to their current workload so an extension of the 120 days was granted; all requirements of the final plat have been met and it meets with Director approval. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the final plat for Pony Meadow Subdivision, Case no. SD2020-0046.

***Consider approving final plat for Lake Shore Subdivision No. 1 (SD2021-0035):*** Mr. Lister explained that the highway district requested one note be added to the plat which will require another signature. Additional time has been requested for this to be completed and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to continue this meeting to Thursday, July 29, 2021 at 9:30 a.m. the motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING – APPEAL BY PECKHAM ROAD TRUST FOR A CONDITIONAL USE PERMIT, CASE NO. CU2020-0001

The Board met today at 2:36 p.m. for a continued hearing in the matter of an appeal by Peckham Road Trust of the P&Z Commission's decision which denied their request to modify a conditional use permit, Case No. CU2020-0001. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Todd Lakey, Darin Taylor, Brenda Abbott, Art Rodriguez, Assessor Brian Stender, other interested citizens, and Deputy Clerk Monica Reeves. The Board previously met on July 13, 2021 where, after several hours of testimony, it decided to continue the hearing to today's date in order to allow staff and the applicant to review potential conditions of approval.

Jennifer Almeida reviewed the 17 proposed conditions of approval and requested the Findings of Fact, Conclusions of Law and Order (FCO's) for this case be based on today's deliberation and review of conditions so it will help staff incorporate the discussion into the proposed FCO's, which will be considered and signed at a later date. A copy of the proposed conditions is on file with this day's minute entry. There were a total of 17 conditions separated into the following categories: General; Site Obscuring Trees (existing); Dust/Odor/Fly Control; Drainage; Access; and Dump Site/Landfill.

The Board had questions regarding the following topics: The timeline for compliance with setback requirements; who will do inspections and enforcement, the applicant shall submit the inspections by December 31 of each year; the construction of and size of lagoons and their distance to wells; disposal of dead animals; should be a section for a condition regarding downward facing lights; specify what animal waste systems mean; regarding the number of head of cattle allowed, if the applicant owns land around the property they are allowed to graze within those animal units that are defined within our ordinance; there shall be a conditional that addresses dust/odor/fly/rodent control by utilizing the applicant's plan to improve the site quality.

The Board reviewed the conclusions of law and comments were as follows:

With regard to whether the use be injurious or change essential character of the area, Commissioner Smith said a response for that conclusion could be that with the conditions of approval it will improve the immediate vicinity by improving the feedlot; the current condition is

dilapidated and improvements will allow a greater number of cattle to be ran at a level that is sustainable and with improved conditions. Commissioner Van Beek said if complaints are issued by neighbors the County would look at providing notification and pursuing abatement, which would be tied to a tax bill. She believes the feedlot will change and improve the character of the area for the better, and that standard needs to be the same for surrounding property owners. The junkyards in the area need to be cleaned and managed. If people complain they should be held to a higher standard of compliance for nuisance in the county whether it's weeds, junk cars, or trash. Commissioner Smith noted in the staff report that Finding No. 4 references moderate risk factors in the siting team report regarding the percentage of wells over 5 milligrams within a five-mile radius. It appears the word *nitrates* is missing in that sentence. She wonders if there is a mitigating condition. Ms Almeida said the language was taken out of siting team report as something that may be injurious due to wells in the area that tested high in nitrates. It may go back to management of the site as well. (Refers to Exhibit #99.) Commissioner Smith said we have a nitrate problem in Canyon County and any opportunity we have to improve those conditions with site management is a win. Making the improvements to the feedlot should help and although it's not their job to improve it, she hopes it at least sustains it. Ms. Almeida said we could add the management that's proposed by the applicant, and we could note some of the conditions of approval that will help improve the site.

Commissioner Smith said the findings shall be related to access, not travel paths. Ms. Almeida said Conclusion No. 7 shall be updated to reflect Condition No. 16 that requires the applicant, prior to expansion, to meet highway district requirements.

There shall be no animal burial on site. Staff was directed to include language about the removal of dead cows from the site. There was discussion regarding environmental regulations and the lining of the lagoons. (This can be added to the verbiage on Condition #5.) Commissioner Van Beek said this is not a dairy feedlot, it's a confined feeding operation and there is a section of code under IDAPA that deals specifically with lagoons for feedlots.

Regarding site setbacks, staff was directed to reference the conditions of approval for that conclusion.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to August 2, 2021 at 1:45 p.m. to allow staff time to develop the FCO's, along with conditions of approval, according to today's deliberation. The hearing concluded at 3:33 p.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED CLAIMS ORDER NO. 2122

- The Board of Commissioners approved payment of County claims in the amount of \$1,726,337.60 for a County payroll.

APPROVED CLAIMS

- The Board has approved claim 576257 in the amount of \$1,485.45
- The Board has approved claim 576377 in the amount of \$7,066.00

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Hutching ENT.LLC DBA H&M Meats & Catering to be used 8/5/21 for Baldwin Celebration

GROUNDBREAKING CEREMONY FOR THE CANYON COUNTY FAIR EXPO BUILDING

The Board attended a groundbreaking ceremony for Canyon County Fair Expo Building located at 110 County Fair Avenue in Caldwell, Idaho.

PUBLIC HEARING – REZONE HEARING FOR ESSEX HOLDINGS VI, LLC, AND PRELIMINARY PLAT FOR GENEVA ESTATES SUBDIVISION, CASE NOS. RZ2020-0023 AND SD2020-0042

The Board met today at 1:23 p.m. to conduct a public hearing in the matter of a request by Mason & Associates representing Essex Holdings VI LLC, for a rezone of Parcels R32989 and R32989010 from an “A” Zone (Agricultural) to an “R-1” Zone (Single Family Residential). The request also includes a preliminary plat with irrigation and drainage plan for Geneva Estates Subdivision, a 28-lot residential subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Angie Cuellar from Mason & Associates, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The 40.43-acre property is located at 12064 Lone Star Road and is within a one-mile radius of 35 subdivisions, most of are located in Nampa’s impact area or city jurisdiction. The County comprehensive plan designates the property as residential on the future land use map. The property is located adjacent to the Nampa impact area which designates the property as medium-density residential. It is in a nitrate priority area, but does not exceed DEQ’s requirements for nitrates in water. Mr. Lister gave a review of agency comments. The City of Nampa finds the proposal to be inconsistent with their plan because it does not support the density they want in that location. At the very least the city is recommending



city landscaping buffers be added and it has been conditioned as part of this request. Nampa is looking to increase its impact area and it's likely this property will be annexed. Neighbors submitted letters of concern regarding added traffic, impacts to the agricultural uses in the area, and they would prefer to see this project connected to city services. The property is surrounded by large agricultural properties with an average lot size of 30 acres. City services are located ½ mile away. Nampa is working to increase their impact area and this is one of the areas they are looking at. Following his report Mr. Lister responded to questions from the Board regarding landscaping improvements, and concerns about the nitrate priority area and whether its safe to keep drilling wells and septic systems in this area. On June 3, 2021, the P&Z Commission recommended approval of both requests. Staff is recommending approval as well. Angie Cuellar testified that plans include a sidewalk along Lone Star Road and Midway Road as part of the road improvements which includes a landscaping strip the city requested. City water services are located a ½ mile and sewer services are located at Flamingo Road and Midway Road. She said the City of Nampa wants a lot of density and if they have sewer and water there could be eight lots per acre. The property is within a high nitrate priority area and the NP study is in progress and SWDH will meet on site to do further testing in August. It's a lower nitrate level, and when the NP study is done they will know what the numbers are for sure. IDWR does not list this as a priority site. Pressurized irrigation will be provided and will supply the entire area. They looked at annexing the property into the city but they could not find a path to annexation at this time. The developer wants to move ahead with the one-acre lots which is less than the city would desire, but Ms. Cuellar thinks the lower density would make the neighbors happier. The developer does not know what he wants to do with the property to the north although he has talked about working with the City of Nampa. Per the conditions of approval, they need a water users' maintenance agreement so everybody knows who's taking care of the pump. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek has the following concerns: 1. this is outside the impact area; 2. the property is prime agricultural farm ground; and 3. it does not conform with the size of the surrounding lots. The Board is engaging with the cities to understand what the vision is and they are in the middle of negotiating with citizens for an agricultural group on understanding how the County will go forward with an agricultural component. She objects because of the lack of a coordinated vision and developers are in a land grab driving up prices. Commissioner Smith said it's very unfortunate it's already been developed, and it is outside the impact area, however, it is adjacent to it. The density that could be there will have a worse impact on roads and services. There is something to be said for this being a quality development with one-acre lots. She also spoke about how aerial sprayers cannot go into these areas any longer because of the development that's occurred. Commissioner Van Beek said the cities need to scale back their impact areas so there is room for agriculture and we need to pause putting in subdivisions. We have the ability to plan and prepare and somebody has to regulate and manage the growth and determine the future of Canyon County and what it's going to look like. Dan Lister said staff had a difficult time making a recommendation because the property is near existing development, however, it's a huge portion of agriculture that has best suited soils. Commissioner White said the property is up against the impact area and they should connect to city services. Commissioner Van Beek said it's a usurp of authority to have cities override the Board's decisions on county property. There appears to be missing information and so perhaps the Board should reach out to

the city to get additional information. Commissioner Van Beek made a motion to deny the rezone request by Essex Holdings VI, LLC, Case Nos. RZ2020-0023 and SD2020-0042. Staff was directed to take the comments made during this deliberation and incorporate them into the findings of fact, conclusions of law, and order (FCO's). Commissioner White likes the idea of one-acre lots, but she wants the development to connect to city services. Commissioner Smith likes the idea of city services or community services that monitors for nitrates. As to how to gain approval in the future, she said it's about timing and until the property is in the Nampa impact area and until development touches more than two sides. Commissioner Van Beek would like to add this to her motion: "The developer must connect to city services or have a community system." Commissioner White said the lot on the northern portion bothers her because it's on the wrong side of the canal and she doesn't like it just sitting there and so before a rezone is approved they need to address what to do with that lot. Commissioner Smith said she's on the fence with this case because the current comprehensive plan shows it as a residential area but it's adjacent to an impact area which is transitional. There are a lot of subdivisions in platting in this area, but it is beautiful farm ground. Commissioner White said it's positioned nicely as far as the area and accessibility, and she likes one-acre lots but she wants them to consider city services. Commissioner Smith likes one-acre lots as well, but said if the developer connects to city services they are not doing one-acre lots. Commissioner Van Beek wants to engage in discussions with the City of Nampa about what their intent is with their impact area. Commissioner Smith said the mayors have said they did not anticipate that change in legislation to the tax revenues and they will have a hard time keeping up with growth with that limitation on the taxes due to HB389. The motion to deny was seconded by Commissioner White. The motion carried unanimously. Because the rezone was denied the preliminary plat was automatically denied. Staff will update the FCO's in support of the Board's deliberation and will indicate how the applicant can gain approval in the future which would be to connect to city services or a community system, also taking into account the proximity and timing based on development around the property, or being included in the impact area. The hearing concluded at 2:49 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD MEETING TO DISCUSS GENERAL ISSUES

The Board met today at 2:59 p.m. to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The following topics were discussed:

Commissioner Smith said that yesterday the SWDH Board approved an amendment to their FY21/22 budget. They had originally approved a 2% merit increase but due to recruiting and retention problems everyone is facing they decided to include a 3% COLA in addition to the 2% merit. There will be an increase to the district's request to the counties in subsequent years to cover those on-going costs.

Another issue SWDH is working thru is their solid waste plan. There are an increased number of people living in RVs who are dumping into open holes which is a huge health safety hazard. It is

unsafe for both the occupants of the RV and the neighbors when raw sewage is being dumped directly into the ground. Commissioner Smith would like to join with SWDH in messaging which will cross county lines in order to let the community know of the health safety issues, additionally, living in an RV for an extended period of time is not allowed per the county ordinance. In response to a question from Commissioner White about where people are supposed to go, Commissioner Smith said a lot of the problem is created from people selling their homes in this market but not having other housing available. She said the county needs to encourage people to stay in their homes. Commissioner Van Beek is supportive of the county getting messaging out to the community. Commissioner Smith indicated that it is her understanding that the majority of area RV parks have switched to long-term and are no longer offering short-term. The county ordinance states that RV parks are only short-term. If they want to be long-term that would require going thru the subdivision process and for services to be provided. Commissioner Smith would also like to give direction to the Code Enforcement Officer to send letters to the park managers notifying them of the ordinance. Commissioner Van Beek wonders how to ensure as a county slums are not created whether they're short-term or long-term occupancy. Commissioner White doesn't want to inadvertently create overnight policing issues by having RVs parked in more places they shouldn't be. Commissioner Smith said that it was discussed at the SWDH Board meeting and they are going to do an inventory of ordinances to see what each county requires and then the plan is to put together a public service announcement letting the community know that staying in your RV is not allowed, outline the rules and explain why it is not safe for them or their neighbors to be living in an RV. One of the other issues discussed among the SWDH Board is the lack of dumping stations in Canyon County. Commissioner Smith wants to talk with Director Fultz at his next meeting about giving direction to the Code Enforcement Officer about how to handle. The Board is supportive of Commissioner Smith letting SWDH know that Canyon County is in favor of the public service announcement.

Commissioner Smith was approached about a training program called Talent Depot that works to keep kids local and match them with area businesses vs. them going out of state for college or careers. They also do evaluation of staff and she feels this could be beneficial and used with several different departments in the county. The organizer is wanting to use COVID recovery monies and has prepared a proposal he's asked Commissioner Smith to share with the other Board members. He is hoping that Caldwell and/or Nampa could be the first Talent Depot cities to offer this program. The Board is supportive of having a presentation meeting.

#### EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL

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

Commissioner Van Beek made a motion to go into Executive Session at 3:22 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters pertaining to named personnel. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek. The Executive Session concluded at 3:35 p.m. with no decision being called for in open session.

The meeting concluded at 3:35 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### PREPARE FY2022 BUDGET FOR PUBLICATION

The Board met today at 3:41 p.m. to prepare the FY2022 budget for publication. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Probation Elda Catalano, CCSO Financial Manager David Ivers, Chief Deputy Sheriff Marv Dashiell, Director of Canyon County Ambulance District Michael Stowell, TCA Jamie Robb, TCA Admin. Supervisor Tara Hill and Deputy Clerk Jenen Ross.

Controller Wagoner gave a summary of changes from the suggested budget and the budget process. The changes noted are as follows:

- Development Services – reduction in PT budget, was changed to FT Administrative Specialist position.
- Western Alliance for Economic Development – reduced to \$15,000 from \$27,000.
- \$10,145 was added for private BOCC entrance.
- Treatment courts – an Assistant Coordinator position was changed to a Coordinator position.
- There is a camera project in process which is funded by federal grant monies. The project was included in the FY2021 budget but it will not be completed by the end of the fiscal year. Recommendation is to roll that project forward into FY2022. There is no cost to taxpayers, it is being paid for with grant funds.
- A radio tower project in process is funded by E911 monies will not be completed by the end of the fiscal year so \$125,000 will need to be rolled forward to FY2022 to finish the project. No property tax dollars are affected, it is entirely funded with E911 money.
- A few changes have been made to the compensation plan based on filled or vacated positions, it is as current as possible.

Commissioner Van Beek has concerns about some department administrators, specifically the IT Director, falling below the 80% of the Ada County rate. She would like to see him brought to the 80% in FY2022. She would like to see the other directors' salaries evaluated to make sure they are within that margin.

Commissioner White asked if there is a way to divide up the increase between COLA and merit increases in order to provide some leeway in how increases are assigned, perhaps a 5% COLA and 2.5% merit in order to give some incentive. Commissioner Smith said she like the idea of dividing up increases that could be managed by the director/elected official. Controller Wagoner explained that the compensation plan is two pieces. The 7.5% COLA applies to the pay range. He feels this is

important so that county wages are competitive. In addition to that there is the possibility of a step increase with one additional year of experience, this increase is not automatic or guaranteed – the Elected Official or department administrator can request that be held back. Commissioner Smith would like to stick to the 7.5% COLA but put together a plan, not just release the step program. It will be funded but a plan will be put together that the Commissioners and possibly the compensation committee can evaluate how to release that program. In response to a question from the Controller as to what that plan might look like, Commissioner Smith said they have made employee evaluations mandatory for their department heads and hope the other elected officials will do the same. She feels that if Board employees are being held to that standard she would like to see all County employees held to the same standard.

Commissioner Van Beek asked Controller Wagoner if he has information regarding the number of employees still employed since the inception of the compensation plan and asked about some employees who've received fairly substantial increases. Commissioner Van Beek proposes that the cost of living be evaluated within the county. She has concerns about the funding source keeping up the 7.5% increase when the average increase of county citizens (based on retired citizens) is only about 2% yearly or \$1044. Controller Wagoner explained that last year there was zero increase in property tax, there was no 3% increase, no new construction increases and no foregone was taken. For two years in a row the property tax dollar request is the same and even slightly decreased. That is an action to provide real property tax relief to Canyon County residents.

Discussion ensued regarding the use of ARPA funds. Commissioner Smith said her understanding is that those funds are being used for capital improvement projects and those projects will be done so there could be a property tax adjustment that could be higher in the future to cover capital improvement projects but right now those projects will be gone and we're not anticipating that volume of projects in the future. Commissioner van Beek said she is still concerned about how the increased salaries will be funded into the future. Commissioner Smith explained that is something that will have to be figured out but she is grateful for the balanced budget and what the county is able to do with the ARPA funds. Property taxpayers need tax relief and the Clerk was able to do that. This year there were large assessed value changes which could have resulted in large increases but this budget gives property tax relief. Clerk Yamamoto and Commissioner Smith spoke about steep increase in both fuel and home/rental costs. Clerk Yamamoto said that since the meeting last week he has lost three more employees and they are trying to juggle things around just to keep services moving. Additionally, he's seeing area businesses advertising \$20/hourly rates and large signing bonus which is part of what the county is competing with for employees. It is a two-part issue – first you have to get people in the door and then you have to retain them. Commissioner Van Beek would still like to see a set amount vs. a percentage amount provided as COLAs and wonders if there is an amount that would be equitable to all employees. Clerk Yamamoto said he is all for merit, however, there is little of it in government and what is done is done poorly, which is the history seen in Canyon County in his opinion. If there is a way to provide merit that is equitable and makes sense he'd be all for it but there needs to be better guidelines in place. He feels that if it's a problem with those most highly paid receiving the largest increase due it being based on percentages that you start with cutting off the EO salaries and work down. Commissioner Van Beek clarified that she is not unsympathetic, she is just asking what the

compromise is between a sliding scale and a flat amount. Clerk Yamamoto spoke to some of the challenges that might be faced in trying to determine the cutoff point and who gets what. He also noted that even with this increase the county will still not be competitive and is having trouble attracting and retaining good candidates so something needs to be done. Commissioner Smith thinks that perhaps Commissioner Van Beek has identified areas in the compensation plan where it's not working and needs to be evaluated.

Commissioner Smith asked Commissioner Van Beek to speak more about her plan for a flat rate increase. Her feeling is that everyone in the area has incurred the same increase for general goods and services such as rental rates and gas. Commissioner Smith noted that everyone's jobs are different, levels of training and certifications are different and those factors need to be considered.

Clerk Yamamoto said that this year the county is building a \$6M Fair building, increasing salaries to attract and retain employees, adding 3 judges and support staff – the net affect of all that is a decrease to the taxpayers. As long as the economy continues the county will continue to see the same kinds of revenues; if that changes the whole economy will have to change.

Commissioner Van Beek spoke about a suggestion by Commissioner White at an earlier budget meeting about security at the Administration Building. Commissioner Van Beek compiled budget numbers which include a magnetometer, package x-ray machine, kiosk for the lobby and on-going personnel costs for a total cost of \$143,575. Clerk Yamamoto has indicated that he does not want a magnetometer at that building nor does he think it would do a lot of good. There are a lot of factors to take into consideration such as entry/exit, ADA accessibility, the Public Defender's separate entrance among other things. In his opinion a presence is what he'd really like to see in the building. Commissioner Van Beek suggested a meeting to discuss the use of Marshals in that building as was done during COVID. However, many of the Marshals are back to work in their intended capacity overseeing court safety.

Discussion ensued regarding the delayed response to the panic button being pushed in the Commissioners' front office and possible solutions.

In response to a question from Commissioner Van Beek, TCA Robb said that even with the addition of 4 part-time Marshals they are still understaffed and unable to cover the necessary courtrooms.

Controller Wagoner spoke about contingency within the budget, there is a line item within the current expense fund of \$150,000. Clerk Yamamoto feels that there has been a well-balanced budget put together and he doesn't see the need to change anything at this point.

The meeting concluded at 4:50 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2021 TERM  
CALDWELL, IDAHO JULY 29, 2021

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

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:50 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Customer Service Specialist Kelly Galloway and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-804; 2021-757.

Case no. 2021-902 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue initial approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

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

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

*Note for the record: As properly noticed the Board met today at 9:01 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner White made a motion to go into Executive Session at 9:02 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson and Deputy P.A. Alex Klempel. The Executive Session concluded at 9:16 a.m. with no decision being called for in open session.



CONSIDER APPROVING THE FINAL PLAT FOR LAKE SHORE SUBDIVISION NO. 1, CASE NO. SD2021-0035

The Board met today at 9:31 a.m. to consider approving the final plat for Lake Shore Subdivision no. 1, case no. SD2021-0035. Present were: Commissioners Pam White and Leslie Van Beek, Planner Jennifer Almeida, Mike Greiner and Deputy Clerk Jenen Ross. Jennifer Almeida gave a brief summary of the project stating that this is a one lot subdivision. Currently the property contains a mini-storage facility and is zoned CR-M1 which is a conditional rezone/light industrial. Individual septic systems and wells are proposed for this site as well as subsequent phases of this project which is noted on plat note no. 4. The preliminary plat for this project was approved by the Board on April 15<sup>th</sup> of this year. Keller and Associates have reviewed phase 1 of this project and recommend that it be approved. The structures are already on site therefore there are no additional improvements required. Included in the summary are the conditions of approval and how they've met each of the conditions. Ms. Almeida noted that in regard to condition no. 7 she has had correspondence with Nampa/Meridian Irrigation District and they do not want to transfer the rights off the property and cited a statute in Idaho code as their reasoning. The intent of the condition was to have the ability to transfer the right to a farmer in the area if they weren't going to be utilized by this project. Based on the irrigation district's stance on transferring the rights off the property the surface water rights will remain but not be utilized. The rights will remain utilized by users within that district. Staff maintains the intent of the condition was met as the water will remain as part of the district and utilized by many users within their district. Staff is recommending signing of the final plat. Discussion ensued as to what it would take for conditions 6 and 7 to be removed from the plat note. Ms. Almeida explained that to eliminate the notes entirely the development agreement would have to be modified but she feels that for today's action the intent of the condition has been met but she would recommend to the applicant that before they start on phase 2 to have that condition removed for the remainder of the project.

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

Mr. Greiner spoke about the condition, stating that these are commercial lots and there really isn't a need for a lot of irrigation. Well water could be used for the small amount of necessary irrigation. In response to a question from Commissioner White, Ms. Almeida spoke about Exhibit D which is an email chain she and P&Z Commissioner John Carpenter had with Nampa/Meridian Irrigation District which notes their reasons for not wanting to transfer off the water rights. At this point it is kind of at a standstill with that particular condition. Commissioner Van Beek said she would like to have that note removed without inhibiting Mr. Greiner's ability to move forward. She feels that when things are left on plat they can be confusing and she believes in cleaning it up on the front-end instead of the back-end. She would like to see approval of the final plat be provided with the stipulation that conditions 6 and 7 be removed. Ms. Almeida said that those conditions can be removed but for today's action the intent of those conditions have been met. For subsequent phases conditions 6 and 7 should be removed. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to close public testimony.



Commissioner White made a motion to authorize the chair to sign the final plat with the changes as noted moving forward with this project. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 9:47 a.m. An audio recording is on file in the Commissioners' Office.

#### TAX DEED HEARING

The Board met today at 10:01 a.m. to consider the issuance of tax deeds and consider an action item. Present were: Commissioners Leslie Van Beek and Pam White, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Deputy PA Doug Robertson, Interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek opened the hearing and noted who was in attendance. Treasurer Lloyd said this is a procedural matter and she explained the process which was started in August of 2020 where she mailed courtesy reminders on 632 accounts. In January of 2021 she mailed courtesy reminders again on 214 remaining accounts, and in April of 2021 she sent the pending issue of tax deed certified mailings and 633 notices were mailed to all taxpayers and parties in interest on the remaining 44 accounts. On June 24, 2021 the first publication appeared in the Idaho Press-Tribune on 24 accounts for four consecutive weeks. Last week she filed affidavits of compliance on 14 accounts, and today she is here to file tax deed on the 7 remaining accounts that have not paid taxes.

<b>Owner(s):</b>	<b>PIN:</b>	<b>Total Due:</b>
Lori Hutchings, Robert Bravo	01954000 0	\$1,029.06
John Crew	03831000 0	\$1,876.82
PCM Investments, LLC	14285665 0	\$ 540.64
PR Investments, LLC	27860500 0	\$4,683.69
McEvoy Family Trust, Dorothy McEvoy Trustee, and John McEvoy Trustee	34085000 0	\$5,709.54
Catherine Carver, Raymond Carver	36097000 0	\$ 956.00
EJP, LLC	37976010 0	<u>\$ 444.87</u>
		<b>\$15,240.62</b>

Commissioner Van Beek asked the Treasurer to explain the process to those in the audience on what happens next. Treasurer Lloyd said the tax deeds will be filed and citizens are given a redemption period, and a tax sale is set for November where taxpayers or parties in interest can redeem the properties. When they redeem they have to pay all five years' taxes in order to get it back in their name. Commissioner White made a motion to sign the findings of fact and conclusions of law for the tax deed hearing. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 10:15 a.m. An audio recording is on file in the Commissioners' Office.

JULY 2021 TERM

CALDWELL, IDAHO JULY 30, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Richelle Kiyabu, Sr. Administrative Specialist

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Pantera Market & Mexican Restaurant #2 LLC DBA Pantera Market #2 to be used 8/14/21 for Vega Quinceanera

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Fargo Technologies in the amount of \$5,035.00 for Canyon County Sheriff

DETENTION CENTER INSPECTION CONDUCTED

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

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

DATED this 4<sup>th</sup> day of November, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

Leslie Van Beek

Keri K. Smith

Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk

AUGUST 2021 TERM  
CALDWELL, IDAHO     AUGUST 2, 2021

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:

- Platt Electric Supply in the amount of \$3,355.23 for the Facilities Department

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:45 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

#### COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chris Maylor, TJ Wellard, Al Dauven, Alan Mills, Mike McGowan, Todd Lakey, Spencer Kofoed, Matt Wilke, Ivan Holton, Darin Taylor, David Ferdinand, Mark Cran, Derritt Kerner, Judy Britton, Kathy Alder and Sr. Admin Specialist Terri Salisbury. The following provided comments: Chris Maylor, TJ Wellard, Al Dauven, Alan Mills, Mike McGowan, Todd Lakey, Matt Wilke, Spencer Kofoed, Ivan Holton, Darin Taylor, David Ferdinand, Mark Cran, Derritt Kerner, Judy Britton, and Kathy Alder. The Commissioners provided feedback on the following topics that were discussed:

- Star Annexation
- Administrative land divisions
- Comprehensive Plan status
- Impact Areas
- Jurisdictional Problems
- Agricultural disclosers
- Star impact area negotiations - Committee of Nine
- Development Services staffing
- Development Services applications

- Pre-Plat timeframes
- FCO timeframes
- Canyon County Budget

The meeting concluded at 10:35 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER APPROVING FY2022 TENTATIVE BUDGET FOR PUBLICATION

The Board met today at 10:41 a.m. to consider approving the FY2022 tentative budget for publication. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, CCSO Financial Manager David Ivers, CCAD Director Michael Stowell, PIO Joe Decker, Sr. System Analyst Steve Onofrei (arrived at 10:57 a.m.), Other community citizens and Deputy Clerk Jenen Ross.

Controller Wagoner said that for 2022 the amount levied was \$53,684,567 which is less property tax than levied for the 2021 budget. This budget includes no 3% increase, no new construction increase, no use of foregone – the county is asking for less property tax money to fund the budget than in 2021. Additionally, there is an investment being made in county personnel which includes \$5M in current personnel and the addition of 35 new full-time positions to ensure that services are delivered both professionally and timely. There is real, genuine property tax relief to all county property taxpayers. It is projected that even homeowners will see their county property tax go down. All county property taxpayers benefit from this budget. It is imperative that the county invest in the people; the personnel provide services and it is essential to have personnel in place to provide those services in a quality and timely manner.

At the request of Commissioner Smith, Controller Wagoner spoke about negative lines in the '2022 budgetary use of fund balance' column and how it affects fund balance.

Commissioner Van Beek said she reviewed and compared the suggested and tentative budgets. A form that she provided to the Controller this morning has a list of 12 funds that were affected with a net change of about \$333,000 between the suggested and the tentative budgets. A review of each line item was done.

- Facilities – increase of \$10,155 for additional entrance in the Commissioners' Office
- Clerk of the Court - decrease of \$10,797 to reflect changes in personnel
- Coroner – decrease of \$719 is related to personnel the Coroner did not feel had earned the additional step in the compensation plan
- Development Services – addition of \$16,144 for changing one part-time position to full-time

- Emergency Communications – increase of \$125,000 for the E911 monies rolling from FY2021 to FY2022 for a specific project
- General Fund – decreased \$12,650 due to the change with Western Alliance for Economic Development
- Information Technology – change in position
- Indigent Services – decreased \$4,361 related to a change in personnel
- Prosecuting Attorney – increased \$14,129 related to currently filled positions
- Public Defender – increased \$115,918, per the compensation plan there are attorneys eligible to move forward to a higher paygrade based on years since passing the Bar exam

Commissioner Van Beek thought that there was Board consensus that there would be adjustments to the IT Director's salary as it is currently paid at less than 80% of Ada County. Commissioner Smith clarified for the record that she is not going to single out one director. Based on a question from Commissioner Smith, Controller Wagoner said that directors were included in the 7.5% COLA plus an additional step forward in the compensation plan. An 80% evaluation change was not included.

- Sheriff – increased \$71,211 related to a project grant (High Intensity Drug Trafficking) rolling forward
- Treatment Court – this is related to an assistant coordinator being transitioned to a coordinator position.

The projected ending fund balance for FY2021 will be \$79M which includes the Landfill Enterprise fund. Controller Wagoner said the budget before the Board today include expenditures of \$6.1M offset by American Rescue Plan revenues of \$6.1M – zero property tax dollars levied. Further discussion ensued about the ARPA funds being used for revenue replacement, or lost revenue that has already occurred. COVID-19 disrupted the county revenue stream in calendar 2020 in the amount to \$6.1M, revenue that was rapidly increasing did not continue that pace of rapid acceleration. Commissioner Smith noted that in the future when ARPA funds are no longer available either capital improvements will have to be decreased or property tax would need to increase to continue funding the salary levels, or Controller Wagoner suggested sales tax as it is a significant source of revenue for Canyon County. There are multiple sources of revenue that are available to the county. Commissioner Van Beek said that if the county took 3% that was allowable, that would be \$1.6M, new construction would be \$2.3M for a total of \$3.9M but raises total \$6.8M so that has to be made up somewhere in the budget. Clerk Yamamoto said that it has everything to do with revenues coming in higher than expected and the county currently has a fund balance that is well over what they'd like to maintain. Commissioner Van Beek spoke about creating a capital improvement fund to meet long-term capital needs including a public safety facility. Clerk Yamamoto spoke about the great story this budget is, there is no one else in the state that can have the story Canyon County has. Employees are being taken care of, building a new expo building, not taking 3%, foregone or new construction and have lowered the tax request. The county is in fantastic shape and they've lined out a good budget to take care of the employees along with other obligations.

Commissioner Smith said she still has some concern about the compensation plan and the step portion. She would like to see if that part can be pulled from the budget while still allocating the 7.5% COLA until there is an HR Director and a plan. Controller Wagoner spoke about how the step program is extremely beneficial to the customer service and deputy Sheriff positions, especially for those who have been with the county between 3-5 years. Due to the concerns she has with the compensation plan, Commissioner Smith expressed that she is not sure she's in agreement with having this included in everyone's budget. Her understanding is that the tentative budget can still be posted, and although the budget can't go up some of the funds can be allocated differently. Controller Wagoner confirmed this is correct but that it would be changing a tremendous amount of detail and a significant amount of line items would be impacted.

Commissioner Van Beek proposed to back the \$6.2M out of the property tax levied and take new construction. Commissioner Smith noted that the \$6.2M is not being levied. Commissioner Van Beek argued that it is being levied, it's included in the amount of property tax being taken because it's been replaced, capital needs have been put under the ARPA funds so if that number is backed out of the amount of property tax levied and then new construction is taken and held salary increases to the amount of new construction which would represent more consistently what Ada County, Caldwell, Nampa are doing. Commissioner Van Beek said that year over year it's consistently 6.5% but she's not sure where that's happening, the property tax since 2015 has increased \$19M but salaries have increased \$24M. She feels that has to be made up somewhere and if new construction is included and that number is backed out we could still potentially come in under and have that be a fair evaluation. Commissioner Smith said she doesn't want to take it, she likes that there will be lower property taxes. Commissioner Van Beek said there would still be lower property taxes because if it was held to \$2M in salary increases there would be a \$4M reduction from what's asked. Commissioner Smith feels that the county will lose employees. Commissioner Van Beek said that employees will be lost regardless and the county has been losing employees. It's a report they haven't called for, to determine what the loss rate is even spending an additional \$19M in salaries, she feels there is a lot of information the Board doesn't have. Commissioner Smith said that if it's not sustainable in the future there may need to be a reduction in employees, and although not fun it's a part of leadership, it's part of evaluating budgets in the future and where the county is at. If it's not sustainable at the time you have to let people go, but right now the county is in a critical need to maintain employees and help the cost of living which is significant. She said the county is in a critical spot right now, everyone wants to plan for the future. Her understanding from the Clerk and Controller is that they don't foresee any issues funding salaries over the next couple years. When the ARPA funds go away, if staffing levels are down and there isn't a revenue source the Commissioners at that time are going to have to make some hard decisions and cuts where necessary. But for now, she thinks it's critical to take care of the employees. Commissioner Van Beek agrees but said the Board hasn't evaluated what giving 7.5% will do, there are a number of employees that will be in major excess of Ada County wages. She wants to understand the rubric and why those salary increases would be justified in Canyon County; she doesn't feel the Board has had enough time to evaluate the impact of the salary structure. Commissioner Van Beek Based on a question from Commissioner White, Controller Wagoner confirmed there was no COLA last year. Commissioner White said that if you don't pay stewardship to the compensation plan it doesn't take very long to see the impact. She is not in

favor of taking something out of the budget; if you take it out then publish you can't add it back in. She thinks the county is at a very critical place with employees and it is a very good use of property tax money because the taxpayers are required by statute to have access to the services provided by county employees. She thinks the county needs to stay the course with employees and that the proposal doesn't put us ahead, and really doesn't even put the county on a level playing field with surrounding entities. Commissioner Smith feels that's true in some cases but Commissioner Van Beek disagrees. Commissioner White feels it's fair and there is no increase to property tax in staying true to the compensation plan. Commissioner Van Beek feels there is still needs to be an evaluation of director salaries in comparison to Ada County. Further discussion ensued regarding the turnover rate, the cost of turnover and factors that keep employees loyal.

In response to a question from Commissioner Van Beek, Controller Wagoner said that nothing has been included in the budget for security in the Administration Building. However, he did say that there is a contingency fund of \$150,000. Once the fiscal year begins, and during the fiscal year, the budget can be opened and adjusted if necessary.

Commissioner Smith expressed her concerns about approving the budget with the compensation plan as it doesn't give the Board their statutory authority to manage it. Commissioner Van Beek said the resolution that gave away Board authority regarding compensation needs to be dissolved. She feels it is the Board's job to manage the compensation plan and understand the numbers. Commissioner White said the Board approves the budget, but there are 6 other elected officials and it is up to them to manage their budget. Commissioner White does not feel it is the Board's job to tell the other elected officials how to manage their budgets. Commissioner Smith feels that the Board was elected to approve and manage the budget. She feels like that over time a lot of the Commissioner responsibilities have been delegated to other people. She said she can support a 7.5% COLA but she is not as supportive of the compensation plan. Commissioner Van Beek said that she feels it is the Board's responsibility to oversee and evaluation of use of every single taxpayer dollar.

The Board took a brief break at 11:47 a.m. and resumed the meeting at 11:49 a.m.

Commissioner Smith said she wants the 7.5% included but in regard to the other \$900,000 for the step portion the Board would like to figure out how to allocate that; once there is a new HR Director and the compensation committee is assembled and there is an updated compensation plan. Essentially there is \$900,000 that could then be reallocated back out to the other elected officials and department for use. Controller Wagoner explained that the \$900,000 provides the greatest benefit to the customer service positions. Further discussion ensued about the step program with Clerk Yamamoto noting that it is up to the office and department whether an employee receives their increase, it is not just an automatic increase. Clerk Yamamoto asked if this Board wants to sit in judgment of each individual employee's wage. Commissioner Smith said that she wants to do her job and for the Clerk to continue doing his. She thinks that fairly evaluating wages is what the Board was elected to do. Currently the Board only sees 'blue sheets' (salary rate request forms) for their own departments and resolution 19-145 is where the Board delegated their responsibility to the other elected officials. Commissioner Smith suggested that one solution



may be to do away with the resolution, have a compensation plan in place and then have all 'blue sheets' come before the Board for review. Commissioner Van Beek said she is in favor of this plan and would like to see the resolution dissolved.

Commissioner Van Beek said she will not support the budget with the 7.5% being included.

Commissioner Van Beek made a motion to deny the 2022 proposed fiscal year tentative budget. In response to a question from Commissioner Smith, Commissioner Van Beek said she understands the implications of not approving the budget and that she doesn't feel that she has had enough time to fully evaluate and understand the budget. The motion died for lack of second.

Commissioner White feels like her questions have been adequately answered and believes this budget gives property tax relief and addresses the employees. She spoke about the increase in starting wages for area businesses and general cost of living expenses.

Commissioner White made a motion to approve the tentative FY2022 budget for publication. The motion was seconded by Commissioner Smith but noted she intends to try to "blow up the compensation plan and the resolution". A vote was taken on the motion with Commissioners Smith and White voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote.

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

CONTINUANCE OF PUBLIC HEARING TO CONSIDER AN APPEAL BY PECKHAM ROAD TRUST FOR A  
CONDITIONAL USE PERMIT, CASE NO. CU2020-0001

The Board met today at 2:02 p.m. for a continuance of the public hearing in the matter of the appeal by Peckham Road Trust for a conditional use permit, Case No. CU2020-0001. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, Brenda Abbott, Darin Taylor, interested citizens, and Deputy Clerk Monica Reeves. Todd Lakey arrived at 2:09 p.m. The Board met on July 13, 2021 and heard public testimony and continued the case to July 26, 2021 at which time it reviewed proposed conditions of approval and subsequently continued the hearing to today. Jennifer Almeida said the findings of fact, conclusions of law and order (FCO's) mirror the discussion from the last hearing regarding the conditions. She a minor change was made to Condition #6, to clarify it better. It now states *"There shall be no burial of dead livestock on site. All dead livestock and any parts or pieces of such animals must be properly disposed of within 72 hours after knowledge of death. The CAFO shall comply with Idaho Department of Agriculture rules regarding dead animal disposal."* She removed the notation for the IDAPA section in the event those change and she left it general so we are not tied to that specific code. Commissioner White said before they expand to 12,000 animals she wants them to get everything taken care of that hasn't been tended to. Ms. Almeida said several conditions are ones that have to be met prior to expansion, and some are

ongoing that have to be maintained for the operation of the site. There are also annual reporting requirements. Commissioner Van Beek asked how we will mitigate for the open water. Ms. Almeida said they would have to meet agency requirements for that. We have retention areas conditioned to meet Department of Agriculture requirements as well as federal agency requirements. Commissioner Van Beek asked about the concern that was raised about cattle grazing on land not approved to be on. Commissioner Smith said as long as they stay within the threshold of the allowed animal units per acre that would exist outside of these conditions and outside of the parcel. We are not taking away the rights of a property owner to have agricultural uses on their property that is outside of the CUP. There was a review of conditions to add the words: "*Prior to expansion...*" to the following conditions: #4, #5, #12, and #17. Further review and discussion ensued. Commissioner White made a motion to grant the conditional use permit and approve the FCO's with the conditions of approval as amended. The motion was seconded by Commissioner Van Beek and carried unanimously. Deputy PA Wesley explained the appeal process and said parties have 14 days to file a request for reconsideration with the Board, and then the Board has time to respond and that will extend the deadline to file for judicial review, which is 28 days from the decision being final. If the Board chooses to act on the motion to reconsider it would come back, but if the Board chooses not to act, then it starts the clock for the 28 days to file a judicial review. The signed FCO's are on file with this day's minute entry. The meeting concluded at 2:26 p.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING FCO'S FOR SAMUAL CLAGG, CASE NO. RD2021-0007

The Board met today at 2:27 p.m. to consider signing the Findings of Fact, Conclusions of Law, and Order (FCO's) in the matter of the appeal by Samual Clagg of the Director's decision in Case No. RD2021-0007 regarding the naming of a private road to Catfish Lane. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. On July 26, 2021, the Board heard the appeal and voted to modify the appeal and then directed DSD staff to make findings of fact to support the decision for the name change to Riverpoint Lane. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCO's for the Clagg case (RD2021-0007) as presented. The meeting concluded at 2:29 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING EXECUTIVE DIRECTOR OF WESTERN ALLIANCE FOR ECONOMIC DEVELOPMENT TO DISCUSS DEPARTMENT OF COMMERCE WORK PLAN

The Board met today at 2:32 p.m. with the Executive Director for Western Alliance for Economic Development to discuss Department of Commerce work plan. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Tina Wilson with WAED and Deputy Clerk Jenen Ross.

Ms. Wilson explained she likes to meet with her major funding partners prior to submitting her workplan. Due to a change in dynamics she wants to make sure she is addressing the Board's expectations for the upcoming year. The Department of Commerce Workplan runs from July 1<sup>st</sup> to June 30<sup>th</sup>. There was a salary grant of \$30,000 awarded on July 12<sup>th</sup> but before they can submit for the first half of the funding the workplan has to be submitted. Ms. Wilson provided a brief review of the 2020 workplan; a copy of this document is on file with this day's minutes. Director Fultz said he anticipates working with the WAED on value added grants and that the workplan outlined by Ms. Wilson fits well with their plans within DSD. Commissioner Smith is supportive of the grant writing done by Ms. Wilson. Ms. Wilson would still like to have a representative from Canyon County on the Board and is open to meeting with Director Fultz regularly to provide updates. The meeting concluded at 2:59 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUANCE OF PUBLIC HEARING TO CONSIDER A REQUEST BY TAYLOR JENE HOMES, INC. AND VALLEY VIEW RANCH SUBDIVISION NO. 4 FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019 AND SD2020-0035

The Board met today at 3:07 p.m. for a continuance of the public hearing to consider a request by Taylor Jene Homes, Inc., and Valley View Ranch Subdivision No. 4 for a rezone and preliminary plat for Case Nos. RZ2020-0019 and SD2020-0035. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Mark Hilty, Casey Ames, Claudia Haynes, Kim Yanecko, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith gave a recap of the last hearing where the Board deliberated based on the evidence received at that point. Public testimony was closed and the Board said it would not review additional information. It sounded like the Board was leaning towards a decision that was different from the P&Z Commission's recommendation which would require a second hearing. She addressed the emails and letters that came in regarding the change in process and said the first hearing gave everyone an opportunity to testify. The second hearing was not intended to be another brand-new hearing which is why they tried to limit some of the information. The Board continued the hearing for specific information. She apologized to those who felt slighted, but said it sounds like there is going to be another hearing and if that's the case it will be a brand-new hearing and additional testimony and information will be allowed. Commissioner Smith said donating time to another speaker is not something the Board has to allow, they allowed it to happen once but she encouraged people not to continue moving forward with things like that. If people cannot come they should submit written testimony and there should be one representative for the opposition and time will be allocated outside of that. Commissioner Van Beek disclosed that a citizen approached her this weekend regarding concerns about the water situation, but she indicated she could not discuss it because the Board was having continued discussions on that topic. After reviewing the information that's been submitted she noted the following concerns: conflicting information regarding the aquifer; IDWR is charged with overseeing the installation and the well process so if wells are failing then you have to go back to the agency and look at if the due diligence is good enough to ensure that homeowners are not

having to go back and put in wells; and the lack of information on what the cumulative impact will be with 400 homes in this area. Discussion ensued. Commissioner Smith said the Board could impose conditions, or deny the request and state what the applicant could do to obtain approval, and at the next hearing they could bring that information for a conditional rezone with a development agreement. Commissioner White is not comfortable with the knowledge that wells are going dry and she wants to see up-to-date information. Commissioner Van Beek referenced the conflicting information from IDWR and said there has to be something that protects people. Commissioner Smith said it sounds like both Commissioners are leaning toward a denial so it will be important to deliberate on what the applicant can do to gain approval in the future. Commissioner White wants to see a current examination to see if the majority of the problems are with well installation or if it's because of the water depth. She needs to know there is an ample source. Commissioner Van Beek referenced the conflicting evidence within the IDWR reports. Commissioner Smith believes the zone is appropriate because it's an infill project, and she appreciates community wells instead of continually punching private wells and she feels the project can be conditioned in a way to get more information and that's the direction she would lean. It is time, especially in certain areas, to start looking at community systems, versus wells, that are monitored and checked regularly. Commissioner White again reiterated her point about wanting up-to-date water information. The project density is ideal and she's not against the developer, but she wants current information on whether it's a well installation problem, and she wants to know how deep they need to go without having to re-drill a well. The Board took a break at 3:58 p.m. and the hearing resumed at 4:10 p.m. Commissioner Smith said she consulted with the Prosecutor's Office to confirm process. Technically the ordinance does not have language in the conditional rezone or rezone section that allows the Board to mandate them to provide studies, so the best option is to render a motion. There has been a lot of deliberation on what the Commissioners would like and that leaves it up to the applicant and no matter what it will require a brand-new hearing. The case will not have to go to the P&Z Commission, but it will come back to the Board. Commissioner Van Beek made a motion to deny Case Nos. RZ2020-0019 and SD2020-0035, and change Finding No. 5 to include nonconflicting testimony that assures that it's either a well issue or a water issue and that studies that are relevant to the site-specific area be provided for assurance that it can service this development. The motion was seconded by Commissioner White. Commissioner Smith said it's difficult for her to deny this case because the zoning is applicable and the comprehensive plan supports it. She believes the Board could condition it and work on a development agreement that could have been further worked out at the next hearing that would support this development. We have a need for a high-end opportunity for residences and this project would have provided that. She wants safe water opportunities for the existing and future residents and she understands why there is a request for that information. The motion carried unanimously. Staff will schedule the next hearing. The hearing concluded at 4:15 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 4:16 p.m. for a weekly meeting with the Director of Development Services Department to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, and Deputy Clerk Monica Reeves. Commissioner Smith informed Director Fultz about this morning's community input meeting where citizens voiced comments on several issues concerning DSD, such as the City of Star annexation; administrative land divisions; comprehensive plan status; impact areas; jurisdictional problems; agricultural disclosures; the Star impact area negotiations committee of nine; DSD staffing levels; DSD applications; preliminary plat timeframes; and timeframes for FCO's. Director Fultz said staff will work on getting timely staff reports put together and submitting a "final final." He reported that the first draft of the comprehensive plan should be completed by the end of this week, and on August 25 they will have their first working group meeting and it will be available to the public later this month. Staff has been meeting with an agricultural group to look at the ordinances and the comprehensive plan and they are assisting with the Ag., natural resources and land use elements that will be incorporated into the draft. He will work with the PIO to get the word out to the public. Director Fultz reported they are looking at a serious reduction in some of the impact areas for the smaller communities. They are looking at eliminating almost all residential in the areas outside the impact areas and doing additional agricultural zone opportunities. The department will be looking at a 10-year plan with a review to be done every year. Staff is working on several ordinance rewrites that will be coming to the Board. The rezone ordinance will be very controversial because it's so much more challenging for a rezone in the agricultural area, outside the impact areas. Groundwater studies is another aspect they are looking at as well as a number of other things. Discussion ensued about the various issues staff is exploring. Commissioner Smith wants to start sending letters of violations to people who are living in RV's and she wants the building inspectors to help with that since code enforcement can't do it all. At a recent health department meeting she suggested doing a collective public service announcement about how it's not safe when people are dumping into the ground. She also wants to take a look at the old rezones that have occurred south of Lake Lowell in a predominately agricultural area, specifically one by the Beranna Dairy that should not have been zoned rural residential. When there has been no activity with conditional rezones the County has the authority to change the zoning of the property, and with the potential water issues and impacts to aerial spraying operations, she thinks the properties should be brought back for a new hearing. She wants the County to send a letter and initiate its own zone change from rural residential. Director Fultz indicated he will work on it. He spoke about staffing needs in the department and said he would like another planner and a tech, in addition to the economic development department they are trying to launch. Additionally, they have talked about bringing an engineer on board. In response to questions from Commissioner White, Director Fultz talked about the types of cases the hearing examiner will consider. The goal is that in October the P&Z Commission will meet the first Thursday of the month and the hearing examiner will hear cases on the third Thursday of the month. The hearing examiner cases will be heard during the daytime, however, if the public meeting room is not available he will meet in the evenings. The Board will hold interviews on August 5<sup>th</sup> for new three (3) P&Z Commissioners. They are looking at a proposal to amend the ordinance regarding P&Z Commission membership (anywhere from 3 to 12 members). The meeting concluded at 4:54 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM  
CALDWELL, IDAHO     AUGUST 3, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved employee status change forms for: Alissa Franklin, Temporary Administrative Assistant; Kathleen Husted, Part time Admin Specialist; Emily Garcia, Temporary summer employee

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar LLC DBA Raising Our Bar for the following days: 8/7/21;8/12/21; 8/13/21; 8/20/21; 8/21/21; 8/28/21; and 8/29/21

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

The Board met today at 8:40 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Facilities Paul Navarro and Deputy Clerk Jenen Ross.

Director Navarro discussed the following with the Board:

- Several records were set this year at the fair in the areas of attendance, food and beer sales, concert attendance, vendor sales and carnival sales. There were 4200 man-hours put in from Facilities and about 800 SILD man-hours.
- The Expo building groundbreaking was a success. Idaho Power is onsite this week to bury the powerlines at Wilson Creek and all utilities will be going in this week. In order to lock-in prices on some supplies and to help with long lead-times Director Navarro is working to stockpile some items. Concrete is being poured on the 23<sup>rd</sup>. A contract with Rule Steel is still being negotiated.
- At one point there was discussion with the city to put 2 pedestrian bridges across Wilson Creek. The city had agreed to design and pay for them with URA funds but there has been a staffing shortage in that department and they've asked if HC Company can build those bridges. There will be a meeting with the city later today to discuss further.

- 2<sup>nd</sup> floor courtrooms are being remodeled. Courtrooms 6&7 will be remodeled into one large courtroom. The deadline for completion is October 1<sup>st</sup>. Remodels on courtrooms 1-5 will start in the fall.
- Anticipated remodel of the BOCC meeting room is sometime around Thanksgiving. The meeting room will be completely unusable during the remodel so meetings will need to be held in the Admin. Building meeting room.
- ADS has moved away from RM Mechanical for HVAC issues at Pod 6 and have hired ACCO at Director Navarro's recommendation.
- Repairs to the sidewalk along 12<sup>th</sup> Ave are scheduled to start next week.
- There is currently a massive irrigation project happening along Story Brook Trail at Lake Lowell; additionally, ADA handrails and pollinators will be installed at the request of Director Schwend.

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

#### EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 8:53 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Facilities Director Paul Navarro. The Executive Session concluded at 9:06 a.m. with no decision being called for in open session.

The meeting concluded at 9:06 a.m. An audio recording of the open portion of the meeting 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, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Lt. Ray Talbot (left at 9:10 a.m.), GIS Analyst Tony Almeida (left at 9:14 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing Memorandum of Understanding between City of Nampa, City of Caldwell, and Canyon County – 2021 Byrne Justice Assistance Grant (JAG) Program:*** This agreement was signed on July 26<sup>th</sup> but Lt. Talbot explained there was some miscommunication between the cities of Nampa and Caldwell. Nothing has changed on the Canyon County portion but this new agreement now includes the City of Caldwell. Upon the motion of Commissioner Van Beek and second by



Commissioner White the Board voted unanimously to sign the MOU between the City of Nampa, City of Caldwell, and Canyon County - 2021 Byrne Justice Assistance Grant (JAG) Program (see agreement no. 21-064).

***Consider signing an Ordinance, and Summary, amending Chapter 6, Article 5, Section 13: Street Names and Chapter 6, Article 5, Section 17: Addresses of the Canyon County Code of Ordinances:***

The amendment of this ordinance will now allow for personal names to be included as options for street names. Canyon County was the only entity that had this as a rule in the ordinance. Additionally, it clarifies that addresses will be based on the road that accesses the home/property based on requests from emergency services. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Ordinance, and Summary, amending Chapter 6, Article 5, Section 13: Street Names and Chapter 6, Article 5, Section 17: Addresses of the Canyon County Code of Ordinances (see ordinance no. 21-019).

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

PUBLIC HEARING – REQUEST BY CASE AND GREITJE VISSER FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE AS WELL AS A PRELIMINARY PLAT FOR VISSER'S LANDING SUBDIVISION, CASE NO. RZ2021-0001 AND SD2021-0003

The Board met today at 9:31 a.m. to conduct a public hearing in the matter of a request by Case and Greitje Visser for a comprehensive plan map amendment to change the designation of Parcel No. R38333010A from "Agriculture" to "Residential." Also requested is a rezone of approximately 20 acres from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone, and a preliminary plat, grading and drainage plan for Visser's Landing Subdivision. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, Darin Taylor, Sean Conner, John Brecken, William Keith Cooper, Linda Mascuch, Tamara Baysinger, Chris Clelland, George Davis, Patricia Greenland, interested citizens, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property, R38333010A is located at the northwest corner of the intersection of Goodson Road and Conway Road. The Planning and Zoning Commission recommended denial of the Comprehensive Plan Map Amendment, Rezone, and Preliminary Plat request on May 20, 2021. The applicant has removed the comprehensive plan map amendment portion of their request. Staff is recommending denial of the request. The following people testified in support of the request: Darin Taylor, John Brecken and Sean Conner. In summary they testified the project can co-exist with conditions; reviewed the topography of the site; referred to developments that exist in the area; and how they believe this type of development should occur in pocket areas such as this. William Keith Cooper offered neutral testimony and said his main concern deals with the impacts the proposed residences will have on the aquifer. He also wanted to know what the traffic projections will be for this project. Linda Mascuch offered testimony in opposition to the request. She objects due to water and density concerns. Tamara Baysinger is opposed to the proposal based on the following concerns: increased traffic on Conway Road, the impacts to existing water



wells, and the density of the proposed development which is inconsistent with the character of the area. Chris Clelland farms in the area and his concerns include density, the steepness of the property, the potential of the ditch to break, impacts to aerial applications, and the hazards of moving farm equipment. George Davis testified in opposition to the proposal due to spot zoning and egress concerns. Rebuttal testimony was offered by Mr. Taylor where he addressed the depth of area wells which range from 90 to 244 feet; references to concerns about spot zoning, and the developers' willingness to consider an RR designation if the Board chooses. Following testimony, Commissioner Van Beek made a motion to close the public hearing. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek spoke about the tension that exists between agricultural operators and the "city folk" who move to the country. She does not support changing the zoning. Commissioner White spoke about personal property rights and how decisions have consequences. She believes the applicants are ahead of their time. Commissioner Smith said this is not a predominately single-family living area and it is not located within an impact area; therefore, she is opposed to the request. Following the Board's deliberation Commissioner Van Beek made a motion to deny the request for a rezone and preliminary plat for Case Nos. RZ2021-0001 and SD2021-0003. The motion was seconded by Commissioner White who said it's a matter of density and timing. Commissioner Smith said staff is proposing a nonviable administrative land division in the ordinance that's coming soon. She hopes changing the original parcel date would qualify the applicant since the property hasn't been divided since 1997. It would provide for smaller parcels without changing the zoning on the land. The motion carried unanimously. The hearing concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:37 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Clerk Chris Yamamoto (left at 2:39 p.m.), Coroner Jennifer Crawford, Prosecutor Bryan Taylor (left at 2:30 p.m.), Sheriff Kieran Donahue via teleconference, PIO Joe Decker, IT Director Greg Rast (left at 2:14 p.m.) and Deputy Clerk Jenen Ross.

Director Rast spoke about the .gov email address. He explained the main reason for this change is credibility. Additionally, it allows the county to opt in to greater cyber security. The next step he'd like to take is improvements to the mobile app. Discussion ensued about the best timeline to make the official switchover with it being determined October 1<sup>st</sup> would be the best date. The .org addresses will be kept active for a year and at that point there will be a reevaluation to determine if they need to be extended or terminated. Director Rast said he would prefer to keep the redirect of the canyonco.org website for 5 years. All of the elected officials are supportive of moving forward with changes to the mobile app. There was also discussion regarding moving to the 'cloud' as this is the way that Microsoft is moving and it may be the only option.

Commissioner Smith asked about the panic button in the Board's front office. A couple of weeks ago she pushed it to find out what the response would be and it took over 4 minutes for the security staff at the front desk to respond and another 5 minutes for Caldwell PD to arrive. She requested that someone look into upgrading the system and Sheriff Donahue asked Director Rast to meet with Cpt. Armstrong and CCSO Communications Manager Roxanne Wade to determine origination of the technology and/or if there is other technology that would offer more expedient service.

Discussion ensued regarding security in the Administration Building; Commissioner Smith asked who manages that and who can do it most affordably. Sheriff Donahue thinks that previous discussions on this topic will need to be revisited. During COVID when there were Marshals stationed in the building there was a question of liability due to lack of jurisdiction. Sheriff Donahue said that the county needs to be covered from an exposed liability standpoint with whoever is there. He feels the easiest solution would be a contract situation with an outside security company. Commissioner Smith asked about bringing on a couple of part-time employees to either be managed by the Security Supervisor within the Facilities Department or the Sheriff under Security Services. Sheriff Donahue expressed his concern with a security function being within the Facilities department and that he is not interested in hiring/managing additional front door security personnel, additionally, the pool of candidates to pull from is shrinking rapidly. Based on a question from Commissioner Van Beek, there was further discussion regarding a previous meeting with Judge Southworth about the Sheriff assuming responsibility for the bailiff/marshal positions. Sheriff Donahue spoke briefly about Ada County's model for this situation but that the transition is a lengthy process, however, it is something he is interested in doing and committed to doing based on legal guidance. Commissioner Smith expressed her frustration with not everyone being able to get on the same page about security. Sheriff Donahue reiterated that he feels the best way to handle security at this point is to contract with an outside agency. The Administration Building is not his building and he's not going to accept responsibility for security there.

Sheriff Donahue asked about the direction Commissioner Smith wants to go with the compensation plan. It took many years to get it motion and he acknowledges it's far from perfect but there has been a lot of work put into. The Sheriff spoke about his appreciation of the Clerk's balanced budget, he feels that both the taxpayers and the employees are protected and doing away with the compensation plan will put the county right back to where it was 5-6 years ago which wasn't good. He is upset that there is even consideration of doing away with it. Canyon County needs to worry about what it takes to retain Canyon County employees, there needs to be less worry about what other municipalities are doing. Commissioner Smith responded to Sheriff Donahue letting him know that the tentative budget passed yesterday with the 7.5% increase as well as an increase for the compensation plan, however, her concern is with the amount of turnover since the compensation plan was implemented, she feels there are certain positions that it is not working for. Commissioner Smith clarified a previous comment about "blowing up" the compensation plan, what she should have said was the resolution delegating Board authority to the other elected officials. Sheriff Donahue doesn't understand the redundancy in having a blue-sheet/employee status change form reviewed by the Board. Once the budget is approved it is up

to each elected official to manage it appropriately. They each know within their Offices' which employees need to be moved to another position. Commissioner Van Beek spoke about the 5 top motivators for employees with compensation being the last, she feels there could be room for improvement for every elected official to evaluate. She stated that she is supportive of Chairman Smith's position and that it is the Board's responsibility to oversee and administrate the efficient services provided by Canyon County. Commissioner Smith recognized Commissioner Van Beek's point of other factors influencing employees and workplace but with today's economy the cost of living has to be factored in. Further discussion ensued about increases given by other municipalities vs. what Canyon County has done. Commissioner Smith said that the other frustration she has with the compensation plan is that comparable jobs in terms of responsibilities are paid drastically different wages simply based on job title.

The meeting concluded at 2:48 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO     AUGUST 4, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 576484 to 576485 in the amount of \$2,500.00
- The Board has approved claims 576258 to 576298 in the amount of \$36,778.03
- The Board has approved claims 576299 to 576340 in the amount of \$54,753.31
- The Board has approved claims 576343 to 576376 in the amount of \$75,252.98
- The Board has approved claims 576378 to 576443 in the amount of \$37,158.56
- The Board has approved claims 576526 to 576555 in the amount of \$33,660.44
- The Board has approved claims 576486 to 576525 in the amount of \$171,354.45
- The Board has approved claims 576444 to 576483 in the amount of \$233,784.33

#### PUBLIC HEARING – REQUEST BY MATT DUDLEY FOR A REZONE, CASE NO. RZ2021-0005

The Board met today at 9:06 a.m. to conduct a public hearing in the matter of a request by Matt Dudley for a rezone from an Agricultural zone to a Rural-Residential zone, Case No. RZ2021-0005.

Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Matt Dudley, Mike Dudley, Sherry Dudley, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that Mike Dudley was her middle school teacher but that will not affect her ability to issue an impartial decision. Commissioner Van Beek disclosed that Mike and Sherry Dudley are her neighbors but that will not affect her ability to issue an unbiased decision in this case. Jennifer Almeida gave the oral staff report. Matt Dudley is requesting a rezone of approximately 24.78 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The average minimum lot size in the "R-R" zone is two (2) acres. The subject property, R38656010 is located on the north side of Walker Road, approximately 1,700 ft. east of the intersection of Parma Road and Walker Road in Parma. The P&Z Commission recommended approval of the Rezone request on June 3, 2021. Staff recommends approval the request. Matt Dudley testified the subject property is bare land that he co-owns with his wife and his parents and they want to divide it into three lots for two homes and a shop in the future. The property is located within the Parma impact area. Portions of the land will continue to be farmed. Mr. Dudley would like the potential to divide the land for his young children at some point in the future. Following his testimony Mr. Dudley responded to questions from the Board. Mike Dudley testified about the pride ownership he has for maintaining his property and how he is excited to own this property with his son and plan for the future. Commissioner Smith asked Matt Dudley to talk about the large number of people who attended the neighborhood meeting. Mr. Dudley said there was a lot of unknowns as he started this process and the neighbors voiced concerns about the potential for weeds on the property and they did not want a large development so he explained what his intentions are for the property. Following testimony, Commissioner White made a motion to close the public hearing. The motion was seconded by Commissioner Van Beek and carried unanimously. Following the Board's deliberation Commissioner White made a motion to approve the request from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, as well as approve the FCO's and the ordinance. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Ordinance No. 21-020.) The hearing concluded at 9:36 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – SHORT PLAT FOR RYSLANCHIK SUBDIVISION, CASE NO. SD2019-0030

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Russ Damyan for approval of a short plat for Ryslanchik Subdivision, Case No. SD2019-0030. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Russ Damyan, and Deputy Clerk Monica Reeves. Dan Lister gave the staff report. The development consists of three (3) residential lots and one (1) common driveway lot. The parcel (R27916010) is located in an "R-1" (Single Family Residential) zone. The vacant property is located south of 5725 E. Orchard Avenue in Nampa. On November 21, 2019, the Planning and Zoning Commission recommended approval of the request subject to conditions. Both staff and the County engineer find the short plat meets subdivision requirements. The City of Nampa has signed the final plat. Russ Damyan was available to answer questions. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the short plat for Ryslanchik Subdivision and sign the findings of fact, conclusions and law and order. Commissioner Van Beek signed the final plat. The hearing concluded at 1:41 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 5, 2021

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:

- Architectural Class & Glazing in the amount of \$2,310.00 for the Facilities Department

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:47 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-900; 2021-897; 2021-893; 2021-808.

Case no. 2021-806 is pending a resource but meets all other eligibility criteria. Commissioner White made a motion to suspend the case pending resources. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case no. 2021-890 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens and lien releases were presented for Board signatures.

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

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*Note for the record: As properly noticed the Board met today at 9:03 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Controller Zach Wagoner, Facilities Director Paul Navarro and Fair Director Diana Sinner. The Executive Session concluded at 9:59 a.m. At the conclusion of the executive session Commissioner Smith explained that a portion the discussion concerned the action items as follows:

***Consider approving reimbursement of legal expenses to ICRMP:*** There are some things that are not covered by the policy and require reimbursement by the county. Upon the motion by Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve reimbursement to ICRMP in the amount of \$200,000 to cover exceptions under the policy.

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

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) FOR CANDIDATE INTERVIEWS FOR P&Z COMMISSIONERS

Commissioner Van Beek made a motion to go into Executive Session at 10:09 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz and DSD Planning Official Dan Lister. Candidate Tanya Robinson participated from 10:09 a.m. to 10:36 a.m., Candidate Laren Bailey participated from 10:37 a.m. to 10:56 a.m. and Candidate Brian Sheets participated from 11:00 a.m. to 11:38 a.m. The Executive Session concluded at 11:59 a.m.

at which time it was decided Director Fultz would make an offer to one of the candidates and will await the acceptance or decline of the offer. The meeting concluded at a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### CONSIDER SIGNING FY2022 INDIGENT DEFENSE FINANCIAL ASSISTANCE AWARD & AGREEMENT

The Board met today at 1:36 p.m. to consider signing the FY2022 Indigent Defense Financial Assistance Award & Agreement. Present were: Commissioners Leslie Van Beek and Pam White, Controller Zach Wagoner, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. Mr. Bazzoli said this agreement is similar to previous years and provided a review of how the PDC calculates their numbers. Mr. Wagoner spoke about how these monies are vital to providing adequate services. Mr. Bazzoli addressed several questions posed by Commissioners Van Beek and White. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the FY2022 Indigent Defense Financial Assistance Award & Agreement. The meeting concluded at 1:45 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH HR INTERVIEW COMMITTEE

The Board met today with the HR interview committee. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Deputy P.A. Zach Wesley, HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross.

*Note for the record: As properly noticed the Board met today at 2:39 p.m. for a meeting of the interview committee. A request was made to go into Executive Session as follows:*

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

Commissioner Van Beek made a motion to go into Executive Session at 2:40 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Deputy P.A. Zach Wesley and HR Generalist Jennifer Allen. The Executive Session concluded at 3:09 p.m. with no decision being called for in open session.

AUGUST 2021 TERM  
CALDWELL, IDAHO     AUGUST 6, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - **OUT**  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White – participated via conference call  
                 Deputy Clerks Monica Reeves

APPROVED CLAIMS

- The Board has approved claims for special jury in the amount of \$420.67

CONSIDER SIGNING FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR THE MATT WILKE REZONE REQUEST, CASE NO. RZ2020-0015

The Board met today at 8:51 a.m. to consider signing the Findings of Fact, Conclusions of Law, and Order (FCO's) for the rezone request by Matt Wilke of White Barn Real Estate, representing L & J Investments Idaho, LLC, Case No. RZ2020-0015. Present were: Commissioners Leslie Van Beek, Commissioner Pam White via conference call, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Dan Lister said the P&Z Commission had a tie vote when it considered this case. At the first hearing, the applicant requested it be tabled so they could bring in a development agreement because the neighborhood concerns made it so they wanted to consider some mitigation measures. In March of 2021, there were discussions about the development agreement with the conditional rezone to an M-1 zone and there was back and forth about mitigation measures. On April 15, 2021 the Board denied the rezone request and today the FCO's are coming back to the Board for signature. The findings express the Board's concerns that the area by Lower Pleasant Ridge Road and Weitz Road does not have any similar uses in that section. All industrial uses were on Simplot Boulevard and so it was decided that the mitigation measures would be hard to enforce and it would be better to wait until the properties are contiguous to similar uses such as industrial uses. It was a matter of timing. The FCO's reflect that it's agricultural land and it's a transition area from agriculture to industrial and there was not enough agreeance on mitigation measures to support the rezone. Commissioner Van Beek said after hearing many hours of testimony the Board tried to mitigate this, but the applicant was unable to agree to the conditions outlined on Condition D. There were some noise and safety concerns that they didn't want to pull back and it would have been hard on the County's code enforcement officer. This is a transition zone; it's not that there aren't industrial uses on Highway 19 but they are located on the corridor and this request was set back and separated by a parcel. There were farmers who testified about the productive farm ground in the area, and we have not identified a way to transition that, or at least the applicant couldn't get there from the conditions the Board laid out. Commissioner White said the applicant and the presenters have been very patient waiting for the FCO's and she thanked staff for submitting them. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCO's for the



Wilke rezone request, Case No. RZ2020-0015, which is a denial of the request. The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

GO ON THE RECORD TO CONTINUE THE PUBLIC HEARING REGARDING THE REQUEST BY JOEL MERRIAM, REPRESENTING SWAINSON'S POINTE SUBDIVISION, FOR A PLAT VACATION, CASE NO. VAC2021-0001

The Board met today at 9:02 a.m. to go on the record to continue the public hearing in the matter of a request by Joel Merriam, representing Swainson's Pointe Subdivision, for a plat vacation, Case No. VAC2021-0001. Present were: Commissioner Leslie Van Beek, Commissioner Pam White via conference call, and Deputy Clerk Monica Reeves. There is a lack of a Board quorum present today therefore the case needed to be continued. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to August 27, 2021 at 9:30 a.m. The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM  
CALDWELL, IDAHO    AUGUST 9, 2021

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

APPROVED CLAIMS

- The Board has approved claims 576556 to 576591 in the amount of \$30,311.16
- The Board has approved claims 576612 to 576651 in the amount of \$46,748.24
- The Board has approved claims 576716 to 576717 in the amount of \$9,184.55
- The Board has approved claims 576652 to 576715 in the amount of \$114,320.26
- The Board has approved claims 576718 in the amount of 200,000.00
- The Board has approved claims 576720 in the amount of \$575.00

MEETING TO CONSIDER PUBLIC COMMENT REGARDING SOLE SOURCE PROCUREMENT OF JOHN DEERE 644 P WHEEL LOADER FROM COASTLINE EQUIPMENT COMPANY

The Board met today at 10:07 a.m. to consider public comment regarding sole source procurement of John Deere 644P Wheel Loader from Coastline Equipment Company. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Solid Waste Director David Loper and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider authorizing execution of John Deere 644 P Wheel Loader from Coastline Equipment Company sales agreement after opportunity for public comment:*** This purchase will be made thru the SourceWell government purchasing program. In order to receive the equipment in early 2022 Director Loper will sign the sales agreement so that the build process can begin. A purchase order will be submitted to the Board for the purchase from the FY2022 budget. No one appeared to offer comment nor were any other comments received. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize the execution of John Deere 644 P Wheel Loader from Coastline Equipment Company sales agreement. The meeting concluded at 10:12 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH ADMINISTRATIVE DISTRICT JUDGE AND TRIAL COURT ADMINISTRATOR TO DISCUSS GENERAL ISSUES

The Board met today at 1:36 p.m. for a monthly meeting with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, TCA Jamie Robb, Judge Gene Petty (left at 1:48 p.m.), TCA Admin Supervisor Tara Hill (joined at 1:40 p.m.) and Deputy Clerk Jenen Ross. Judge Petty spoke about the history of closing state mental health hospitals and how that population of people has fallen to the criminal justice system. A workshop has been developed in an effort to bring together local leaders to discuss how the behavioral health system and the criminal justice system can collaborate better. The Idaho Supreme Court will be funding the workshop and Judge Petty has invited the Board to participate; the workshop is tentatively scheduled for October 18<sup>th</sup> and 19<sup>th</sup>.

#### EXECUTIVE SESSION – PERSONNEL MATTER

*Note for the record: As properly noticed the Board met today at 1:36 p.m. for a meeting with the ADJ and TCA. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 1:48 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. 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, TCA Jamie Robb and TCA Admin Supervisor Tara Hill. The Executive Session concluded at 2:08 p.m. with no decision being called for in open session.

The meeting concluded at 2:08 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 2:11 p.m. for a monthly meeting with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend, Assistant Parks Director Laura Barbour and Deputy Clerk Jenen Ross.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 2:12 p.m. pursuant to Idaho Code, Section 74-206(1) (c) regarding the acquisition of an interest in real property. 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, Parks Director Nicki Schwend and Assistant Parks Director Laura Barbour. The Executive Session concluded at 2:39 p.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said she would like options to be explored for fees at both Lake Lowell and Celebration Park to maintain staffing levels.

Director Schwend explained that recently there have been a number of education and trainings that have arisen. She let the Board know that that line item may go over because she doesn't want her staff to miss out on the opportunities since it has been nearly 2 years. If she does go over on this line she will work to make sure she is under on another line item.

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

#### MEETING TO REVIEW AND DISCUSS PROPOSED CHANGES TO RESOLUTION #19-145 REGARDING SALARIES FOR CANYON COUNTY PERSONNEL

The Board met today at 2:42 p.m. to review and discuss proposed changes to resolution #19-145 regarding salaries for Canyon County personnel. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, CCSO Financial Manager David Ivers, Chief Public Defender Aaron Bazzoli, Assistant TCA Benita Miller (left at 3:05 a.m.), TCA Administrative Specialist Tara Hill, PIO Joe Decker (arrived at 2:45 p.m.),

Controller Zach Wagoner (arrived at 2:53 p.m.), Other concerned citizens (arrived at 3:04 p.m.), TCA Jamie Robb (arrived at 3:11 p.m.) and Deputy Clerk Jenen Ross.

Commissioner Smith explained the reason for this meeting is to discuss how to move forward and gain an understanding of the compensation plan. She said she has received spreadsheets of the compensation plan but nothing explaining how it works. The compensation committee used to be a fairly robust committee but it is now down to just two members. She stated that the Idaho Constitution, under code 31-816, mandates and clearly defines the roles of County Commissioners which is to manage salaries and payments to employees. She thinks it's important for the BOCC to understand the compensation plan and administration of it. Currently the BOCC doesn't review any blue sheets outside of Board employees and she feels that resolution 19-145 is where the Board gave up their authority for managing the salaries and individual payments to employees. At the request of Commissioner White, Commissioner Smith reviewed the sections of the resolution where she feels the authority was given away.

Discussion topics surrounding the resolution include the following:

- The Board need to understand the compensation plan and be more actively engaged in the rubric and analysis of market data.
- The Board needs to take back the delegation of authority to the other EOs to set salaries.
- The HR Director needs to have enough experience the manage the plan and will report directly to the Board on salaries, not other EOs or a committee
- The Board will work with the other EOs to hear their needs and approve salaries from that process.

Commissioner Smith said she does not want to sign off on individual salaries but blue sheets [employee status change forms] should be reviewed by the Board per the statutory authority. Commissioner White said she feels that the Board determines salaries when approving the budget and that EOs should have the authority to set salaries for employees under their purview.

Further discussion ensued regarding changes in language the Board would like to see within the resolution. Commissioner Smith said that as the county moves forward with a new HR Director there needs to be a new process implemented, engagement of a full compensation committee with the appointment of new people to the committee. There needs to be an evaluation of the compensation plan to determine if it is working but for now it is the only plan in place and it's important in retaining employees.

Commissioner Van Beek expressed her concerns about fair compensation and making sure the Board has knowledge of reasoning behind salaries and/or increases.

Commissioner Smith said that a spreadsheet was recently provided to the Board of employees who have left since the compensation plan was implemented and it's a substantial amount of people. She acknowledged that the compensation plan needs work but right now, moving forward and making sure the Board is working with the other EOs and having 3 people review changes to any salaries is important. She feels there is value in having a committee that does the work. She

doesn't want to hire an outside consultant; the Board was not elected to get into the weeds and to do the specific work so the committee with an appropriate appointment of those positions is very important.

Commissioner Van Beek said that Ada County allows for citizens to have input on EO salaries, Commissioner Smith agreed that seemed like a good idea.

Due to rotation on the Board, Commissioners Smith and Van Beek would like to see a directive within the resolution that the committee report to the Board on an annual or bi-annual basis to make sure there is regular communication.

Based on a question from Commissioner White further discussion ensued regarding retention numbers.

Another meeting will be scheduled to review changes to the resolution.

The meeting concluded at 3:32 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 10, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Greg Blodgett, Interpretive Specialist

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Idaho Survey Group in the amount of \$1,000.00 for the Solid Waste Department

#### APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for County Line Wine CO LLC DBA County Line Wine CO to be used on 9/3/21; Grumps Wine Bar & Coffee Café LLC DBA Hyde House to be used on 8/27/21; Boyzee Inc DBA Capital City Event Center to be used 8/14/21

There were no meeting held this day.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 11, 2021

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

#### APPROVED CLAIMS

- The Board has approved claim 576712 in the amount of \$4,515.33

#### APPROVED CLAIMS ORDER NO. 2123

- The Board of Commissioners approved payment of County claims in the amount of \$1,635,050.83 for a County payroll

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Tricycle LLC DBA Eastside Tavern to be used 9/18/21; 9/11/21; 9/4/21

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Coastline Equipment in the amount of \$307,797.00 for the Solid Waste Department

PUBLIC HEARING TO CONSIDER A REQUEST BY LYNN STEADMAN FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0012 & SD2020-0039

The Board met today at 9:10 a.m. for a public hearing to consider a request by Lynn Steadman for a rezone and preliminary plat, case nos. RZ2020-0012 & SD2020-0039. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Lynn and Kyle Steadman, Jay and Leah Walker and Deputy Clerk Jenen Ross.

Jennifer Almeida added exhibit 26 as a late exhibit and provided the staff report. The Canyon county future land use map designates this property and the surrounding area as residential and the applicants request to rezone to R-R is in conformance with that designation. The surrounding land uses are as follows, to the north of the site is R-1 zoning and a platted subdivision (Oak Ridge Estates), east of the subject property is R-R zoning and a platted subdivision, south of the property is R-1 zoning and west is agricultural zoning and residential homesites. As shown on the zoning map the existing zoning destinations in the area to the west is R-R, north R-R, south is R-1. The request to rezone is similar to the existing uses and zoning that exists in the area. There are 33 platted subdivisions within one mile and those platted lots have an average lot size of 1.18 acres. Access to the lots 1 and 2 will be via Country Club Drive which is a public road, lots 3 and 4 will utilize a 30-foot shared ingress/egress easement and lots 5 and 6 will utilize Hillside Drive cul-de-sac for access. Individual domestic wells and septic systems are proposed and the property is located within a nitrate priority area. There is also a request for a preliminary plat for Steady Acres Subdivision. This subdivision contains 6 residential lots, pressurized irrigation is proposed and will be owned and maintained by the homeowner's association. Canyon Highway District reviewed the preliminary plat and provided conditions of approval. As conditioned all of the requirements of the highway district will need to be met prior to Board signatures on the final plat; the highway district is also a signatory on the final plat. Idaho Transportation Department had no objection to the request. Black Canyon Irrigation District provided comment in exhibit 20. They will require signed agreements be in place prior to any changes of their lateral or inner-irrigation facility that might be affected by the approved changes. As conditioned, the requirements of the irrigation district shall be met prior to the Board of County Commissioners signatures on the final plat. The planning and zoning commission did recommend approval of the rezone and preliminary plat. Staff is also recommending approval of the rezone and preliminary plat. Proposed findings have been outlined in exhibit 1 of the staff report.

In response to a question from Commissioner Smith, Ms. Almeida addressed the access issues that were mentioned at the neighborhood meeting. It seems as if most of the neighbors would prefer an access onto Purple Sage Rd. rather than the public roads above this site, however, access is determined by the highway district and they try to reduce additional access points onto Purple Sage Rd. The plat reflects the determination made by the highway district.

Commissioner Van Beek asked about elevation changes and the wetland area. Ms. Almeida said the elevation change of 9% would not trigger the hillside ordinance, typically those have to be 15% or higher. The area that showed up as wetlands on their layer is the area that runs directly thru the subject property, however, a jurisdictional determination was made by the Army Corp. of

Engineers that it wasn't waters of the US and therefore there was no concern, it's really just a drain and will likely remain open.

Jay Walker offered testimony in favor of the application. He feels that this project lends itself well to a transitioning area. The primary concern from the neighborhood meeting was access. They wanted to avoid additional traffic on Hillside Dr. and not utilize the old county public right-of-way that ran on the eastern boundary of Country Club Subdivision. Several neighbors had built into the easement and were concerned about that being disrupted. Mr. Walker said they took those concerns into consideration, adjusted and came up with alternate plans. House pad locations are far removed from the drain that runs thru the middle of the property. Additionally, Mr. Walker spoke about the letter received from BCID and the irrigation plan. Commissioner Van Beek asked about property owners building over the easement noting that is not the problem of those who come after, and for further clarification Mr. Walker explained that the space is actually a right-of-way. There were meetings with Canyon Highway District no. 4 and their document outlines the plan moving forward and the approval of the course of action. There have been 2 reviews done by county engineers and any changes have been incorporated. An NP study has been done and approved by DEQ.

Mr. Walker addressed questions from Commissioners White and Van Beek about ingress/egress access, crossing of the laterals and placement of well and septic.

Lynn Steadman offered testimony in favor of the application saying the main purpose of purchasing this property was to establish a home for his son and his family. They are hoping the properties will turn into small hobby farms or for equestrian use. He said that in working the land he did discover an old septic tank but he took care of it within SWDH guidelines.

Kyle Steadman offered testimony in favor of the application explaining that they did not want to infringe on what was already established by the surrounding property owners.

Commissioner White asked about the timeline for starting the project and dust mitigation. They intend to start within the next year. She requested of the applicants to have a dust mitigation plan in place which she assumes they will as they've already indicated they'd like to be good neighbors.

Late Exhibits 26 and 27 were entered into the record.

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

Commissioner Smith said that, from exhibit 27, the summary of the item to be constructed along the Conway Lateral needs to be added as a condition of approval and be constructed prior to signature on the final plat. Commissioner Van Beek is supportive of this requirement.



Commissioner Van Beek would like the preliminary plat to reflect the changes to no. 23 which deals with the septic, noting there was a collapsed septic found and properly backfilled per SWDH guidelines. She would like any documentation from SWDH to be included.

Commissioner Smith said that plat note no. 12 has a typo that needs to be corrected and recognize it will be zoned R-R. Commissioner Van Beek is in support of this.

Commissioner Smith feels the FCOs for the rezone are pretty thorough and supports approval of subdivision. Commissioner Van Beek seconds the thought and recommends approval on this as well as the preliminary plat with the recommended motion.

Commissioner Van Beek made a motion to approve the findings of fact and conclusions law and order and that the Board approve case no. RZ2021-0010 a zoning map amendment, a rezone from A (agricultural) to R-R (rural residential) for parcel no. R3804210 and approve the preliminary plat with the noted changes subject to the conditions of approval. Commissioner Smith noted that the rezone findings are available but the preliminary plat will have to be amended and signed later. The motion was seconded by Commissioner White and carried unanimously.

In response to a question from Commissioner Smith, Ms. Almeida said that since there some changes on the preliminary plat that will carry over to the final plat she would request an updated plat so that it reflects what was approved.

The hearing concluded at 10:16 a.m. an audio recording is on file in the Commissioners' Office.

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

Commissioner Van Beek made a motion to go into Executive Session at 1:34 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sheriff Kieran Donahue, Deputy P.A. Zach Wesley and HR Generalist Jennifer Allen. The Executive Session concluded at 2:36 p.m. with no decision being called for in open session.

AUGUST 2021 TERM  
CALDWELL, IDAHO     AUGUST 12, 2021

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

APPROVED CLAIM

- The Board has approved claim 576789 in the amount of \$1,814.56

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Global Industrial in the amount of \$1,002.99 for the Assessor's Office

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:47 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following case does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial with a written decision within 30 days on the following case: 2021-821

Case no. 2021-819 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with a written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

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

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

The Board met today at 9:01 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, Chief Deputy P.A. Sam Laugheed, Controller Zach Wagoner, Director of Indigent Services Yvonne Baker (left at 9:11 a.m.), Landfill Director David Loper and Deputy Clerk Jenen Ross.

***Consider signing public debt collection agreement with Advantage Financial Services LLC:*** The County has had a similar contract with another company but it appears they will be going out of business. The terms of this new contract are nearly the same as the previous and Mr. Laugheed said there are no legal reasons not to sign. Advantage Financial Services LLC was referred by CBI (the previous company) and it appears their practices are nearly the same. This service could be used by indigent as well as other non-court departments/offices. Additionally, there is no cost to the county, fees are paid by the debtor. Further discussion ensued regarding how the debt collection process works. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the public debt collection agreement with Advantage Financial Services LLC (see agreement no. 21-066).

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

*Note for the record: As properly noticed the Board met today at 9:01 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:13 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Sam Laugheed, Controller Zach Wagoner, Landfill Director David Loper. The Executive Session concluded at 9:42 a.m.

At the conclusion of the executive session the action item was considered as follows:

***Consider approving Tetra Tech Work Authorization No. 16 – conceptual layout of potential transfer station:*** Commissioner Smith said this is an action that will be handled by the Landfill Director David Loper. No Board action is necessary.

The meeting concluded at 9:42 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY MICHAEL & HEIDI WILLIAMS-BLACK FOR A PRELIMINARY PLAT FOR DESERT PINE ESTATES SUBDIVISION NO. 2: CASE NO. SD2020-0038

The Board met today at 10:04 a.m. for a public hearing to consider a request by Michael & Heidi Williams-Black for a preliminary plat for Desert Pine Estates Subdivision no. 2, Case no. SD2020-0038. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, Mike and Heidi Black and Deputy Clerk Jenen Ross. Ms. Almeida gave the staff report stating that the subject property is 27.55 acres located within Middleton's impact area, it is not within a floodplain. The applicant is requesting approval of a preliminary plat, irrigation and drainage plan. The subdivision property is zoned R-1, single family residential and all of the lots within the subdivision meet the minimum lot size in the R-1 zone. Future land use for this area is residential as shown on Canyon County's Future Land Use map and the requested preliminary plat is in conformance with the use that is designated for this area. Keller and Associates reviewed the preliminary plat finding that it meets Canyon County code. They did not have some conditions of approval in exhibit 6 and staff has added those to the recommended conditions of approval. Access will be via public roads. Individual domestic wells and septic systems are proposed for the project and the subject property is within a nitrate priority area. An NP study was completed for this project and is found as exhibit 9 of the packet. Pressurized irrigation is proposed to be provided to each residential lot. The planning and zoning commission recommended approval of the preliminary plat on April 15, 2021; staff is also recommending approval of this request finding that the plat meets Idaho code requirements and Canyon County code article 17. Proposed FCOs and conditions of approval were provided as outlined in exhibit 1 of the staff report.

Commissioner Smith asked about the conditions noted by the highway district, irrigation district and Southwest District Health. Ms. Almeida explained that SWDH and Canyon Highway District are both signatories on the final plat so their requirements have to be met or they won't sign the plat. In regard to the irrigation district, she thinks that may have been more of just a "catch all" from Keller and Associates to make sure that any of the requirements that Black Canyon Irrigation may have are met prior to any signatures on the final plat. Commissioner Van Beek would like additional documentation from Black Canyon Irrigation District prior to signatures on the final plat. Commissioner Van Beek asked additional questions about a private ditch thru the property, ingress/egress, the property being used for a storage facility and a turnaround required by the fire district.

Commissioner Smith asked about maintenance of the common lot, there hasn't been any additional information provided but it is labeled as a storm drain and utilities. Ms. Almeida said there is no proposed landscaping and that there are no landscaping provisions within the ordinance. It is the Board's discretion to apply conditions but without the ordinance in place to require it there would be nothing to tie back to.

Mike Black offered testimony in favor of the application stating that there would only be 3 lots, the NP study would not allow for 6. In regard to the question of a portion of the property being used for storage he indicated that he considered using it for RV storage sometime in the future. A temporary cul-de-sac was required for the fire turnaround. Access to the six acres is a full road, there were never any access issues to the 6-acre parcel. The common lot will be landscaped in grass. The Conway canal is on the eastern portion of property along the property line. The ditch to be abandoned is on the property itself and is just a ditch to serve this property. There will be nothing in place with the HOA in regard to the collection of data for the advanced septic system, the State of Idaho has a program in place for individual homeowners to report themselves. In response to a question from Commissioner Van Beek, Mr. Black spoke about where his irrigation water supply will come from. The HOA or a water user association will be responsible for maintaining storm drainage.

Further discussion ensued regarding the how reporting data of the advanced septic system would or should be handled and the potential effect it may have on this area remaining a nitrate priority area.

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

The revisions to the FCOs as requested by the Board are as follows: maintenance of the storm water, maintenance of the treatment systems, HOA to maintain lot 2, block 2 (common lot), comments needed from Black Canyon Irrigation District and removal of SWDH and Canyon Highway District as they are already signatories on the final plat.

Commissioner Van Beek made a motion that with those recommended changes to the conditions of approval and the preliminary plat, exhibit 2, she moves that the Board approve the preliminary plat for Desert Pine Estates Subdivision no. 2 case no. SD2020-0038 subject to fulfilling those five identified items before the final plat is brought back and signing the findings of fact and conclusions of law and order. The motion was seconded by Commissioner White and carried unanimously.

Ms. Almeida will make the recommended changes and bring the FCOs back to be signed at a later time.

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

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

The Board met today at 1:40 p.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and

Leslie Van Beek, Code Enforcement Officer Eric Arthur, and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Abatement process
- Current case load
- Possibility of moving weed complaints to Weed and Pest department to lighten Code Enforcement's cases
- Number of new employees needed to run department efficiently

The meeting concluded at 2:29 p.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS APPOINTING MEMBERS TO THE CANYON COUNTY COMPENSATION PLAN COMMITTEE, AND CONSIDER ADOPTING CHANGES TO RESOLUTION #19-145

The Board met today at 2:33 p.m. to discuss appointing members to the Canyon county compensation plan committee and to consider adopting changes to resolution no. 19-145. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Sheriff Kieran Donahue (left at 3:07 p.m.), Prosecutor Bryan Taylor, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Chief Deputy P.A. Sam Laugheed, Chief Deputy Sheriff Marv Dashiell (left at 3:07 p.m.), Controller Zach Wagoner, CCSO Financial Manager David Ivers (left at 3:07 p.m.), PIO Joe Decker, Director of Court Operations Jess Urresti and Deputy Clerk Jenen Ross.

Commissioner Smith explained she would like to get a compensation plan committee reassembled. She would like to have a committee of 7 consisting of 2 community citizens, 1 chief deputy, 1 supervisor, 1 customer service specialist, HR director and one member of the Board. Commissioner Van Beek is supportive of this proposal. She feels that whichever citizens are chosen should be informed on market trends and familiar with HR wage compensation.

Sheriff Donahue asked what's wrong with the committee currently in place. He has grave concerns about having citizens on the committee, they don't work for the county and he doesn't know of any other government entity that has citizens on their compensation committee. He feels that the committee needs to consist of people who are invested and are directly affected by the compensation plan. He wonders why not stick with what is already in place, there is a new HR Director starting soon, Controller and Chief Dashiell are still here, and the Prosecutor's Office should be involved.

Commissioner Van Beek said she's spoken with the HR Director in Ada County and they have had a process of having citizen input to provide checks and balances because they are part of the citizen base.

Commissioner Smith did clarify that she feels the Controller should be involved in the committee, especially for budget support. She is not opposed to having the PAs Office involved and feels it would be beneficial and helpful, however, the committee will not be making any legal findings, they will be a recommending committee, not a deciding committee.

In response to a question from Commissioner White, Commissioner Smith said this is an opportunity to update the committee and that change is good. There are still two members of the previous committee but this is a chance to move forward with new ideas. Commissioner White would like to see the committee members have terms so that people know what they're signing up for and there could be consistency within the Board and discussion/changes proposed. She is also not sure about having a member of the Board on the committee as the Board are the decision makers on the plan. Commissioner Van Beek feels that it is critical that a commissioner participate, or even all three commissioners if necessary. She feels that because it falls under the Board's statutory authority that commissioners need to understand the program. She would like to see the HR Director spearheading the committee with input from the committee that make recommendations to the Board. Sheriff Donahue clarified that the committee never made any decisions, they provided their findings to the BOCC for a decision. The committee doesn't have any authority to set salaries, it's all recommendation. Commissioner Van Beek feels the Board needs to be more actively involved in understanding the process.

Treasurer Lloyd said that there was approximately 2 years of work put into developing the compensation plan. She said there were several meetings held where the matrix of the compensation plan was explained. If there are inequities within the compensation plan now it is not because of the way the original compensation plan was set up, it has happened throughout the years when it hasn't been kept up. Commissioner Smith said that no one is judging the past process or committee but that there is currently a problem with retention. She said it is the Board's prerogative to reassemble the committee, the Board knows there is value in the committee and want to reestablish it and get them back, making sure they know they are reporting back and having a clear directive for them so that the Board has good, updated information in an economy that is changing right now.

Commissioner Smith asked if anyone had any input about having citizens on the committee. She personally believes that one or two citizens that come from the private industry helps the county because it is in competition with the private industry. Keeping up with trends from that world and having that input is valuable.

In response to a question from Commissioner White, Chief Dashiell said portions of the market study did carry over. At the time it was decided to develop a plan that would work for the county, not something developed by an outside agency. In the original establishment of the committee there was no consideration given to have citizens participate.

Mr. Laugheed spoke about the history of the compensation plan and committee. He feels that the market study done by Mike Swallow with Personnel Systems and Services (PS&S) was really good for the individual offices and department in terms of ranking their employees. Where it struggled was in the equity between the offices and departments, from his perspective that was reason for putting the committee together. The job began as an internal effort to establish equity across all departments.

Commissioner White asked if the plan just needs to be revised and brought current but still defensible and transparent. Mr. Laugheed explained the committee was set up to be independent outside of legal influence although legal would offer input. The math, the comparables, and the min., mid. and max are all still defensible.

Commissioner Smith doesn't believe anyone is questioning the defensibility or transparency of the plan but based on the turnover and termination sheet it doesn't appear to be working. She has heard from other EOs that the plan isn't work for officers or exempt positions, she feels it's time for it to be updated. The committee is incredibly important and she wants to make sure there is a strong committee in place.

Mr. Laugheed explained that while Deputy P.A. Porter did participate on the committee he was there as a key level employee and was not giving legal advice; legal advice was coming from himself. He does not have any legal concern with a Board member participating on the committee from a policy perspective. He did note that it may lessen the effectiveness of the committee, with the Board having final authority over the plan and Board member opinions weighing heavily it may reduce the candidness of the discussions.

Mr. Wagoner addressed the discussion regarding large turnover numbers; he would like to know how the determination was made that since 2016 there are only 200 employees still with the county. Commissioner Van Beek said the report that was provided indicated there was a turnover of 600 but it did include retirees, voluntary exit, and terminations. Mr. Wagoner said there are still 443 employees that were employed by the county in 2016. Further discussion ensued regarding the turnover rate since the inception of the compensation plan.

Commissioner Smith said there would need to be recommendations for the supervisor position, customer service representative, citizen input representative and someone from the PAs Office – the rest of the members would be assumed.

Prosecutor Taylor said it seems there has been conversation about the revised resolution without the other elected officials and he doesn't feel comfortable having a member of his office participate on the committee. For him there are a number of red-flags and he is still trying to figure out what the underlying issue is with the compensation plan. He feels that the compensation plan has done a good job for 80% of the employees but where it has failed is when it wasn't funded to its full capacity.



Commissioner Van Beek stated that in the process of recruiting for a new HR Director one consistent thread was that compensation is not a recruiting or retention tool, that there needs to be other things and the revised resolution identifies 5 factors that help including the culture, job security, recognition, compensation and that people understand the significance of their work to the success of Canyon County.

Assessor Stender pointed out that the county has not had an HR Director for several months and thought it may be prudent to wait until there is a new HR Director in place to receive input from them on the make-up of the committee. Commissioner Smith appreciates the thought but would like to see a committee in place to review the plan with consideration to the upcoming budget cycle and not knowing how long it will take to have a new HR Director in place. Commissioner Smith explained there are areas of the compensation plan that need to be fixed, and to address a question from Prosecutor Taylor, specific areas include exempt employees and the alternate naming of some positions allowing an increased pay scale along with other positions that have been brought to the Board's attention that need rectified. She would like to have a committee that can hear the concerns and make recommendations to the Board.

In response to Commissioner White's question about the end goal, Commissioner Smith said that there needs to be an updated plan, a process that allows for not just time and service but also considers certificates or degrees achieved and/or goals set out by leadership. She feels that having a plan based on years of service doesn't demand or encourage excellence. She also recognized that there are some positions that certificates can't be achieved so having a yearly plan is important for those positions. Mr. Laugheed said the original intent was to develop a base salary but once the base is set to add on the merit and performance aspects. Controller Wagoner said that for certain office and departments there is certificate or lead pay.

Commissioner Van Beek spoke about the wage comparison to Ada County and establishing a rubric. Additionally, she would like all departments and offices to be doing evaluations so that if there is a need to pursue a path of termination that there is clear documentation that would help on the legal side or as a tool to recognize outstanding performance.

Commissioner Smith asked if there needed to be cost of living increase in order to apply the step program of the compensation plan or did the Commissioners specifically cut the step program from the budget. Controller Wagoner said there was zero cost of living increases included in the 2021 compensation plan and he thinks compensation is an important part of hiring. The Clerk's 2022 suggested budget is a new approach; 7.5% COLA increase is to get county starting wages competitive. On top of the COLA a step increase, when and where approved by the Elected Official or department administrator, recognize employees that have been loyal and have improved/increased in skills and responsibilities. Commissioner Smith understands that but it was stated that in the previous 5 years the county lost employees because the Commissioners didn't approve the compensation plan steps, she asked if the Board did not approve the step increase per the plan? Controller Wagoner said that in some years the step that was approved was so minimal it was immaterial. The step program is not connected to the COLA. Mr. Wagoner said the proposed 7.5% COLA included in the Clerk's suggested budget moves the range forward and then

for those who qualify there is an additional step forward on the pay scale. Commissioner White noted that the step is not a given, it is up to the elected official or department head to determine that.

Commissioner Van Beek expressed her concerns about employees at the higher end of the pay scale receiving the largest increases and employees at the lower end of the pay scale receiving smaller increases. She feels that it's the employees on the lower end are the employees that the county is trying to retain. She also has concerns about funding more in salaries than is received in revenue. With this year's budget there is space due to the ARPA monies but in order to give ongoing wage increases it's important to know how they will be funded in the future because it will fall back on the taxpayer and it needs to be considered.

Commissioner Smith said there will be another meeting to appoint committee members. Commissioner Van Beek likes the idea of waiting until there is an HR Director in place to determine the committee. Commissioner Smith noted that interviews for the HR Director are being done next week so possibly re-evaluate the following week, she feels it's very important to put a committee back together even if it is changed in a few months. Commissioner Van Beek concurs with this timeframe and plan. Commissioner White would like to have time to make comparisons between the original and revised resolutions. Commissioner Smith said a draft resolution was put out and the Board welcomes comments. At this point another meeting to consider the resolution won't be scheduled because a lot of it is tied to the committee.

The meeting concluded at 3:29 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 13, 2021

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

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- SHI in the amount of \$72,120.52 for the Information Technology Department

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Two Horse Saloon, LLC dba Two Horse Saloon to be used 8/25/21.

#### CONSIDER RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO DANELION BREWERY, LLC; AND CONSIDER RESOLUTION GRANTING A REFUND TO BRIGHTMARK, LLC FOR TWO C.U.P. APPLICATIONS

The Board met today at 9:04 a.m. to consider a resolution granting a new alcoholic beverage license to Danelion Brewery, LLC, and to consider resolution granting a refund to Brightmark, LLC, for two conditional use permit applications. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Consider signing resolution granting a new alcoholic beverage license to Danelion Brewery LLC DBA Danelion Brewery:*** Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the new alcoholic beverage license to Danelion Brewery, LLC, dba Danelion Brewery. (Resolution No. 21-169.)

***Consider signing a resolution granting a refund to Brightmark, LLC, for two conditional use permit applications:*** Director Fultz said this was an application for a CUP for an anaerobic digester project, but it's an accessory use rather than a conditional use, so staff is recommending a refund of \$1,700. The applicant will come back for a Director's decision. Dan Lister said there is an existing dairy operation and this is an accessory to that use and a way for them to create natural gases. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the resolution granting a refund to Brightmark, LLC, in the amount of \$1,700.00. (Resolution No. 21-168.)

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

#### TABLE HEARING REGARDING REQUEST BY SILVIA CASTRO FOR A REZONE, CASE NO. RZ2021-0009

The Board met today at 9:09 a.m. to table the public hearing regarding the request by Silvia Castro for a rezone for Case No. RZ2021-0009. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Commissioner Smith requested a continuance in order for staff to conduct a site visit of the subject property and come back with an updated staff report. Upon the motion of Commissioner White

and the second by Commissioner Smith, the Board voted unanimously to table the hearing to August 30, 2021 at 9:00 a.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO     AUGUST 16, 2021

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

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

The Board met today at 10:38 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioner Keri Smith, Commissioner Pam White via teleconference, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- Working to put bids together for FY2022 equipment including the carwash which he is hoping will be able to be purchased thru SourceWell or OPW. Once the carwash is ordered it will take approximately 24 weeks to be delivered.
- A truck for the landfill was ordered in January but still hasn't shown up but he is hoping it will show up before the end of FY2021. Since it is for the Solid Waste department there would be the option to purchase another truck or hold until next year since their funding works a little different.
- He is continuing to work with ICRMP regarding a damaged vehicle that he feels is borderline totaled. If he's not able to work something out with ICRMP he may need to get legal involved.

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

AUGUST 2021 TERM  
CALDWELL, IDAHO     AUGUST 17, 2021

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

APPROVED CLAIMS

- The Board has approved claims 576790 to 576820 in the amount of \$25,373.47.

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for LaDawn Baysinger, Fee Collector

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

*The Board met today at 8:33 a.m. for an Executive Session to consider preliminary negotiations involving trade or commerce in which the County is in competition with governing bodies in other states or nations, pursuant to Idaho Code Section 74-206(1)(e)*

Commissioner White made a motion to go into Executive Session at 8:33 a.m. pursuant to Idaho Code, Section 74-206(1) (e). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Brooklin Salemi and Randy Tallman, via Webex, and Deputy Clerk Monica Reeves. Deputy PA Doug Robertson joined at 8:39 a.m. via Webex. Commissioner Keri Smith arrived at 8:44 a.m. The Executive Session concluded at 8:50 a.m. with no decision being called for in open session.

CONSIDER SIGNING FCO's FOR DESERT PINE ESTATES NO. 2 AND STEADY ACRES SUBDIVISION

The Board met today at 9:00 a.m. to consider signing the Findings of Fact, Conclusions of Law and Order (FCO's) for Desert Pine Estates No. 2 and Steady Acres Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, DSD Director Steve Fultz, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Consider signing FCO's for Desert Pine Estates No. 2, Case No. SD2020-0038*** - Staff reviewed the conditions of approval with the Board. Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to sign the FCO's for Desert Pine Estates Nos. 2.

***Consider signing FCO's for Steady Acres Subdivision, Case No. SD2020-0039*** - At the last hearing the Board wanted to correct a word on Plat No. 12 and add a note indicting that a septic system was found on the site including the lot number on which it was located and that said system was pumped and properly backfilled pursuant to SWDH and DEQ standards. Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to sign the FCO's for Steady Acres Subdivision.

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

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

The Board met today at 9:07 a.m. to interview and evaluate candidates for the Director of Human Resources. Commissioner Van Beek made a motion to go into Executive Session at 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding a personnel matter and to discuss records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White, and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, HR Generalist Jennifer Allen, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Applicant Michael McCoy arrived at 9:10 a.m. and left at 9:59 a.m. Applicant Dee Hall arrived at 10:08 a.m. and left at 10:46 a.m. Applicant Kim Foster arrived at 10:55 a.m. and left at 12:07 p.m. The Executive Session concluded at 12:18 p.m. with no decision being called for in open session. Interviews will resume tomorrow. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

AUGUST 2021 TERM  
CALDWELL, IDAHO     AUGUST 18, 2021

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Timberlake Construction in the amount of \$18,462.00 for Facilities Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Coronar LLC dba Los Mariachis Mexican Restaurant #2 to be used 8/21/21; Raising Our Bar LLC dba Raising Our Bar to be used 9/24/21; 9/24/21; 9/19/21; 9/18/21; 9/17/21; 9/12/21; 9/11/21; 9/10/21; 9/9/21; 9/6/21; 9/5/21; 9/4/21; 9/3/21

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

The Board met today at 9:00 a.m. to conduct a public hearing in the matter of a request by Troost Family Living Trust and Best Investments, LLC, for a rezone, Case No. RZ2020-0029. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, TJ Wellard, Greg Bullock, C.R. Cooper, Jan Harper, Sarah Lawrenson, Bryan Lawrenson, Gary Beers, Fred Roe, Theresa DiMauro, Patricia Salisbury, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed she used to live within 100 feet of the property, and a lot of her neighbors and good friends are here today, including the person who purchased her home but there is no reason for her to recuse herself from this hearing. She also disclosed that prior to taking office in January she talked to the Lawrensens about this case in a way that was general in nature and she referred them to the comprehensive plan and the zoning ordinance.

Jennifer Almeida gave the oral staff report. Troost Family Living Trust & Best Investments, LLC are requesting a rezone of three (3) parcels that total 24.31 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The subject properties, parcel nos. R35590012, R35598010A, & R35598014 are located in the NW ¼ of Section 32, T4N, R3W, BM, in Canyon County. The property is designated as residential on the future land use map and it lies within the Caldwell area of impact and they designate it as low-density residential which is three dwelling units per gross acre. The

area contains a mix of agricultural and residential uses. Within one mile of the site there are 30 platted subdivisions for a total of 1,181 lots with an average lot size of .69 acres. (Some of the lots are located within the city limits which is why the average seems low.) A majority of the property is designated as prime farm ground if irrigated. Access will be via Tranquil Place which is a private road that extends to Linden Street. The highway district will not require a traffic impact study. The P&Z Commission heard the request on May 6, 2021, and the request was denied due to a tie vote. Staff has found the project does comply with the County code and the comprehensive plan and staff is recommending approval. If the request is approved today a second hearing will be required because it will be a material change to the P&Z Commission's recommendation.

The following people testified in support of the request:

TJ Wellard testified the property is designated in the comprehensive plan as future residential. There are 1,100 lots within a mile of the subject property, and a lot of the property that is residential use are older subdivisions or administrative land divisions so they are not zoned as residential, all of the use is residential. The area is predominately residential use. With the rural residential zoning they would be allowed a total of 12 lots, but they have negotiated with the neighbors to keep it more compatible with the area so they reduced the number of lots to 10. The neighbors' concerns deal with traffic and water. The Caldwell city limits are located a half-mile away. The plan is to have pressurized irrigation for each lot. Following his testimony, Mr. Wellard responded to questions from the Board.

Greg Bullock testified that in 2011 a developer purchased several acres and received 5 administrative splits and broke up 78 acres and then realized nothing would sell so in 2013 they decided to donate the land to NNU. Mr. Troost purchased it with another partner. The project, Rhett's Acres, consists of 10 lots and the developer has hired a contractor to pave the private road. In a couple years the land will be contiguous to the city limits and they will be allowed to have three lots per acre. Mr. Bullock said after meeting with the neighbors they reduced the number of lots and agreed to some CC&R's. Mike Provost has farmed this but has said he is about done with it because of access issues for the machinery. Irrigation will be provided to all parcels either by gravity flow or pressurized irrigation.

Sarah Lawrenson testified she hates to see farmland disappear but we have to be realistic when looking at the facts of the case. The property is located within the impact zone which could allow as many as three homes per acre and if the developer wanted to wait for water and sewer this is what they would be looking at. The property is not owned by farmers, it's currently owned by developers so it will get developed one way or the other and a two-acre minimum is better than a high-density development. The rezone is in keeping with the current lots around us. She still has questions about irrigation.

Gary Beers testified the petition signed by the neighbors represents they have concerns with explosive growth and its impacts, however, they are better aware of the other agencies that are responsible for addressing concerns about irrigation access, water quality and road impacts. Their preference is the land be kept in agriculture, but they recognize the inevitable development of this



land and believe that in supporting the change to rural residential they are best positioned to limit the impact of future development by a zoning that restricts the number of houses to the least possible residential density in comparison to other residential zoning options.

Brian Lawrenson gave testimony regarding the flow of traffic and access on Linden Street.

The following people testified in opposition to the request:

Fred Roe has mixed feelings about the request but is basically opposed to it due to concerns with irrigation water and well water and the lowering of the aquifer. He believes the developers should tile the ditch to Linden Street.

Theresa DiMauro testified about her concerns regarding traffic, irrigation, and well water, as well as the city not being able to keep up with the demand for services.

Patricia Salisbury was opposed to the request but did not offer testimony.

Rebuttal testimony was offered by Greg Bullock where he spoke about how they have spent a lot of time working with the neighbors. There will be CC&R's where the homes have to have a minimum of 1,800 square feet, and shops will be allowed but they have to have matching material to the homes. A couple of animals will be allowed on each lot. Following testimony, Commissioner White made a motion to close the public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Van Beek said she appreciates the developers' willingness to work with the neighbors and she noted that the Board carefully evaluates the impacts to the area. Commissioner Smith said this is a good transition piece and there is the opportunity for redevelopment. It is an agricultural area that is actively farmed and crop dusted, and there is one subdivision across the street that's residential. She does not think the development will change the character of the area, but a city subdivision would change it. Commissioner White said this hearing is an example of how to adjust and approach growth through collaboration. Following the Board's deliberation Commissioner Van Beek made a motion to approve the request from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, as well as approve the FCO's for Case No. RZ2020-0029. The motion was seconded by Commissioner White and carried unanimously. The ordinance was not signed because a second hearing will be held. The hearing concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner White made a motion to go into Executive Session at 1:39 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on

the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Deputy P.A. Zach Wesley, HR Generalist Jennifer Allen and the applicant Christopher Gilliam (left at 2:43 p.m.). The Executive Session concluded at 3:14 p.m. At the conclusion of the executive session the Board continued the meeting to Friday, August 20, 2021 at 1:15 p.m. The meeting concluded at 3:15 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### FY2022 BUDGET HEARING

The Board met today at 5:21 p.m. to conduct the Fiscal Year 2022 Budget Hearing. The hearing was held in the public meeting room of the Administration Building located at 111 11<sup>th</sup> Avenue North in Caldwell. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Treasurer Jennifer Mercado, PIO Decker Chief Probation Officer Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Public Defender Aaron Bazzoli, Sr. Systems Analyst Steve Onofrei, Landfill Director David Loper, Juvenile Detention Center Dir. Sean Brown, DSD Director Steve Fultz, Weed Control Superintendent AJ Mondor, Parks Director Nickie Schwend, Indigent Services Director Yvonne Baker, Juvenile Detention Center Director Sean Brown, Assistant IT Director Eric Jensen, Director of Court Operations Jess Urresti, PA Office Manager Melinda Longoria, Deputy PA Zach Wesley, Captain Harold Patchett, Lt. Travis Engle, Fleet Director Mark Tolman, Assistant Fleet Director, Dawn Pence, Ambulance District Director Michael Stowell, various county employees, Kathy Alder, Claudia Frent, Steve White, Hip and Anne Delgado, other interested citizens and Deputy Clerk Monica Reeves.

Chris Yamamoto said tonight's budget presentation will be the greatest budgetary story any county has ever told. There was an op-ed in Sunday's newspaper and he wants to go over those comments that were made and set the record.

Zach Wagoner said *the article in Sunday's newspaper stated there has been 6.5% year-over-year increase in salaries for new and existing employees since 2016. Since the 2016 implementation of the compensation plan, the annual average salary increase for employees is 3.5% per year:*

For FY2017 the average salary increase was less than 1% increase (included both a COLA and a step increase)

For FY2018 the average salary increase was 4.9%

For FY2019 the average salary increase was 4.6%

For FY2020 the average salary increase was 4.9%

For FY2021 the average salary increase was 2.1% (Zero COLA included in the FY2021 budget)

*It was stated this equates to an increase in property taxes of \$19M. In reality the total of those increases was \$7M and the County revenues outside of property tax over the same time increased \$14M, more than covering the \$7M in salary increases.*

*It was stated that since 2015, property taxes have increased more than \$19M. That is an accurate statement. It's important to note that in FY2015 we relied heavily on fund balance to fund the budget. We provided significant property tax relief FY2009 through FY2015. In 2009 we levied \$38M in property tax. Through prudent fiscal management we were somehow able to decrease our property tax request by \$4M, and FY2015 was the low point where we used fund balance to fund the budget. Since then we've had the shift – you cannot rely on fund balance forever, once you spend a dollar it's gone. In the 14 years since 2009, the average annual property tax increase is 3%. State law allows an increase of 3% plus new construction, so we are significantly below what state law would afford us to levy for property tax.*

*It was stated that salaries, if this budget is approved, would have increased more than \$24M. From FY2015 including the tentative FY2022 budget, the salary increase would be \$15.5M.*

*The article mentioned a lack of a capital improvements plan with a corresponding funding source for projects including a new public safety building. The questions are what is the new public safety building and what is the funding source for the new public safety building?*

*It was stated the County's fund balance has more than doubled at \$79.9M since FY2015. County fund balance has increased 65% since FY2015. The FY2015 fund balance was \$48M and it's estimated that at end of the current fiscal year it will be \$79.9M, an increase of \$31M/65%. If the fund balance were to have doubled it would be over \$96M. It's also extremely important to note that out of that \$79.9M, \$25 million is reserved and restricted for specific purposes including the landfill, but not all of that \$80M is freely available to use at our discretion.*

*It was stated that there was a lack of transparency in the use of federal funds under ARPA. American Rescue Plan Act revenue replacement funds are clearly identified and included in the FY2022 budget.*

Commissioner Van Beek said in 2015 the property taxes levied were \$34,656,753 according to the CAFR report and in 2020 it was \$53,867,654. The question about the public safety building has been asked and finding the revenue source for that is under the statutory authority of the Clerk. She has made several proposals on that, but we have not thoroughly discussed those proposals yet. The average increase year-over-year was taken from 0% increases and in some instances up to 30% increases so it was an average. It matters which year you look at for those fundings, and if in the numbers for the \$19M if we had \$6.2M that would equate to \$24M property taxes levied. It has been an increase of \$19M since 2015.

Controller Wagoner reviewed the FY2022 tentative operating budget. This is the second year Canyon County is decreasing its property tax request. It is \$286,000 less than last year's request

and \$434,819 less than the 2020 property tax request. For the second year in a row the County is taking zero (0) new construction increase, and zero (0) 3% increase, and once again the County is requesting zero (0) from forgone.

The levy rate decreased 40%. That is tremendous, however, for an owner-occupied residence taxes paid increased 15% while the rate went down 40%. That's happening because residential property values are skyrocketing. The average owner-occupied residence value has increased 76% over five years resulting in a tax shift from commercial properties to residential properties.

Earlier this year the Clerk, Treasurer, and Assessor put a great deal of time, work, and effort into providing property tax relief for homeowners. Working together with Rep. Skaug and local concerned citizens they crafted a masterpiece of legislation that would have provided real property tax relief to everyone including homeowners. That proposal was co-sponsored by 48 representatives and senators, but unfortunately it did not even receive a hearing. HB389 increased the maximum homeowner's exemption amount to \$125,000 and limited property tax increases with an exception for a fire protection district annexing property.

The budget includes over \$75M for employee salaries and benefits. Within that amount is a \$5M investment in our current personnel. Also included is \$2.8M for 35 new fulltime positions. Of those 35 positions, 20 are in response to the addition of three new judges the County will receive in October.

The total expenditure budget is just over \$117,341,644. The budget includes a total investment of almost \$42M for operations and capital improvements including the following highlights:

- \$10M for the Fair exposition center and site improvements project
- \$1M for general vehicles, police vehicles and trucks
- \$560,000 for a loader and service truck at the landfill
- \$1.4M for the annual lease payment for modular inmate housing
- \$800,000+ for facilities investments
- \$500,000 for a fleet carwash
- \$170,000 for a jail body scanner

Also included in the budget are ARPA monies. The American Rescue Plan Act provides that Coronavirus local fiscal recovery funds may be used for the provision of government services to the extent of a reduction in revenue due COVID-19. Prior to COVID-19, Canyon County's general revenue growth rate was 10.5% per year. Canyon County's estimated 2020 general revenue WITHOUT COVID-19 is \$106M. COVID-19 interrupted our 2020 revenues. The actual 2020 general revenues were just over \$100M. The revenue reduction, as a result of COVID-19, is \$6.1M and is available from ARPA monies for the provision of government services. The tentative budget includes the following government services paid for with ARPA funds:

- \$70,000 for outside financial audit
- \$85,000 for architect fees

\$255,000 for the roof replacement on Pod 5  
\$850,000 for annual liability insurance premium  
\$501,000 for public safety vehicles  
\$1.4M for the annual lease payment for inmate modular housing  
\$895,000 for inmate food service  
\$1.8M for inmate medical service  
\$170,000 for the jail body scanner

Clerk Yamamoto does not like the idea of the ARPA funds but said if we don't take our share it will go to other communities. With the unprecedented growth it's getting expensive and difficult to provide services which is why they are adding 35 new positions. We are doing that and raising salaries to attract and retain employees and we're doing all that while lowering the budget from the last two years while having a \$79M fund balance and that should be a celebration. Commissioner Smith thanked the Clerk for preparing a budget that took care of the taxpayer with property tax relief, and took care of the employees. She asked if ARPA funds can be used for ongoing costs, or should those costs not be included? Clerk Yamamoto said we have just under \$23M, which is half of the ARPA funds that have been in the bank for the past month, and the expenses they plan to cover with the \$6.1M in ARPA funds do fall within the guidelines. Sam Laugheed said the Clerk, Controller, and Treasurer have looked at this extensively and as of the last version of the FAQ's from the Treasury and the Office of the Inspector General, it split the ARPA funds in two: the ones that are revenue replacement and the ones that have to do with COVID response. As of the last FAQ's, he is very comfortable with the approach the Clerk and Treasurer have laid out. Commissioner Van Beek said Rep. Youngblood advised the City of Nampa officials not to use ARPA funds for ongoing expenses. Of the \$6.1M there are two one-time costs: the \$255,000 for the Pod 5 roof replacement and \$85,000 for architectural fees for the storage facility, but the balance of that is for the ongoing expenses. She objects to the \$1.4M for the Pod 6 lease. She said the County has several years to figure out how to use the ARPA funds and the Board should be involved in looking at how to utilize that. Sam Laugheed reviewed the FAQ's promulgated by the Dept of Treasury as of June 17, 2021, and said the interim final rule gives broad latitude to use funds for the provision of government services. We can't pay interest or pay down outstanding debt, or replenish rainy day funds, but otherwise we have broad latitude. Clerk Yamamoto said we can remove the \$6.1 million and it would be replaced by property tax which would go up \$6 million and then we'd have our full almost \$23M in still in the bank to spend somewhere else. We have the opportunity to spend this for replacement monies and this is the only opportunity we have to do that, which is relief for the taxpayer. Doing anything otherwise makes no sense. Commissioner Van Beek said the cost of living adjustment was included with the salary increases going forward last year. For 2020 it was 1.3%, this year the information coming from the Social Security Administration for the cost of living increases says it could be the highest in nearly 40 years. In 2022 they are predicting an increase of 6.2% so the way this would work it would mean that you would eliminate salary increases, you would not give those at this time, you would wait until the end of the year, and December is when the Social Security Administration publishes their numbers for the actual costs of COLA's. Her proposal is to onboard an HR Director to do the salary information and then open the budget and give an accurate cost of what COLA is. She pointed out that she did lobby to include some type of adjustment for some directors that

were not included. Commissioner Smith said, as part of the budget hearing tonight, the Board is not approving a compensation plan nor is it approving any specific salaries. Controller Wagoner said that is correct; the Board is considering approving the FY2022 budget, not fixing individual salaries. The practice in prior years has been that closer to October 1<sup>st</sup>, the start of the new fiscal year, individual salaries are fixed at that time by resolution. Commissioner Smith said the budget theoretically gets approved today and then the Board establishes or updates the compensation plan. In past meetings she has said she wants to “blow up the plan”, but the context behind that is she believes there are issues with the compensation plan. She shared her own personal story about why she left County employment a few years ago because of the lack of opportunity to grow and have compensation that was equitable for the education she had garnered and the amount of work she produced, and so she personally thinks the plan needs fixed or updated, not so much as blown up. Assuming the Board makes those changes, she asked what the Board has in its toolbox to make adjustments once the budget has been passed. Mr. Laugheed said the main limitation on changing the budget after it’s been passed is making sure there is notice and opportunity to be heard if you’re going to reopen the budget. If you are committed to working within the amount the budget has been passed, the main limitation is staying within that sum. Canyon County is an at-will employer, employee salaries are fixed for the year, and there are changes throughout. The statutes have a little bit of ambiguity about how exactly the Board is supposed to set those salaries, but once you have approved the budget you can work within it to make changes. Commissioner Smith noted some budgets could go up or down based on the type of equity the Commissioners establish. Mr. Laugheed said we would run into a potential problem. There are two different statutes that are on-point with respect to this, and one of them requires the Board to publish the tentative budget and it says after that tentative budget is established at this final budget hearing it cannot go up. In that tentative budget the statute requires us to publish the proposed budgets by department and by office and so there is some ambiguity as to whether that prohibition on increasing the budget applies to the big \$117M number, or if it applies to the office/department numbers and so if you were to take appropriated monies away from a given office to redistribute them to another office or department there could be issues with the funds involved because of restrictions and there could be issues related to the due process notice that was given. It’s a slippery concept. The Board can do most things with notice, opportunity to be heard, and a record that that shows a reasonable purpose. Clerk Yamamoto said in regard to moving within funds that is historically something we have not done. Commissioner Smith asked if it requires Board action to move money from an office’s “A” budget to their “B” budget and vice versa. Controller Wagoner said that happens after Board approval/resolution, and generally how that’s happened in the past is towards the end of the fiscal year, once we get close to having all the bills paid, he puts together a resolution for the Board to consider approving those transfers. In regards to the issue of COLA’s, Clerk Yamamoto said he had no intention of the suggested budget with the COLA that we ended up with right up until the Sheriff’s Office lost three (3) dispatchers to the City of Nampa. We are down 12 employees in the jail, and we are down to 5 patrol deputies on the road now and so we have to do something, we have to get competitive. With the package that’s being proposed in this budget we are not competitive, all we are doing is getting a little closer.

Public comment was as follows:

Kathy Alder appreciates the fact the County is not increasing taxes, but she would like to see a tax reduction. If the County takes the federal funds it provides an opportunity to reduce property taxes even more than a couple hundred thousand. Salary increases for employees is important and she believes the County does a good job the basic salary and benefits package. She noted increases in the Clerk's and Commissioners' salaries since last year. She believes what the County is using the \$6.1M ARPA funds for looks good, but said we need to be careful moving forward and look at the budget and reduce the property tax.

Claudia Frent thanked the County for not increasing the percentage in property taxes, but she disagrees that property taxes are not going up. Her income went down 30% this year and property taxes increased by \$1,800, and if that rate continues she will have to sell her home. She believes the country is heading in a bad direction but those who are elected are not doing anything about it and she's worried about a two-class system of the rich and poor being created. She wants to see a real solution to the property tax issue.

Clerk Yamamoto said we know the taxes are going up on residential and they are going down on commercial where we have a 70/30 split and they tried to get through to the legislators that we need to do something about that differential. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner White read a statement expressing her gratitude for the work employees and officials do. She thought Commissioner Van Beek's comments in the newspaper were bold, but they did note that the County did not take the 3%, or new construction, or forgone for the second year in a row. She said the employees are the greatest asset the County has and we have to update the compensation plan. Commissioner Van Beek said in FY2020 the elected officials took a small increase in salary but last year they opted to take no increase. We don't have a placeholder for non-property tax revenue and property tax revenue, and with the commitment of this Board to evaluate that we accurately pay our employees, especially given the information she has researched tonight on the cost of living adjustments, that will have to be made because of the current climate we are living in. She has a greater appreciation for what's been presented as a great story. Commissioner Smith said her only concern with the budget at this time is the frustration that we are not 100% open. COVID is real, however, we have to learn how to live with it. Nearly all of our employees are back to work but there is one area that recently stopped business, per se, jury trials are not happening in Canyon County, but the taxpayer has to keep paying for that and there are 21 new positions tied to three new magistrate judges and she is deeply worried about funding those positions. We can shop at Walmart and Home Depot and join in this room tonight, but we aren't holding jury trials? That's upsetting to her. She shared a story about a woman who was standing on the sidewalk in front of the courthouse and she spoke of a crime (a rape) where the defendant did not have to serve jail time because of the plea bargaining that's going on and that is a sad situation. The detriment of COVID is beyond those who have gotten sick and for her, personally, if we cannot hold trials we should not fund new positions. Commissioner Van Beek said the previous Board asked this question of the Clerk and Controller last year, and in light of what's taken place since the decision was made last year she met with Rep. Mike Moyle and he said the judicial positions can be unwound at the legislative level, and he



said if we don't need them in Canyon County the legislature will not hold the County to it. She agrees with Commissioner Smith. The County has taken the position and has received a number of emails asking the County to protect freedom and personal choice which would include a decision whether or not to wear a mask or get a vaccine. If the proposal is to remove funding for those positions she will second the position. There is a period where Commissioners can make adjustments by opening the budget and if there was movement forward in holding jury trials that could be brought back for Board consideration/approval. Commissioner White asked why we need three new judges if we aren't going to have jury trials. Prosecutor Taylor said jury trials are only one small component with regards to court operations. The State of Idaho has funded two new magistrate positions and one new district court position and a previous Board authorized that. The vast majority of court operations will continue; the magistrate judges will have full dockets and full calendars and we are going to have court trials, proceedings, pre-trials, motions to suppress, and there will be civil dockets the Clerk's Office will have to manage. The only thing the administrative order currently does not authorize is for the public to come in as jurors to have jury trials. We are still operating at 95% of those court dockets and without the positions we won't be able to staff the courtrooms. Clerk Yamamoto said the order curtailing trials and imposing a mask mandate is a recent occurrence and he hasn't had time to deal with it. He emailed the Administrative District Judge today and asked him to lift the mask mandate, but he has not received a response. Commissioner Smith said she was notified of the issue on Monday, and her point is we should be open and offering all services to our constituents. She wants to have a conversation with the ADJ and come up with a solution because if we can shop at Walmart and live our lives then we should be safe to assemble in a jury room. She's proud of the staff at drivers license and the DMV who've had a tortuous year and showed up for work every day and we can do the same for jury trials. Commissioner Van Beek the Board has always encouraged personal choice, hygiene, and self-care and we can be smart about the things that protect our level of health and safety. It was her understanding of the meeting held last year with the TCA, that if Canyon County had not opted to add the three judges they would have done it at a different location. The Board provided support for those new positions. Mr. Laugheed said the County's role in approving those magistrate positions is really limited and has to do with whether you would be willing and able to budget for the ancillary services the new judges would require. The concern, along with the short amount of time to consider this, would be the impact of cutting it. He doesn't know that it would affect the new judges coming over so much as it would affect the people who have court and the PA's staff who need to provide the services. He encouraged the Board to have those policy discussions with the TCA and judiciary but right now it would be problematic to cut the positions. Clerk Yamamoto said he had a conversation with Chairman Smith who broached the subject of cutting 21 new positions. He said the courts will suffer and it will be a grievous situation but if she wants to make a political point that's a big one. Chief Public Defender Aaron Bazzoli said we are not having jury trials right now, but from March until mid-August we were doing jury trials and running them on a limited basis. The administrative order is temporary based upon the Supreme Court's order that has authority over the judges. We would love to have trials and he would love to have his clients who have been waiting 16 months to have their day in court. The County can say it's not going to fund the positions, you will start in October with two new magistrates and one new district judge, with potentially an empty courtroom without prosecutors, defense attorneys, clerks, court reporters, or bailiffs, and he doesn't know how that's going to look. The jury trial



aspect in a criminal caseload is one small component. If the numbers scale down in the next couple weeks, Judge Southworth could lift that order and we would do jury trials. That is the hope. He asked the Board to address the issues with the Supreme Court and the ADJ. His department, along with the PA's Office and the Clerk's Office have never shut their doors. PD's have gone to the jail and met with inmates. Courts are still running and the system is still working. A number of things have been delayed but we had 40 people in a courtroom today, most with masks. He doesn't know if not funding those positions is going to achieve the results the Board needs, and if that's the case then perhaps don't hire the employees until everybody is ready. Commissioner Smith said ADJ Southworth confirmed via email that the Supreme Court placed the responsibility for entering COVID restrictions on the ADJ of each district. He chose that route. The Board will do as recommended because a rash decision would be rash, and we have opportunities to manage that moving forward but still fund the positions at this time. Clerk Yamamoto agrees with Commissioner Smith that a point needs to be made. This COVID control will continue forever until the American people have had enough. It needs to stop. He wants to make a point in this courthouse but at this late date it wouldn't be very nice.

Commissioner White made a motion to approve the presented budget for Canyon County for FY2022. Commissioner Smith then read the resolution into the record which states: *"As publicly noticed, and pursuant to Idaho Code §31-1604 and §31-1605, the Fiscal Year 2022 budget hearing for Canyon County was held on August 18, 2021. Having held the public hearing, and pursuant to Idaho Code §31-1605A, the Board hereby resolves to adopt a Fiscal Year 2022 expenditure budget for Canyon County in the amount of **\$117,341,644**, a Fiscal Year 2022 expenditure budget for the Canyon County Pest Control District in the amount of **\$330,327**, and a Fiscal Year 2022 Expenditure Budget for the Melba Gopher District in the amount of **\$12,000**. Sufficient revenue is anticipated to meet the appropriations of each office, department, service agency or institution for Fiscal Year 2022 barring unforeseen emergencies."* Commissioner Smith called for a motion to approve the resolution and budget as stated. Commissioner White made the motion to approve the resolution and budget. Commissioner Van Beek seconded the motion with discussion. She appreciates the issues that have brought clarification to this budget and she would support it with the provision that the Board has the ability to establish a capital improvement plan for the excess revenue that's in the budget currently. 46% is fund balance that is reflected if we take out the closure of \$25M as the Controller has indicated, and the ability to adjust the compensation plan pursuant to the hiring of a qualified director, and evaluate the cost of living adjustment information based on the Social Security Administration's adjustment. Given the current dynamics she can support this budget with those additional requests for the Board to evaluate. Commissioner Smith said she doesn't know there if there is an official way to do that, but she is committed to having those discussions. She thinks the capital improvement fund is something that should be discussed and explored and she wants to see through an updated compensation plan. Commissioner Van Beek said that is good enough for her. Commissioner White said we do have a capital expense line in the budget - it was at a meeting just like this when we had the discussion and \$500,000 a year was committed to that line. Commissioner Smith said Commissioner Van Beek is just asking that we continue a discussion with some identified projects moving forward. Commissioner Van Beek said we do have a line but one of the problems is that line is subject to pilfering, and for the long-term the Board could establish a resolution to dedicate a percentage of either new construction, the

retiring revenue allocation monies that will be returning to the County. There has to be a plan in place that succeeds us as Commissioners that drives projects forward in Canyon County. Ada County has done that with a strategic facilities plan and a corresponding funding plan and that's what she is talking about; it's very different than what we have. The line Commissioner White is talking about was stripped out and the money was taken for use on the Fair Expo building so she submits a portion of that is from fund balance, which is not an ongoing sustainable source or revenue sourcing to meet obligations if we are going to ever build a public safety facility we have to have identified revenue sourcing. Commissioner White said she does not like the word *pilfered*, because it suggests something dishonest, or behind-the-back, or secretive. The money has been used for capital expenses or projects, and the elections equipment was definitely a capital expense as is the Fair Expo building. Commissioner Van Beek said she and Commissioner Smith were involved in the discussion with IAC on the potential of what a sales tax would look like going forward and that's another avenue that we would explore to help augment the revenue sourcing. Commissioner White said that is local option. Commissioner Smith said we are going to rename it. Commissioner Smith called for a vote on the motion and all three Commissioners voting in favor of the motion. Commissioner Smith asked whether there were any no votes, there were none. The motion carried unanimously. (Resolution No. 21-170.) The hearing concluded at 7:16 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 19, 2021

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

#### FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for June 2021, and the Quarterly report for April 1, 2021 to June 30, 2021.

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

The Board met today at 8:53 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-828, 2021-836, 2021-847, 2021-829, 2021-859, 2021-861, 2021-820 and 2021-822. Commissioner White made a motion to issue initial denials with written decisions within 30 days on the cases read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented to the Board for signatures.

The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-649

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2021-649. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker, the applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to deny the case. The hearing concluded at 9:07 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTER RELATED TO MEDICAL INDIGENCY REGARDING CASE NO. 2018-1143

The Board met today at 9:08 a.m. to consider a matter related to medical indigency regarding case no. 2018-1143. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. The applicant joined by teleconference from 9:16 a.m. to 9:24 a.m. Director Baker explained that this case was approved on November 15, 2018, a total of \$207,605.60 in medical bills were paid on the applicant's behalf. To date, the total reimbursement amount is \$21,872.68. Columbia Bible Church made a payment of \$18,960.10 on behalf of the applicant. The last payment received directly from the applicant was December 23, 2020. The applicant owns a parcel of land which the county has placed a lien on, since the lien was placed the parcel has been subdivided into 2 lots. The applicant would now like to sell one of the parcels for approximately \$200,000 and is requesting to retain \$90,000 and to pay \$110,000 to the county. He intends to use the \$90,000 to purchase a home (not on the second parcel of land) although he does intend to build a home on the second parcel sometime in the future. Director Baker noted that the county lien would attached to any future home purchase. The applicant was contacted for further clarification on his plans for division and selling of his property in Marsing and his plans to build and buy a future home. Based on a question from Commissioner Van Beek and Director Baker, Mr. Robertson spoke about how the lien language could be structured to accommodate the parcel being divided. Commissioner White made a motion to approve case no. 2018-1143 for the applicant's plan to sell and pay-off so that the county is still protected. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 9:27 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTERS RELATED TO MEDICAL INDIGENCY

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

Commissioner White made a motion to continue case no. 2021-662 to September 23, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case nos. 2021-654, 2021-573, 2021-577, 2021-487 and 2021-655 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue final denials with written decisions within 30 days.

Indigent hearings scheduled for September 9, 2021 have been vacated so Director Baker is requesting case no. 2021-696 be continued to October 21, 2021. Commissioner White made a motion to continue the case to September 9, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously. After further discussion and clarification, Commissioner White withdrew her previous motion and made an amended motion to continue case no. 2021-696 from September 9, 2021 to October 21, 2021. Commissioner Van Beek seconded the motion which carried unanimously.

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

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

The Board met today at 10:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Captain Mike Armstrong (left at 10:09 a.m.), Sargent Jason Roberts (left at 10:09 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution approving award of officer's badge and duty weapon to Sergeant Andrew Kiehl:*** Mr. Robertson said this award meets the necessary criteria and there is no legal reason not to sign. Commissioner White expressed her gratitude for Mr. Kiehl's service to Canyon County. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving the award of officer's badge and duty weapon to Sergeant Andrew Kiehl (see resolution no. 21-171).

***Consider signing boating safety grant reimbursement request:*** Ms. Klempel explained this is the formal paperwork in order to receive reimbursement from the grant that was previously signed. There is no legal reason not to sign and all responsibilities of the grant have been met. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the boating safety grant reimbursement request. A copy of the request is on file with this day's minutes.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:11 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 10:40 a.m. with no decision being called for in open session.

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

CONSIDER ACTION ITEMS: RESOLUTION GRANTING A REFUND TO THE IDAHO YOUTH RANCH FOR BUILDING PERMIT FEES, AND A RESOLUTION APPOINTING BRIAN SHEETS TO THE CANYON COUNTY P&Z COMMISSION

The Board met today at 1:33 p.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. The items were considered as follows:

- ***Resolution granting a refund to Idaho Youth Ranch for a building permits:*** The applicants overestimated the valuation of the projects when they applied for permits, but after the permits were picked up they determined the value was less than anticipated. The difference in value is \$1,104.5 per permit. The fees paid for both permits total \$74,460.68. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the refund for Idaho Youth Ranch in the amount of \$2,209. (Resolution No. 21-173.)
- ***Resolution to appoint Brian Sheets to the P&Z Commission:*** Mr. Sheets was recently interviewed by the Board; he will be filling an unexpired term on the Commission which will be effective September 1, 2021 and expire on December 1, 2023. Upon the motion of Commissioner Van Beek and the

second by Commissioner White, the Board voted unanimously to approve the resolution appointing Brian Sheets to the P&Z Commission. (Resolution No. 21-172.)

The meeting concluded at 1:37 p.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – REQUEST BY MARK GUIJARRO FOR A REZONE, CASE NO. RZ2021-0016

The Board met today at 1:37 p.m. to conduct a public hearing in the matter of a request by Mark Guijarro for a rezone, Case No. RZ2021-0016. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Jennifer Almeida, Mark Guijarro, and Deputy Clerk Monica Reeves. DSD Planner Dan Lister arrived at 1:42 p.m. Commissioner Smith disclosed that she called the case planner and asked whether there was a public nuisance violation associated with this property. Jennifer Almeida gave the oral staff report. The applicant is requesting a rezone of Parcels R22072 & R22072012 from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. The property is located at 23941 Freezeout Road in Middleton. If the request is approved to create two lots an administrative land division will be required. The future land use map designates the property as residential; it is also located within the Middleton impact area. The site is located within a nitrate priority area. There was a review of agency comments. On June 17, 2021, the P&Z Commission recommended approval of the request. Staff is also recommending approval of the request. Following her report, Ms. Almeida responded to questions from the Board. Commissioner Smith had questions of staff regarding the property history. Dan Lister reported the first division shows a T-1 off the platted parcel and the second division was done 2009, but it looks like it was a property boundary adjustment to expand the property rather than adding another house. The next division is the 1.03 acre and that is where it gets muddled because there is no record of the division. What is before the Board today is the applicant's house and the division was done without going through the land division which is why Mr. Guijarro is here today. Mark Guijarro testified he wants to split off an acre so he can build another home on the back acreage. The property is surrounded by residential uses and the size of his property is too large for him to maintain. Years ago, it was a salvage yard with storage of over 200 cars and the person who owned it, George Arndt, still owns the two lots on Willis Road between Freezeout Road and Stone Lane. Mr. Guijarro said the majority of the mess that was on the property has been moved to the corner. He has owned the property for two years and his goal is to build a home and make the property look nice. There are inoperable cars on the property but not all of them belong to him. He spoke of how he has tried to be compliant and work with neighbors to remedy the situation. Commissioner Smith doesn't feel comfortable moving forward when there is still a property violation and she wants to see proof that the property complies with the public nuisance ordinance and the zoning ordinance before we move forward. Commissioner Van Beek said the applicant has demonstrated a lot of good faith in two years and she wants to give him an opportunity to clean the property. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to September 3, 2021 at 9:00 a.m. The hearing concluded at 2:21 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING CORRECTED ORDINANCE AND FCO'S FOR STEADMAN LAND, LLC, CASE NO. RZ2020-0012

The Board met today at 2:22 p.m. to consider signing a corrected ordinance and findings of fact, conclusions of law, and order (FCO's) for Steadman Land, LLC, Case No. RZ2020-0012. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Staff presented the Board with corrected FCO's and an ordinance which reflects the correct case number of RZ2020-0012. Initially it was presented as a 2021 case number. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the corrected ordinance and FCO's for Steadman Land, LLC, Case No. RZ2020-0012. (Ordinance No. 21-021 – corrected.) The meeting concluded at 2:23 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 20, 2021

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

APPROVED CLAIMS

- The Board has approved claims 576745 to 576788 in the amount of \$86,259.09
- The Board has approved claims 576982 to 577032 in the amount of \$559,860.73
- The Board has approved claims 577033 to 577055 in the amount of \$8,237.00
- The Board has approved claims 576957 to 576981 in the amount of \$104,281.18
- The Board has approved claims 576914 to 576956 in the amount of \$437,754.95
- The Board has approved claims 577056 to 577099 in the amount of \$37,969.12
- The Board has approved claims 576855 to 577099 in the amount of \$40,731.63
- The Board has approved claims 576885 to 576913 in the amount of \$295,257.92
- The Board has approved claims 576821 to 576854 in the amount of \$20,757.33
- The Board has approved claims 576721 to 576744 in the amount of \$18,226.13

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Tyson Ashby, Juvenile Detention Officer

#### CONTINUANCE OF PUBLIC HEARING TO CONSIDER A REQUEST BY CALVIN AND REBECCA GORDON FOR A CONDITIONAL REZONE; CR2020-0015

Commissioner White went on the record today at 9:06 a.m. to continue the public hearing to consider a request by Calvin and Rebecca Gordon for a conditional rezone, case no. CR2020-0015, to August 31, 2021. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 12:11 p.m. with the City of Star/Canyon County Area of Impact Committee regarding impact area negotiations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, DSD Planning Official Dan Lister (left at 1:04 p.m.), Star Mayor Trevor Chadwick, Councilman Michael Keyes, Councilman Kevin Nielsen, Richard Edgar, Kevin Wheelock and Spencer Kofed, City of Star Planner Shawn Nickel, Star City Attorney Chris Yorgason, Other members of the public and Deputy Clerk Jenen Ross.

Commissioner Smith noted that a plan proposed by the City of Star and a map created by the Board were handed out for reference. A copy of both these documents are on file with this day's minutes. She also explained that Mayor Rule of Middleton is not supportive of either idea.

Director Fultz explained that at a previous meeting he was charged with gathering planners from the of cities of Nampa, Middleton, Star and Canyon County to negotiate this situation. Mr. Fultz was notified by the City of Middleton that they would not be participating at this time. Due to scheduling conflicts the group was able to meet just prior to this meeting. The City of Nampa has indicated that they would not be willing to give up the area shown on map provided by Star which is an overlap of the Nampa impact area, however, they said they would be willing to have further discussions. Nampa also expressed that they would like to be a part of the committee of 9 in order to have input on this topic. Further discussion ensued as to how the statute works in regard to this committee. Mr. Wesley said it is really the county and a single city relationship. There could be separate committees with each city but not a combined committee.

Commissioner Smith said that the Board has given direction to Director Fultz to negotiate with each of the cities to pull back ½ mile to one mile. She said the goal is to not have impact areas that languish for 10 and 20 years, every few years have a continued discussion and map amendments



so that constituents have an opportunity to continually provide input and understand where growth is going. Mr. Wheelock expressed that his concern is that with constant reevaluation the lots from the original approval continually getting smaller and you lose some of the bigger home, bigger acreage, wider country look. Commissioner Smith said some of the county's reason for bringing the boundaries smaller is to not have the sprawl and to keep a plan of in-fill at the forefront which will help with density and providing a clear buffer as growth moves out. Mr. Kofed said that is one of the concerns of the residents of that area of Canyon County between Star and Middleton, there is the issue of who controls the planning and zoning and density for that area. Commissioner Smith said that the 984 acres that have already been developed but no one has built on yet feels like a land-grab. Mayor Chadwick argued that it's a land-grab if the city takes it but not if the property owner requests to be annexed in. Commissioner Smith has concerns that a potential of nearly 4000 homes is a significant impact and wondered if the City of Star or the schools can handle the growth. Mayor Chadwick pointed out it's not 4000 homes overnight, it would be built out over a 20-year plan.

Discussion ensued regarding the development of American Homes 4 Rent and the density this kind of development brings to an area. There are concerns about how that kind of growth can be controlled and done appropriately. Mr. Nielsen feels that limiting an area impact to a certain size and constantly renegotiating presents a challenge in that cities plan for that area of impact and as things grow and change there could be inconsistencies in planning. Mr. Keyes spoke about how in their 2019 comprehensive plan they anticipated development that would abut properties that are "unlikely to subdivide in the future" and they do create special buffer zones in those areas. They also recognize that there are people who have acreages that are enclaves within the existing city limits and have created special buffers for those. There are other areas, several on the Canyon County side, that have been identified as special transition areas that would require special buffering.

Commissioner Smith asked about the situation with Leighton Lakes which is a Canyon County approved subdivision with 5-acre parcels and abuts a Hunter Homes subdivision. This will be a fairly significant density compared to the 5-acre lots and wonders what the plan is to protect the county residents in this situation. Mayor Chadwick said they would do something similar to what was done where Star Acres is in the center of Star, they required a buffer around those with one acre lots, they do the best they can to protect these kinds of situations. Additionally, they've updated their code, for those who've said they're never going to sell they are encouraging them to put their property in a land trust and then they can buffer around that area. Mr. Nielsen said he thinks one of the best ways to help protect some of these things is to make sure these areas are included in the planning processes. One of the reasons they are requesting the area of impact where it is, is so plans can be defined and to work with those land owners what that's going to look like. Throughout the planning they've worked with the people who live there and their wishes and desires are reflected in the city's comprehensive plan. The city reiterated that they have a plan and they follow the plan, one of the biggest problems they have is that up until 2019 there was a horrible comprehensive plan and city code which have now been updated to prepare for the future and orderly development.

An additional map was displayed which includes the TAZ number from COMPASS. A copy of the map is on file with this day's minutes.

Commissioner Smith asked if the three citizens on the committee have had a chance to review the maps and have any comments. She stressed that this needs to keep moving forward and there needs to be a committee recommendation on a boundary. The recommendation will then go back to the county commission and the city council which will each vote. If passed by both groups then it would be overlapping Middleton pushing it to the Idaho statute that requires the two cities to then come together and negotiate; if negotiations fail it would then go to a vote.

Councilman Keyes asked for clarification as to if all the of the cities will be asked to pull back their area of impact or if it's just something special being requested of the City of Star. Commissioner Smith explained that it was direction given to Director Fultz to scale back all of impact areas in order to protect farm ground so there can be in-fill and have an identified area for growth that is clear to developers. The city asked, assuming the pull back of impact areas is successful, what happens when a city received an annexation request on an area that is outside of the ½ mile boundaries, or combines properties that they own. Commissioner Smith said that the county interpretation is what was sent in the letter to the city, the county doesn't believe that cities can annex outside of impact areas, specifically it is not believed that cities can impact into other entities impact areas. Today's meeting is establishing those areas and doing what can be done to help move that forward.

Commissioner Smith said that at this point everyone needs to come up with something reasonable because it's either going to go to the voter or to a judge. Mr. Nickel asked what the county is going to allow for land uses if all the cities pare back their areas of impact. Commissioner Smith feels that when the impact areas are so large it's hard to have a plan where the county can help with city growth and encourage annexation. By paring it back it provides a specific area where the county can help the cities with their master plans and providing for growth that aligns with them. Mr. Wheelock asked if the county will be changing the codes to not allow for smaller lots, to which Commissioner Smith confirmed the county would be doing that and following city ordinances to require curbs, gutters and streetlights. Councilman Keyes said he would be willing to consider, for this process here, moving the area of impact to Kingsbury as requested with an agreement that when Middleton pulls theirs back to a ½ mile the City of Star will too. He also has concerns that the county is trying to establish urban growth boundaries which to his understanding is a line in which a city can't extend its city limits past and allows space to be reserved for agricultural uses. Commissioner Smith said that property rights say that people have the right to apply for zone changes and she's not going to say that she's not going to follow that.

Mr. Kofed indicated that the group of three citizens have not met as a group yet although they did speak briefly prior to today's meeting, he asked what the expectation was for the three of them to meet. Commissioner Smith said she doesn't feel that is the expectation, the entire committee of 9 all have a vote and the best way to go is to just have open dialog amongst the committee. Mr. Kofed indicated he was recently at a meeting with community members and feels their main concern is that development is done correctly with buffers in place that work with acreage and

farming. The fear of the citizens is that it will all go into higher density if it goes out of the Commissioners control. The city said there was recently a hearing for a new development and no one from the surrounding area spoke up, however, the wishes and desires of people who did show up and spoke were taken into consideration. Mr. Kofed said that the issue with the citizens in that area is that they elect the Board of Commissioners but they have no power to elect the mayor or city council members so they lose control because their elected officials are no longer making the land planning decisions for their area.

Mr. Lister spoke about area of city impact agreements and how there are parts where the county follows the city ordinance and parts where the city follows the county ordinance. It still comes before the Board as the current agreements have waiver requirements so certain ordinances could be waived thru a process. As part of this process to come up boundaries there also needs to be an agreement to determine what can be agreed upon.

Commissioner White said that the people she's spoken with feel that their expressed issues or concerns fall on deaf ears and they have not been called upon to speak [at meetings/hearings]. They also have concerns that they will be forced to annex into the city. Mr. Nielsen said that their city council meetings have to follow open meeting laws and anyone signed up to offer comment is allowed to speak. Additionally, they make announcements before the meeting to allow anyone the opportunity to sign up and at the conclusion of public comment ask the audience if there is anyone still wanting to make comment.

In response to a question from Mr. Wheelock, Commissioner Smith said that the City of Middleton does forced annexations, the City of Caldwell has done a couple and the City of Nampa has never done them to anyone's knowledge. Mr. Wheelock feels that in this context the City of Star isn't annexing anyone who isn't asking to be annex. Mayor Chadwick said that he doesn't believe in forced annexation, he believes in the rights of the people to choose to be annexed. Commissioner Smith explained that when an impact area is set a city can legally force annexation within that area. If a property is smaller than 5 acres and within an impact area a city can force annex if the property is contiguous to the city or an enclave. However, if you have a parcel that is over 5 acres within an impact area a city cannot force annex.

Commissioner Smith feels a decision by the committee should be delayed until there is an opportunity to negotiate with the City of Middleton. The suggested boundaries would be for both Middleton and Star to stop at Kingsbury and then each would go north and south ½ mile around each of the annexed areas. The city requested that at the next meeting the Board provide a map showing similar ½ mile boundaries around Middleton. Commissioner Smith said she will get some updated maps to share with Middleton and start negotiations. She asked the city to send an updated shape file showing the city boundaries to Jennifer or Tony Almeida. The maps will be published as 'draft' on the land use page of the county website, the city also said they could add the maps to their website.

The committee will meet again on September 7, 2021 at 2:30 p.m. The meeting concluded at 1:31 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO     AUGUST 23, 2021

PRESENT:     Commissioner Keri K. Smith, Chair – 2021 Agricultural Tour  
                 Commissioner Leslie Van Beek, Vice Chairman – 2021 Agricultural Tour  
                 Commissioner Pam White – 2021 Agricultural Tour  
                 Deputy Clerks Monica Reeves/Jenen Ross

There were no meeting held this day.

AUGUST 2021 TERM

CALDWELL, IDAHO     AUGUST 24, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - **OUT**  
                 Commissioner Leslie Van Beek, Vice Chairman – 2021 Agricultural Tour  
                 Commissioner Pam White – 2021 Agricultural Tour  
                 Deputy Clerks Monica Reeves/Jenen Ross

There were no meeting held this day.

AUGUST 2021 TERM

CALDWELL, IDAHO     AUGUST 25, 2021

PRESENT:     Commissioner Keri K. Smith, Chair – **OUT**  
                 Commissioner Leslie Van Beek, Vice Chairman – 2021 Agricultural Tour  
                 Commissioner Pam White – 2021 Agricultural Tour  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS ORDER NO. 2124

- The Board of Commissioners approved payment of County claims in the amount of \$1,662,406.64 for a County payroll.

There were no meeting held this day.

#### AUGUST 2021 TERM

CALDWELL, IDAHO    AUGUST 26, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 577207 to 577207 in the amount of \$1,540.00

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved employee status change forms for Jamie Toledo, Grounds-keeper Supervisor and Chiu-yi Lin, Interpretive Specialist

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for B&N Legacy LLC DBA Cowgirls to be used 9/4/21; Tricycle LLC AKA Eastside Tavern to be used 9/12/21; Tricycle LLC AKA Eastside Tavern to be used 9/25/21

#### EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner White made a motion to go into Executive Session at 8:34 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Controller Zach Wagoner, Facilities Director Paul Navarro and

Assistant Facilities Director Rick Britton. The Executive Session concluded at 8:55 a.m. with no decision being called for in open session.

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

The Board met today at 8:56 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Financial Specialist Lina Millar and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-959, 2021-956, 2021-873, 2021-889, 2021-886, 2021-865 and 2021-891. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions to be issued with 30 days on the cases as read into the record.

Commissioner White made a motion to issue an initial approval with written decision within 30 days on case no. 2021-980. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

#### CONSIDER SIGNING RESOLUTIONS GRANTING REFUNDS TO HATCH DESIGNS AND JANICE RALLS FOR WITHDRAWN PERMIT APPLICATIONS

The Board met today at 1:37 p.m. to consider resolutions granting refunds to Hatch Designs and Janice Ralls for withdrawn permit applications. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Director Fultz said Janice Ralls is requesting a reimbursement for funds paid for an application for a home-based business. She was looking at having retail sales but that is not a permitted use at her location so she is seeking a reimbursement of her application fee. Staff did not spend much time on this request. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to grant the refund in the amount of \$550 to Janice Ralls. (Resolution No. 21-174). Director Fultz said Jeff Hatch/Hatch Designs filed an application for a rezone, comprehensive plan map amendment and a conditional use permit (CUP). The request went through the hearing process and was denied. Staff did not have to go through the CUP efforts and thus out of the \$4,200 that was paid DSD is recommending a reimbursement of \$850. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to refund \$850 to Hatch Designs for the CUP for Case No. RZ2020-0019. (Resolution No. 21-175).

PUBLIC HEARING – REQUEST BY EVELYN FLOYD FOR A REZONE FOR CASE NO. RZ2021-0013

The Board met today at 1:40 p.m. to conduct a public hearing in the matter of a request by Evelyn Floyd for a rezone from an “A” (Agricultural) zone to an “M-1” (Light Industrial) zone, Case No. RZ2021-0013. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Kolby Peterson, Samantha Caldwell, and Deputy Clerk Monica Reeves. The applicant did not appear for the hearing. Commissioner Van Beek disclosed she lives two miles from the subject property but that will not impact her ability to make an unbiased decision in this case. Dan Lister gave the oral staff report. The applicant, Evelyn Floyd, is requesting a zoning map amendment (rezone) of Parcels R34072, R34141 and R34141010 from an “A” (Agricultural) zone to an “M-1” (Light Industrial) zone. The properties are located at 10726 Lincoln Road in Caldwell. The property was recently adjusted to allow two buildable lots; one has a house and uses on it, and the other is a field/pasture that could be used for residential or agricultural uses. Most of the area is still zoned agricultural, and light industrial is located to the northwest. The City of Caldwell’s jurisdiction is located to the south. This is a transitional area from residential to industrial uses. The property consists of best suited soils; one acre has moderately suited soils. There are large properties with rural residential zoning, but there are still ongoing agricultural uses even to the south where the city’s jurisdiction is located. The property is adjacent to the Ward Massacre Park. With M-1 zoning there are a slew of uses that could be impactful and without a development agreement that restricts uses or provides mitigation it’s difficult to think there will not be impacts. This is a prime agricultural lot and the City of Caldwell is in opposition to the request. On July 17, 2021, the P&Z Commission recommended approval of the request. Staff is recommending denial and believes the applicant should go through a conditional rezone process. Mr. Lister said in a previous conversation the applicant indicated they may withdraw the application. Samantha Caldwell offered testimony in opposition to the request. She would rather see residential growth than industrial uses in the area. Her concerns include the lack of a development plan and the potential impacts. She said the owner has posted the property for sale and if he’s selling we cannot guarantee what future buyers would do with the property. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek agrees with the staff report and the testimony that an M-1 zone is not a fit and it would change the nature and character of the area. She asked staff to obtain comment from Parks Director Schwend regarding the proximity to the historical park, and to review the conditions associated with the Idaho Sand and Gravel pit that’s located nearby to see how long they can operate. Mr. Lister said Director Schwend was contacted but she did not provide comment. Staff will work with the City of Middleton and help them identify what their industrial and commercial needs are, and how to identify what the buffer is and how to help them while protecting the area. Commissioner Van Beek said this is a premature area because there are areas that are out of compliance with the code and no thoughtful planning on how to have transition zones. It would be beneficial to know how close city services are. Commissioner White doesn’t like the fact that the applicant is not present and hasn’t given any information on what’s going to be there, and the neighbors deserve to know what’s going on with the property. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to deny the rezone for Case No. RZ2021-0013. Because the P&Z Commission recommended approval and the Board denied the request, the matter will have to be re-noticed.

and come back to the Board for a second hearing. The hearing concluded at 2:01 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2021 TERM

CALDWELL, IDAHO     AUGUST 27, 2021

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

#### MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:34 a.m. to consider agenda items. Present were: Commissioners Pam White and Leslie Van Beek, DSD Planning Official Dan Lister and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Meeting to continue a public hearing to consider a request by Joel Merriam, representing Swainson's Pointe Subdivision for a plat vacation; Case no. VAC2021-0001:*** Due to a lack of quorum the applicant has requested this case be tabled to a time the full Board is present. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to continue the hearing to September 14, 2021 at 9:30 a.m.

***Consider signing Treasurer's tax charge adjustments by PIN for July 2021:*** Commissioner White made a motion to sign the Treasurer's tax charge adjustments by PIN for July 2021. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 9:36 a.m. An audio recording is on file in the Commissioners' Office.



AUGUST 2021 TERM  
CALDWELL, IDAHO     AUGUST 30, 2021

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

CONSIDER AUGUST 30, 2021 ACTION ITEMS

The Board met today at 9:04 a.m. to consider the August 30, 2021 action items. Present were: Commissioners Keri Smith and Pam White, DSD Planning Official Dan Lister, interested citizens, and Deputy Clerk Monica Reeves. The items were considered as follows:

***File in minutes the Treasurer's monthly report for July 2021*** - Upon the motion of Commissioner White and the second by Commissioner White, the Board voted unanimously to file the Treasurer's monthly report for July 2021.

***Consider signing resolution granting a transfer alcoholic beverage license to Sushi LW, LLC DBA Sushi Sushi*** - Upon the motion of Commissioner White and the second by Commissioner White, the Board voted unanimously to grant the transfer of alcoholic beverage license to Sushi LW, LLC. (Resolution No. 21-176.)

The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY SILVIA CASTRO FOR A REZONE FOR CASE NO. RZ2021-0009

The Board met today at 9:07 a.m. to consider a request by Silvia Castro for a rezone, Case No. RZ2021-0009. Present were: Commissioners Keri Smith and Pam White, DSD Planning Official Dan Lister, CJ Castro, Silvia Castro, Anna Maria Herrera, Carlos Rivera, David Gallina, Meg Gallina and Deputy Clerk Monica Reeves. Today's hearing was continued from August 13, 2021. Dan Lister gave the oral staff report. The applicant is requesting a rezone of Parcel R29112 from an "R-R" (Rural Residential) Zone to an "R-1" (Single Family Residential) Zone. The property is located at 2303 E. York Avenue, Nampa.

The applicant wants to divide the property into a total of three parcels; one parcel being 3.02 acres (where the existing house is located); and the rest would be a one-acre division creating a total of three parcels. The property is surrounded by other rural residential and R-1 zoning. The property abuts city jurisdiction; Nampa's shows it as a low-density residential area next to a medium density area. the bike path and route abuts the Wilson Pathways along the north side of the property.

The property is surrounded by residential subdivisions, most of them located within Nampa's impact area or jurisdiction. Within the area is 103 subs with an average lot size of .41 of an acre. Nampa Highway District identified the access to this property as East York Avenue, which is an unmaintained public right-of-way so that is usually a license agreement with the owners that they maintain their road and that is what the highway district will require as they work to comply with improvements. Nampa Fire District wants an access permit at the time of building permit. Nampa Engineering – would be hard to bring city services to this property; they do not oppose this application, however, at the time of division they will have to correct their address. An irrigation easement will be required and encroachments will require review, and a land use change application is required prior to land division or platting.

Neighbors expressed concern about the access being limited and confusing because as it goes back to the Gallina property it splits off and looks like an area where people can park for the pathway and a road connecting to the Castro property. There have been complaints that there is an auto shop and auto use on the property and that is why the Board tabled the item on August 13 so staff could do a site visit and come back with photos for review. A site visit was conducted on August 20. A 12-foot road serves the property; there are two roads, one looks like it's a maintained 15-foot gravel-based road, and there's a sign for parking and access to Wilson Path but it looks like neighbors are parking there. At the back of the property there are storage containers and an inoperable vehicle; there are other vehicles parked on the west side of the property; there are RV's on the east border of the property. Staff reached out to Mr. Castro and identified the public nuisance violations including weeds, the inoperable vehicles, and the storage containers that require permits. On June 17, 2021, the P&Z Commission recommended approval of the request. Staff believes the findings for this case support approval of the rezone. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

CJ Castro, who owns the subject property with his wife, Silvia Castro, testified he is working with the Nampa Highway District on widening the road and bringing it up to district standards. He addressed the weeds, RV's, old vehicles, and the containers located on the property. Commissioner Smith advised Mr. Castro that he can have two unregistered vehicles on the property but the remainder have to be operable and registered. Discussion ensued about whether the vehicles have registrations. The applicant's plan is to divide the property so his father-in-law and aunt can build homes on the site. Some of the cars on the property belong to people who live on the site, and some belong to other people. Mr. Castro said he will remove the vehicles that do not belong to those who live on the property. He currently lives on the property with his wife, children, and other family members. Commissioner Smith said her concern is the Castros have changed the area by letting the property degrade this way, and by allowing the divisions they will be allowed to have more trailers and cars on the parcels and she's worried the property will not be improved.

Anna Maria Herrera is the applicant's aunt and she wants to move to the property to help with family responsibilities and assist with raising children since the death of her sister, the applicant's mother. She wants to live on the site and make it beautiful place for family. She has no plans to

sell or add more units to the property. There will be two new houses built on the property; one for the applicant's father, and one for Ms. Herrera.

Silvia Castro testified that since her mother passed away she has been taking care of her two sisters, in addition to two children of her own. She wants the property divided so she and her husband can have their own home and so that her father and aunt can each build their own home. She allowed her aunt to store trailers on the property. Future plans include abating the weeds and installing a fence. They did not know they needed to have a permit for the containers that are stored on the property, but they do intend to move them.

Carlos Rivera testified that he will move to the property with his mother. He had been storing two trailers on the subject property, but over the weekend he moved the trailers and another vehicle to a storage facility.

The following people testified in opposition to the request:

David Gallina lives on York Avenue and his biggest opposition concerns the 12-foot road because by adding two more homes it will increase the traffic on that one-lane road. There will need to be a plan for how to maintain the road. There are currently six homes on 21 acres and the proposed lot sizes will be substantially less than what is currently on York Avenue. He has concerns with the number of items that have been moved onto the property. Following his testimony, Mr. Gallina responded to questions from the Board.

Meg Gallina testified she is not opposed to the division, but she is concerned about use of the property and the access road. She said it's commendable to live there with family, but things change and it is possible in a few years the situation could change and the owners may have to sell. The road needs to be useful the way other city roads are so that people do not think they can park excessive cars and allow weeds to grow.

In response to questions from Commissioner Smith, Mr. Lister said if they build three properties they will have to have a private road system to serve those three properties at the property line. The fire districts want to see if there are proper turnarounds in place. This will only need a land division application when going through platting, so it would be working at the land division stage to address what is required and it will be conditioned as part of the land division application and so at the time of building permit they would have to have it completed before a building permit is issued. The parcel is an original lot and they can split it up to four lots without platting. They could voluntarily annex into the City of Nampa, but there is no way to get services there at this point. The services are separated by a canal and a pathway so it would be very difficult for a three-lot division to pull services. Rebuttal testimony was offered by Mr. Castro who stated his neighbor stopped maintaining the road after he found out it was the city's responsibility. The applicants have been working with highway district to improve the road, and they plan to have documentation that will keep the property in the family. They will follow the regulations and maintain the property. Commissioner Smith had questions of Mr. Lister regarding the staff report and the ordinance requirements. She wants more information showing the public road right-of-way, and she wants the applicant to provide evidence the property is being brought into compliance, including registration information for the vehicles that remain on the property, and

she wants the applicant to work with the fire district and highway district and understand what the road improvement requirements are going to be. Staff was asked to find out if the road right-of-way is mapped. Commissioner White made a motion to continue the public hearing to September 15, 2021 at 1:30 p.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:31 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE EXECUTIVE DIRECTOR OF NAMPA FAMILY JUSTICE CENTER (NFJC) TO REVIEW THE PROGRAM

The Board met today at 1:31 p.m. with the Executive Director of the Nampa Family Justice Center to review the program. Present were: Commissioners Keri Smith and Pam White, Jeannie Strohmeyer with Nampa Family Justice Center and Deputy Clerk Jenen Ross.

Ms. Strohmeyer provided her background and an overview of their center, who they are and how they function. Some of the topics she spoke about are as follows:

- They serve six different populations including domestic abuse, sexual assault, child abuse, elder abuse, stalking and sex trafficking.
- The majority of the people they serve are walk-in vs. referral based.
- Their organization is different because they are a co-located building meaning there are several agencies within one building. There are 10 different partners in one building which eliminates the need for the victim to go from place to place having to tell their story multiple times. Often times if a victim has to go to multiple locations for services they will give up causing the abuse and the cycle to continue. At NFJC the client will meet with an advocate first who will help them navigate the necessary services to get help. They are collaborative effort of agencies to help the victim in one location.
- Based on questions from Commissioner White, Ms. Strohmeyer spoke about their grants and funding.
- Discussion ensued regarding how the number and intensity of cases has changed with COVID and people sheltering at home. Commissioner Smith encouraged Ms. Strohmeyer to contact Director Zogg at SWDH about a study they did recently in regard to this issue.

A packet was provided to the Board which outlines the NFJC co-located partnership model, populations served, services, tangible resources provided to clients, gaps and services still needed and comparison of 2019-2021 statistics. A copy is on file with this day's minutes.

The meeting concluded at 2:08 p.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH THE IDAHO OFFICE OF EMERGENCY MANAGEMENT

The Board met today at 2:11 p.m. with the Idaho Office of Emergency Management. Present were: Commissioners Keri Smith and Pam White, Chief Deputy Sheriff Marv Dashiell, EOM Christine Wendelsdorf, Brett Ritchie and Robert Feely with the Idaho Department of Emergency Management and Deputy Clerk Jenen Ross.

- Mr. Ritchie provided an overview of what the IOEM has been working on and plans for the future.
- A preparedness conference will be held October 5-7, costs for Ms. Wendelsdorf and one Commissioner will be covered by IOEM. A review of what will be covered at the conference was given.
- A review of federal funding allocated to Idaho and available to help smaller communities was given.
- Discussion ensued regarding the drought emergency and allocation of water resources.
- Cascadia Rising exercise to look at seismic activity is tentatively scheduled for the 1<sup>st</sup> week of June 2022 and will involve Idaho, Oregon and Washington. It will address the question of what Idaho can do as a support state for the impacted area. A formal invitation will be sent as the event gets closer.
- Recently Mr. Ritchie asked for feedback on the emergency response over the past 20 months and any improvements that can be made. Commissioner Smith said that she heard the state had an emergency plan for a pandemic but that the COVID numbers did not come close to the numbers that were set out to annihilate the communities by shutting them down. She feels like the plan wasn't followed and a new plan created and that it all felt very reactionary. Ms. Wendelsdorf said her biggest issue with the COVID response was the lack of following the plan and agencies wanting to take emergency management out of their plan. She feels there needed to be an incident management team in place to work alongside the health district so that everyone receives all the same information at the same time and decisions can be based on the information provided. Chief Dashiell spoke about the inconsistency of the information being provided and by whom it was provided.
- Chief Dashiell said that IOEM has been one of the strongest state partners the county has had in overcoming this past year's issues. They have been a good resource to be able to ask questions of and assistance with providing information on available funding. He feels that the partnership was a real success story. The meeting concluded at 2:59 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:00 p.m. with the Director of Development Services to discuss general issues, set policy and give direction to consider action items. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister (left at 3:04 p.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing development agreement regarding Knife River; Case no. DA2020-0002:*** Mr. Lister said that the FCOs were signed on January 25, 2021 but as part of that signing the development agreement needed to be amended. The only change was to the conceptual plan in regard to the berms. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the development agreement regarding Knife River, Case no. DA2020-0002 (see agreement no. 21-067).

***Consider signing resolution granting refund to Brandon Fisk for a withdrawn rezone application:*** The Fisk's have withdrawn their request and are planning to pursue other opportunities in the future once there is an ordinance in place addressing non-viable farmland. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Brandon Fisk for a withdrawn rezone application (see resolution no. 21-177).

Director Fultz updated the Board on the following:

- The first comprehensive plan working group meeting happened last week where a lot of community input was received. Several more meetings are planned for the upcoming weeks. Director Fultz's goal is to have the plan adopted no later than the 1<sup>st</sup> quarter of next year.
- Three ordinance amendments will be taken to the P&Z meeting on the 16<sup>th</sup>; non-viable area, fee structure for code enforcement and noticing requirements for land use hearings.
- They are working to develop a system to identify expired CUPs and conditional rezones. Commissioner Smith said timeframes have always been in place but she believes the key part is sending a letter notifying property owners of the expired CUP or conditional rezone. Discussion ensued regarding the possibility of fining the HOA if CC&Rs are not followed or enforced.
- A new P&Z commissioner application has been received and they are trying to work out an interview time. Commissioner Fried has resigned and two others will be expiring at the end of the year.
- A letter was received from FEMA on an issue that needs to be resolved. The floodplain manager is on vacation until tomorrow but Director Fultz will meet with her once she is back in the office. The deadline to resolve the issues is December 21<sup>st</sup> but Mr. Fultz intends to have it resolved well before that time.

- There are currently 128 land use cases in the office and Director Fultz gave a breakdown of the number of cases being handled by each planner. Additionally, planners are now doing site visits which will be added as exhibits within case packets.
- Discussions with potential engineers are continuing to happen. Director Fultz has a meeting this Friday to discuss a potential job description for consideration.
- They continue to rework their workflow system to establish more efficiencies. Every Monday morning Director Fultz meets with the building and planning departments to discuss efficiency and the handling of customer service and the entire department meets monthly to discuss the same.
- Director Fultz expressed that he has some concerns about new revenue allocation area for the City of Caldwell and would like for the county to be involved. His understanding is that the documents that were drafted in 2019 were done by the city with little input and only review/consideration by the county. He is a very strong proponent and supporter of urban renewal but feels if the county is going to be involved it needs to play much stronger role. Commissioner Smith recommended Mr. Fultz approaching the city to let them know the county would like to have a more active role in the development.
- Weekly management meetings are being held with the Planning Official, Building Official, Code Enforcement Officer and Director Fultz. Next week they will start discussing and assessing fees to determine any that may need to be increased.
- At some point the DSD office started accepting incomplete applications but it was causing issues in regard to them being in the queue. As of September 1<sup>st</sup>, incomplete applications will no longer be accepted.
- A temporary employee has been helping with a backlog of scanning.
- Last week Director Fultz attended a neighborhood meeting south of Lake Lowell with IDWR. He felt the meeting went well, the attendees were well informed and IDWR did a great job communicating both the big and small picture. Director Fultz will provide a handout from the meeting to Commissioners.
- On September 25<sup>th</sup>, a DSD department picnic will be held at Mallard Park and the Board is invited to attend.
- Commissioner Smith said that if it's not too late she would really like the ordinance amendment that is currently in process to fix the subdivision administrative land division exceptions. She doesn't want blanket approvals from all the agencies for an administrative land division. Commissioner Smith will send draft language to Director Fultz.

The meeting concluded at 3:44 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM  
CALDWELL, IDAHO     AUGUST 31, 2021

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

APPROVED CLAIMS

- The Board has approved claims 577304 to 577304 in the amount of \$213.50

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- CDW-G in the amount of \$1,088.01 for Information Technology Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Old Brunswick LLC dba Brunswick Club to be used 9/4/21.

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

The Board met today at 9:08 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, Deputy P.A. Doug Robertson, Chief Deputy Sheriff Marv Dashiell and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing resolution authorizing the retirement of CCSO K9 Jerry:*** Chief Dashiell gave a background of K9 Jerry and some of the issues that have recently arisen. It has been recommended to retire Jerry to avoid any future incidents. K9 Jerry will be retired to his handler. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution authorizing the retirement of CCSO K9 Jerry (see resolution no. 21-178).

The meeting concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.



### MEETING WITH COMPASS

The Board met today at 10:02 with COMPASS. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Planner Jennifer Almeida, Planner Kate Dahl, Planner Elizabeth Allen, Carl Miller with COMPASS and Deputy Clerk Jenen Ross.

Mr. Miller spoke about the fiscal impact tool (FIT) they've developed to determine if new services can be afforded when a subdivision is approved, how to know if a comprehensive plan is financially viable and the financial impact of House Bill 389. He also provided an introduction and background on COMPASS and what their role is within the community.

Discussion ensued about the uses of the FIT, what services are evaluated, input received in creating the tool and information provided to assist in the decision-making process. Other areas reviewed included fiscal impact scenarios, fiscal impact reporting and how House Bill 389 affects the tool.

Currently the tool is only able to be used by COMPASS staff but they are working to develop a web-based program that can be accessed by Development Services staff.

A copy of the PowerPoint provided and reviewed in on file with this day's minutes.

The meeting concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

### MEETING WITH IDAHO TRANSPORTATION DEPARTMENT TO DISCUSS MIDDLETON BYPASS

The Board met today at 11:05 a.m. with the Idaho Transportation Department to discuss the Middleton bypass. Present were: Commissioners Keri Smith and Pam White, DSD Planner Jennifer Almeida, DSD Planner Kate Dahl, DSD Planner Elizabeth Allen, GIS Analyst Tony Almeida, Caleb Lakey with ITD, Carl Miller with COMPASS, DSD Director Steve Fultz (arrived at 11:13 a.m.) and Deputy Clerk Jenen Ross.

Mr. Lakey said he would like to focus today's discussion on three main topics including an update on bond monies, transportation in Canyon County and the Middleton bypass. The topics were discussed as follows:

- Mr. Lakey spoke about TECM monies and the projects the project the ITD Board is considering applying those monies to. Construction on phase 2 of Hwy 16 is scheduled to begin next year with subsequent phases upcoming. A handout was provided indicating future projects including I-84: Middleton interchange to Franklin interchange, SH-55: Sunnyslope to Nampa, SH-44: I-84 to Star, SH-16: I-84 to SH-44 and US 20/26: Middleton Rd. to Star Rd. A copy of the handout is on file with this day's minutes.

Commissioner Smith expressed her frustration with the Ustick Rd. overpass and what she feels is the lack of cooperation between ITD and the communities.

- Middleton bypass: The environmental document is being worked on; it has been the pipeline for many years but only in recent years did it become more urgent as Middleton has grown rapidly. There is a long history of correspondence between ITD and Middleton about Hwy 44 about what that would look like, the future and how to get there. Mr. Lakey gave an overview of what was discussed, considered and decided between the city and ITD. Discussion ensued regarding Middleton's intended plans for their downtown area.

The meeting concluded at 11:54 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY CALVIN AND REBECCA GORDON FOR A CONDITIONAL REZONE, CASE NO. CR2020-0015

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Calvin and Rebecca Gordon for a conditional rezone, Case No. CR2020-0015. Present were: Commissioners Keri Smith and Pam White, DSD Planner III Kate Dahl, TJ Wellard, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that the Gordons, through their Quality Trailer Sales company, have consistently supported her kids in fair projects, and they heavily supported her previous employer, which is the non-profit Destination Caldwell. She has not personally profited from their support and she believes she can hear this case without any conflicts. Kate Dahl gave the oral staff report. The applicants are requesting a conditional rezone of Parcels R36131012A0, R36131012A2, and R36131012 from "A" (Agricultural) to "R-R" (Rural Residential). The properties are located south and east of the intersection of Red Top Road and Tucker Road in Greenleaf. Several of the parcels were created through a conditional use permit (CUP) and some were divided outside the zoning ordinance and as a result they are requesting the rezone in order to reinstate the building permits and go through the administrative land division process. The parcel is 21 acres and the maximum buildout would be 10 lots, but they are only requesting 4 parcels with an average size of 5 acres. There are multiple properties that use the irrigation delivery ditch and there have been some issues which they believe can be addressed through the development agreement with a water users maintenance agreement. The P&Z Commission recommended approval on April 15, 2021, and staff finds the rezone is generally consistent with the comprehensive plan. The surrounding uses are also agriculture and there are some residential uses to the west. The property is located within Greenleaf's area of city impact, but it is not close enough to annex. Following her report, Ms. Dahl responded to questions from the Board. Ms. Dahl said two of the parcels will be combined; the original parcel was divided into five parcels and some were illegal divisions so they are going to combine the one parcel back into each other so there will be four parcels. The conditional rezone will give them the density to be able to do the after-the-fact administrative land division to authorize all four of the parcels. Commissioner Smith had several questions regarding property history and platting. TJ Wellard testified the Gordons

own several acreages in this area. The neighbor who owned the house and acreage came to a situation where she needed to sell and the Gordons purchased it to make use of the land and the existing house. They rented the house and tried to irrigate the land and run horses and cows on the ground as pasture, but due to the terrain it took too much time and money to make it worthwhile for farming. It's in the impact area for Greenleaf which shows it as high-density residential. The property has a finger ridge down the middle of it so the Gordons want to put a few houses up there and have large acreages so people can have hobby farms. Mr. Wellard gave a history of how the splits occurred. The CUP in 1998 split off an existing house which left the remainder of the original with two building permits without platting; if a rezone took place the original parcel would only be four parcels. To obtain the other two parcels there will have to be a subdivision plat because it would be greater than the four off the original. Part of the conditions are to keep this as a buffer from the rapid growth in the City of Greenleaf, which has been aggressive in encouraging development to pay for its sewer system. The Gordons are hoping to use this as a buffer between their commercial agricultural ground and the growth of Greenleaf. The Gordons are willing to address irrigation issues, either getting their own head gate and pipe to the property to have pressurized irrigation, or, doing something alongside the concrete ditch. They will work with the neighbors and figure something out that works for everyone, and they will work with the neighbors to do property line adjustments. The Gordons want to leave it open so they can split off the existing house as an administrative land division leaving the remainder so there would still be four, and then plat the three, so that platting is not a requirement of the entire development but only when they exhaust the administrative land divisions. Commissioner Smith wants the applicant to figure out the wording for the development agreement that states they will do a land division that will have two parcels that will include the balance and then they will plat the last lot. She also wants language about require water metering on residential subdivisions. Mr. Wellard said the property is controlled by a head gate that's measured over a weir so there will have to be a water master for the project who will be in charge of ordering and determining how much water can go through. It may not be metered, per se, but the ditch company does control opening the head gate. He said it will be addressed in the water users' maintenance agreement. Commissioner Smith wants the conditions of approval to state that the water master will schedule the water allotments, and make reference to the Board allowing a phased approach for this case. She noted that staff needs to update the findings of fact so they are consistent with today's discussion. The FCO's and development agreement will be brought back later at a later date for the Board's consideration. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner White made a motion to approve the conditional rezone and development agreement with the changes to the FCO's and the conditions of approval as outlined in today's discussion. Those documents, along with the ordinance, will be considered at a future date. The hearing concluded at 2:11 p.m. An audio recording is on file in the Commissioners' Office.

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

DATED this 30<sup>th</sup> day of November, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

Leslie Van Beek  
Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk

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

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

The Board met today at 9:34 a.m. for a public hearing to consider a request by Jack & Kristen Alvord for a rezone, case no. RZ2020-0030. Present were: Commissioners Keri Smith and Pam White, DSD Planner Kate Dahl, TJ Wellard, Jack Alvord, Kirsten Alvord, Kyle Oliveira, Cheyenne Oliveira, Kathy Anderson and Deputy Clerk Jenen Ross.

Ms. Dahl provided the staff report stating that the Alvord's are requesting a zoning amendment of their parcel. It is currently zoned agriculture but they are requesting a rural residential designation. The property is located on Cemetery Rd. in Middleton. The original parcel was 79 acres but has been split 3 times through administrative land division in 2014. They are requesting to rezone a 24-acre parcel which is just outside the Middleton area of impact. There is currently one building permit on the property but they want to obtain an additional building permit so that they have two one-acre lots in order for their children to build homes. There would be a remaining 22-acre parcel that would continue to be used for agriculture. The current future land use in the area is residential. The property is adjacent to two subdivisions that have average minimum lot sizes of less than 2-acres. There are several parcels within the vicinity that have been zoned RR and six that have been zoned R1. Within a one-mile radius of the property there are 20 subdivisions with an average lot size of 1.22 acres. The property does have moderately suited soils. Canyon Highway District, even at full build-out, did not have any concerns. It is in an area that is transitioning from agricultural to residential and what the Alvord's have proposed is consistent with that area. At full-build out there are no significant impacts identified. In regard to the comprehensive plan it does meet the population policy and land use policy no. 1. Some public comment was received from the neighbors with the primary concern being the build-out. Staff is recommending approval. Planning and Zoning has recommended denial as they would like to see this come back with a development agreement. The applicant has chosen to move forward at this point without a development agreement. Site photos were entered as late exhibit no. 9.

Commissioner Smith asked Ms. Dahl if she's had any conversations with the applicants about not rezoning all of the ag ground but just what they needed. Ms. Dahl explained that in her last discussions they've indicated that if need be they are willing to enter into a development agreement but would prefer to keep all their options open as the area transitions to residential.

Mr. Wellard offered testimony stating that the original parcel was just under 80 acres and was split into 3 parcels – one parcel is agricultural only and the other two parcels are 8 and 24 acres each. The Alvord's purchased the 8- and 24-acre parcels and with this rezone they would exhaust their administrative split on the property without developing the property. They have chosen to rezone the property due to what is happening in the area and if the city decides to move into that area they would like to have a buffer from city lots. The properties would be served by individual well and septic and they would lay out the administrative decisions to disrupt the farm ground the least amount possible. The Alvord's would like to split the property in order for their children to build homes and help Mr. Alvord with the farming operation. As part of the Planning and Zoning hearing, the Board stated the denial was due to traffic and that it didn't fit the character of the area. Mr. Wellard disagrees with that analysis as even if the Alvord's were to subdivide the entire property with full build out and a rezone the highway district stated it would not be impactful. Other hearings that occurred that evening with similar situations were approved by the P&Z Board so Mr. Wellard is confused by why some were approved and the Alvord's was denied. At this point it would be adding 3 building permits and setting up the family for the future. In response to a question from Commissioner White, Mr. Wellard stated that full build out would be 11 lots.

Commissioner Smith asked if Mr. Wellard had talked to the Alvord's about the options since there was a denial at Planning and Zoning, if they didn't bring a development agreement to this hearing and if it were to be denied by this Board that the case is over and if it is approved it goes to another hearing? Or possibly even saving the ag as ag ground vs. residential. Mr. Wellard said all the options have been discussed and the Alvord's are open to a development agreement but given some of the other cases that the Planning and Zoning Commission approved they want to see this Board's position. If this Board feels that a conditional rezone with a development agreement would be a better fit they would be willing to do that.

Discussion ensued regarding the options to rezone the parcels in order for building permits to be issued but keeping the majority of the property in ag.

Commissioner Smith said she knows that there is residential and growth in that area but this is outside of the impact area. It is adjacent to the old subdivision so she can understand a couple of building permits but she is not in favor of rezoning the entire property. Her recommendation is for this hearing to be tabled in order to give time for the applicant and their representative to work on a conditional rezone with a development agreement. Commissioner Smith said she is not going to make an emotional decision to rezone all the ag ground. She feels that when they are ready to develop all the ag ground that is when they should come back with an application for the remaining land. Commissioner White said she does make emotional decisions and she has a real issue with personal property rights. She believes this is compatible with the area.

The Board took a brief break from 10:09 a.m. to 10:14 a.m.

Jack Alvord offered comment in favor of the application stating that he understands both personal property rights and the importance of ag land. He wants to continue farming the ag land but wants his kids to live closer in order to help with the day-to-day operations. In response to a question

from Commissioner Smith, he said he would be willing to amend the request to rezone just a portion of the land along Cemetery Rd.

Kristen Alvord offered comment in favor of the application giving the Board a little more background information on her family and their reason for this request.

Jack Alvord read into the record a letter from Kathy Anderson offering support of the Alvord's request.

Kyle Oliveira offered comment in favor of the application and spoke about the amount of development that is encroaching on their property.

Commissioner Smith said the Board is not making decisions based on maps that are not yet adopted, although on some of the plans she's seen dairies and feedlots will be preserved for agricultural. She feels that the impact areas are huge and have caused urban sprawl – the county is working to pull some of those areas back in order to control some of that growth and protect opportunities to farm.

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

Commissioner Smith recommends directing staff to amend the FCOs to support two R1 parcels, a maximum of 2-acres to be rezoned to R1 and then specifically allow the balance of the farmland to retain the original agricultural building permit. When considering the zoning criteria for an amendment where considering the surrounding land uses, the Board considered the existing dairies and agricultural uses by maintaining as much agricultural land as possible but recognizing transitional zoning or uses along Cemetery Rd. for the two residential parcels. If the land to the south was zoned not agriculture because it's an old subdivision she thinks it would fall closer to the R1 zoning. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to support a 2-acre parcel rezone request to R1 along Cemetery Rd. and for staff to prepare FCOs to support the request.

The hearing concluded at 10:33 a.m. An audio recording is on file in the Commissioners' Office.  
Commissioner Minutes

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

The Board met today at 11:03 a.m. with the Weed and Gopher Superintendent to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Weed and Gopher Superintendent AJ Mondor and Deputy Clerk Jenen Ross. Superintendent Mondor discussed the following with the Board:

- With the help of a part-time employee and a seasonal employee they've been able to get caught up on the backlog of workorders. The seasonal employee recently gave notice with Thursday being their last day.
- Currently the department has 6 fulltime employees.
- Commissioner Smith let Mr. Mondor know that the Board is looking into having his department take over weed code enforcement issues. She informed him that the Board has looked into some of the issues that prevented this from happening several years ago but feels those issues could be worked out. The Board has requested that in the next 30 days Mr. Mondor come up with a plan to take over this portion of enforcement.
- Discussion ensued regarding a possible biologic control for goat heads that will survive the winter weather.

The meeting concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 2, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 577354 to 577399 in the amount of \$80,056.13

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- CDW-G in the amount of \$54,279.00 for Fleet Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for County Line Wine Co LLC dba County Line Wine Co to be used 10/1/21; 9/11/21.



### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:53 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White, Director of Indigent Services Yvonne Baker, Custom Service Specialist Kelly Galloway and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-899, 2021-901, 2021-857, 2021-892, 2021-978 and 2021-898.

Case nos. 2019-1446, 2020-807 and 2019-444 meet the eligibility criteria for county assistance. Commissioner White made a motion to issue initial approvals with written decisions within 30 days on the cases as read into the record. The motion was seconded by Commissioner Smith and carried unanimously.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

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

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

***Consider signing new alcoholic beverage license for Lifestyle Cafe, LLC dba Lifestyle Café:*** Commissioner Smith said she has reviewed the application and it appears pretty straightforward. Commissioner White made a motion to sign the new alcoholic beverage license for Lifestyle Café, LLC dba Lifestyle Café. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 21-179).

Commissioner Smith asked about Alvord land use hearing that took place yesterday. The applicant originally applied for R-1 zoning but staff suggested they change the request to R-R, it is a 24-acre parcel, but they only wanted 3 lots. P&Z recommended denial on the R-R because they wanted a development agreement. The Board directed staff to change the findings to rezone two, 2-acre parcels and amend the administrative land division so they could still have the 3 building permits. The Board asked the applicants' representative, Mr. Wellard, to resubmit the site plan and legal description for the land to be rezoned. This case was noticed as R-R but they applied for R-1, Mr.

Wesley said he would ask for the notice from DSD but believes this can be incorporated when the subsequent hearing is noticed.

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

#### CONSIDER APPROVING FINAL PLATS FOR BLACK ACRES AND MEADOW BLUFF ESTATES

The Board met today at 9:53 a.m. to consider approving final plats for Black Acres, Case No. SD2020-0029, and Meadow Bluff, Case No. SD2020-0045. Present were: Commissioner Pam White, Commissioner Keri Smith via conference call, DSD Planning Official Dan Lister, TJ Wellard, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Final Plat for Meadow Bluff Estates:*** This is an approved rezone to R-1 and the preliminary plat was approved last year with 11 conditions. All improvements have been met, and Orton Engineering has certified that all roads, irrigation, and drainage have been installed. A waters users' and road users' maintenance agreement, and a stormwater drainage and irrigation system maintenance agreement are part of the CC&R's that will be recorded concurrently with the final plat. Staff is recommending the Board sign the final plat. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the final plat for Meadow Bluff Estates Case No. SD2020-0045. Commissioner Smith authorized Commissioner White to sign the final plat in her absence.

***Final Plat for Black Acres:*** The plat was scheduled to be considered today but the applicants did not obtain the Treasurer's signature so they need to postpone it to next week.

The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – REQUEST BY BRUCE TERRY FOR A REZONE, CASE NO. RZ2021-0017

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by Bruce Terry for a rezone, Case No. RZ2021-0017. Present were: Commissioner Pam White, Commissioner Keri Smith participated via Webex, DSD Planner Jennifer Almeida, Kassie Strohmeier, LaNetta Pfof, Middleton City Planner Roberta Stewart, Attorney Doug Waterman, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. Bruce Terry is requesting a rezone of approximately 6.87 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The subject property, parcel No. R33838010 is located at 8921 Foothill Road. The property is designated as residential on the future land use map and it is within Middleton's Impact Area. the area contains primarily residential uses. There are some agricultural uses to the

south of the site, but the overall land use is residential. The rezone is compatible with the surrounding land uses and zoning. Within one mile there are 33 platted subdivisions. The City of Middleton is opposed to the request mainly because the property is adjacent to the city and they believe it should be annexed rather than rezoned, however, the County does not currently have any requirement in its code for the applicant to do that, and the applicant has opted to remain in the County and rezone their property for the purpose of allowing their daughter to build a home on the property. There was a review of agency comments. The P&Z Commission recommended approval of the rezone request on July 1, 2021. Staff is also recommending approval of the rezone.

The following people testified in support of the request:

Kassie Strohmeyer is the applicant's daughter and her plan is to build a home for her family on the subject property. She does not want to be on city services; she wants to install a propane tank, and utilize a septic system and well. Commissioner Smith asked Ms. Strohmeyer if she is aware that when she divides the parcel she will be under five acres and the city can force annex the property. Ms. Strohmeyer said she is aware of that. She has not seen utilities in the southeast corner and she believes it would be pointless for her to connect to utilities. Commissioner Smith said it will be the applicant's responsibility to find out how she can connect to services. Staff has indicated services are available, but the Board doesn't tell people where services are and whether they have to extend them.

LaNetta Pfof testified this was originally her parents' property and it was divided when they passed away. She owns the bottom 10 acres and her parents owned the upper 6 acres. Ms. Pfof is 83 years old and with Ms. Strohmeyer being able to live on the property she will help with maintaining the land.

The following people offered testimony in opposition to the request:

Roberta Stewart testified the City of Middleton opposes the application. It is contiguous to city limits and is located to the northwest of Blue Meadows where sewer and water are located. On the city's comprehensive plan, they have a road at the corner and there is a 1/2 portion of 9<sup>th</sup> Street which is a major collector. Blue Meadows has to do half of it and now the other half won't be built because there is no development, but there could be in the future. The rezone is inconsistent with county ordinances and it is not good orderly growth. The more wells and septic systems that are in the area the more of a burden it is on the groundwater and the environment. The rezone will affect the city's growth and its ability to expand its borders. If the Board is inclined to approve the request the city asks that the project be limited to only two (2) residential single-family homes. Regarding forced annexation, Ms. Stewart said she has not seen forced annexation and she does not think the city is inclined to do that, but it is an option and they may be forced to do, although they don't want to. Rebuttal testimony was offered Kassie Strohmeyer who stated her children attend a charter school in the Vallivue School District so it will not be an impact on the schools in Middleton. She also noted her property is closer to the Star Fire station than to the Middleton station. Following testimony, Commissioner White made a motion to close public

testimony. The motion was seconded by Commissioner Smith and carried unanimously. Commissioner Smith understands where the City of Middleton is coming from, however, this is a family split and the average lot size in the area of platted subdivisions is 1.46 acres, and for non-platted lots the average size is 5.75 with a median of 1.07 acres. She has a hard time finding this request does not fit the character of the area. Middleton has tools to annex the property after it's been divided if that's the path they need to take. The property owner has the right to make application and the Board is charged with finding compatibility with the ordinance and she is supportive of the request. She does not believe it will negatively affect the character of the area, nor is there any evidence that adequate services are not available. It will be up to the applicant to obtain those services at the time of building permit. Commissioner White does not find any incompatibility issues associated with this request. Following the Board's deliberation Commissioner White made a motion to approve the rezone request from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, as well as approve the FCO's and the ordinance for Case No. RZ2021-0017. The motion was seconded by Commissioner Smith and carried unanimously. (See Ordinance No. 21-022.) The hearing concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 3, 2021

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

#### PUBLIC HEARING TO CONSIDER A REQUEST BY JEFF VAN WINKLE FOR A REZONE, CASE NO. RZ2021-0020

The Board met today at 9:13 a.m. to conduct a public hearing in the matter of a request by Jeff Van Winkle for a rezone from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone, Case No. RZ2021-0020. Present were: Commissioner Pam White, Commissioner Keri Smith via Webex, DSD Planner Jennifer Almeida, Jeff Van Winkle, other interested citizens, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The applicant is requesting a rezone of approximately 5.18 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential) zone. The subject property, parcel no. R33805010A is located at 7388 Desert Wolf Lane in Star. The future land use for this area is residential, and the property lies within Middleton's impact area. The area is predominately residential in nature, with rural residential zoning within 350 feet of the site and conditional-rezone R-1 property within 928 feet of the site. The proposed rezone is compatible with the surrounding land uses and within one mile there are 26 platted subdivisions. The P&Z

Commission recommended approval of the request on July 1, 2021, and staff is recommending as well. Jeff Van Winkle testified he wants to split two acres off his property and sell to a person who is currently building another house next to his property and in order to do the split they had rezone the land first. He will not be making any changes to the remaining 3.18 acres. Directly the east of his property are four lots that have been developed and it's clear that will continue. There is no irrigation available so the land cannot be used for farming crops or raising animals. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner White supports the requested zone change and believes it will fit nicely with the area. Commissioner Smith had no changes to the recommended findings of fact or conclusions of law, and she supports approval based on the prepared FCO's. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the request by Jeff Van Winkle, Case No. RZ2021-0020 and to sign the findings of fact, conclusions of law and order, as well as the ordinance. (Ordinance No. 21-023.) The hearing concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY MARK GUIJARRO FOR A REZONE, CASE NO. RZ2021-0016

The Board met today at 9:29 a.m. to conduct a public hearing in the matter of a request by Mark Guijarro for a rezone from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone, Case No. RZ2021-0016. Present were: Commissioner Pam White, Commissioner Keri Smith via Webex, DSD Planning Official, Mark Guijarro, Mary Medrano, and Deputy Clerk Monica Reeves. Dan Lister provided the oral staff report. The hearing was continued from August 19, 2021 to give the applicant some time to abate the code enforcement violations and have a site visit done by the code enforcement officer. The officer walked the site and identified the previous owner, Mr. Arndt, had left trash, car parts, tires, and weeds on the property. He acknowledged that the current owner is bringing the property into compliance and has abated a lot of the issues and has brought the property into better condition. Staff recommends approval of the rezone request. Mark Guijarro testified he has removed the car parts, tires, abandoned vehicles, and was able to get the Sheriff's Office involved. He spoke to the previous owner and worked with the son and tried to get the two lots as clean as possible. Commissioner White said the property looks amazing, and Commissioner Smith said the applicant has done a great job improving the site. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the request by Mark Guijarro, Case No. RZ2021-0016 and to sign the findings of fact, conclusions of law and order, as well as the ordinance. (Ordinance No. 21-024.) The hearing concluded at 9:37 a.m. An audio recording is on file in the Commissioners' Office.

## CANVASS AUGUST 31, 2021 ELECTION RESULTS

On September 3, 2021 Commissioners Pam White and Keri Smith canvassed the results of the August 31, 2021 election. (Commissioner Van Beek was out of the office on September 3, 2021.)

\*Note for the record: On September 17, 2021, Commissioner Leslie Van Beek was contacted by the Elections Office staff requesting her signature on the canvassing document because the Mayor of Homedale preferred that all three Commissioners' signatures be collected. Commissioner Van Beek added her signature to the document after reviewing the election results.

## SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 7, 2021

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

There were no meetings held this day, however, the Board approved claims (electronically) as follows:

## APPROVED CLAIMS

- The Board has approved claims 577168 to 577206 in the amount of \$37485.98
- The Board has approved claims 577261 to 577303 in the amount of \$42,202.18
- The Board has approved claims 577327 to 577353 in the amount of \$38,406.51
- The Board has approved claims 577400 to 577452 in the amount of \$24,727.52
- The Board has approved claims 577453 to 577483 in the amount of \$179,579.31
- The Board has approved claims 577484 to 577501 in the amount of \$9,837.00
- The Board has approved claims 577502 to 577510 in the amount of 31,643.34
- The Board has approved claim 577511 in the amount of \$10,307.00

## APPROVED CLAIMS ORDER NO. 2125

- The Board of Commissioners approved payment of County claims in the amount of \$1,612,202.36 for a County payroll

SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 8, 2021

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

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Moad LLC dba O’Michael’s Pub & Grill to be used 9/25/21, 9/18/21, 9/11/21

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Frontier Precision in the amount of \$2,124.00 for Canyon County Sheriff

PUBLIC HEARING – REQUEST BY KM ENGINEERING LLP, REPRESENTING EKART HOLDINGS, FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE, CASE NOS. OR2021-0009 AND CR2021-0003

The Board met today at 9:37 a.m. to conduct a public hearing in the matter of a request by KM Engineering LLP, representing Ekart Holdings, for a comprehensive plan map amendment of a 9.11-acre portion of Parcel R36103020 from “Agricultural” to “Commercial”. The request includes a conditional rezone with a development agreement to amend the zoning map from an “A” (Agricultural) Zone to a “C-1” Zone (Neighborhood Commercial) Zone. Present were: Commissioner Pam White, DSD Planning Official Dan Lister, Casey Howell, Joe Ross, Stephanie Hopkins, and Deputy Clerk Monica Reeves. Commissioners Keri Smith and Leslie Van Beek participated via Webex. Commissioner Smith disclosed that her friend lives on the subject property and a long time ago she mentioned she was going to apply for an RV facility and she wondered about the hearing process, so Commissioner Smith explained the process but did not discuss the case itself. Neither Commissioners White nor Van Beek had any disclosures to make.

Dan Lister gave the oral staff report. The subject property is located at 21913 Notus Road in Greenleaf and the request will allow a 9.11-acre portion of the property to be modified into a commercial designation and zone for an RV storage facility. The remaining 5.9 acres will remain

designated as agriculture. The development agreement will consist of C-1 zoning to only be allowed for an RV storage facility and so there would be a conditional use permit (CUP) subsequent to this approval and another hearing for that use would be required. Staff has placed a 100-foot buffer at the front of the property for landscaping and trees, and applied exterior lighting requirements that they be shielded downward in a position to reduce offsite glare. This location requires a review by various agencies to ensure water, sewer, irrigation, gas and other facilities are provided at the time of future development. At the time of CUP there would be requirements to show adequate facilities for the storage unit use. This is zoned agriculture and properties within the immediate vicinity are also zoned agriculture with an average lot size of 24.8 acres. The property is located 2,000 feet south of the City of Greenleaf. The future land use plan shows this area to be agriculturally designated, and the Greenleaf impact area shows this to be residential and commercial uses. Feedlots and gravel pits are in the area along with active/inactive mineral extraction uses. There are five subdivisions and all are located within the City of Greenleaf's jurisdiction. This area has moderately suited soils and is not considered prime farm ground; however, there are still a number of agricultural lots in the location. Although the area is a commercial designation in Greenleaf's future land use plan, city services are not anticipated to reach this area in the next 10-20 years. There are a lot of weeds, vehicles, and RV's on the property which could be a public nuisance. On July 1, 2021, the P&Z Commission recommended denial of the comprehensive plan map amendment because they could not make findings on the future designations being more appropriate than the agricultural zone, however, they did recommend approval of the conditional rezone and development agreement. Staff recommends denial of the comprehensive plan and approval of the conditional rezone with a development agreement and ordinance. A decision to approve the comprehensive plan or deny the rezone would require another hearing because it would alter the P&Z Commission's recommendation. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Stephanie Hopkins with KM Engineering offered testimony on behalf of the property owner and said the request is for a conditional rezone with a development agreement to provide assurance there will only be one use on the property, an RV storage facility. The C-1 district is recommended so they can make sure to go through the CUP process to give the County an opportunity to make sure they are in compliance, and at that time they will work with the highway district on the access and look at security, fencing, and landscaping. Greenleaf's impact area does indicate a small portion of the site as commercial and that is consistent with their request. A neighborhood meeting was held and no one was opposed to the project; they are in support of an RV storage facility because it would mean less traffic and less of an impact. The C-1 district allows for that use as a conditional use. They are requesting to rezone 9 acres to a C-1 district and leave the remaining five acres in the agricultural zone. The existing residence will serve as an office where the property owners will reside and manage the RV storage facility. Ms. Hopkins agree with the recommendation from staff and the P&Z Commission that the comprehensive plan does not need to be changed in order to allow this use to exist as conditioned in the development agreement. They do not want to landscape the entire perimeter of the site, but the weeds that have been contributing to the public nuisance will be taken care of. Following her testimony Ms. Hopkins



responded to questions from the Board.

Joe Ross testified the pond on the property is a two-acre private fishing pond that is landlocked. He addressed the weed situation on the property and said he let the back portion behind the house go for the pheasants and quail, but it won't be a problem to mow or spray them. The storage units will be covered, and the inside will be reconditioned asphalt or non-dust type material to keep the dust down. On the inside it will be a covered pole barn type with a roof and back, and the outside portion will have maintained landscaping. He has not received any notices about the property having a code enforcement issue. He and his wife plan to live on the property and operate the storage facility. Commissioner Smith asked if Mr. Ross has the means and the equipment to maintain the property and he indicated he does. She also asked if he will agree to a condition that would not allow him to apply for a permit until he proves the property is in compliance. Mr. Ross said he will agree to that, and he will bulldoze the front portion and take care of the weeds.

Casey Howell testified he works for the Ekart family and is helping with the design and entitlement process. He believes this project this will serve the surrounding communities and will serve as overflow from the Caldwell area.

Following testimony, Commissioner Van Beek made a motion to close the public hearing. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek said she is unable to make positive findings that a new zone is more appropriate and she worries about the compatibility with agricultural uses. Commissioner Smith said it will be over 20 years before there is development in that area and she noted the number of nuisances that exist on Notus Road. The request is not consistent with the future land use map, however, we can make findings that are consistent with the text. When you consider the surrounding land uses, and an RV storage facility near existing mineral extraction they are both fairly commercial/industrial in nature. There is not a lot of row crop farming that will be impacted. When the CUP goes through she wants it heavily conditioned to make sure surrounding properties are not impacted. Perhaps there could be a fencing requirement along the boundary property so they don't have any impact to the grazing, but other than that because of the character of the area she is okay as long with the request as long as it is heavily conditioned. Commissioner Van Beek does not support the request. Dan Lister said the Board could add a condition stating prior to the submittal of the CUP all public nuisance violations shall abated. Commissioner White spoke about the lack of adequate storage facilities for boats and RVs in the valley and said she believes this is a good location for a storage facility. She likes that the property owner will be on site. Mr. Lister said the applicant has agreed to the condition to add fencing around the facility. Following the Board's deliberation Commissioner White made a motion to deny the request by KM Engineering, representing Ekart Holdings for a comprehensive plan map amendment, OR2021-0009, in accordance with the written staff report. The motion was seconded by Commissioner Van Beek and carried unanimously. The Board signed the FCO's for the denial of the comprehensive plan map amendment. Commissioner White made a motion to approve the request by KM Engineering, representing Ekart Holdings, for a conditional rezone and development agreement, as well as the ordinance, Case No. CR2021-0003. There is a requirement for the property to be in full compliance

with public nuisance laws prior to the CUP, and the property shall be fenced. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion to approve the conditional rezone. The motion carried by a two-to-one split vote with Commissioner Van Beek voting against the motion to approve. The hearing concluded at 10:41 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE IDAHO STATE PUBLIC DEFENSE COMMISSION

The Board met today at 2:06 p.m. with the Idaho State Public Defense Commission. Present were: Commissioner Pam White, Commissioners Keri Smith and Leslie Van Beek via Webex, Chief Public Defender Aaron Bazzoli, Jennifer Roark with the PDC via Webex and Deputy Clerk Jenen Ross.

Ms. Roark discussed the following with the Board:

- Review of recent and upcoming training sessions conducted by the PDC.
- Review of how the financial assistance award for FY2022 will be allocated, how to keep those numbers more consistent and funding of positions.
- Discussion regarding case load management and numbers and how those numbers are counted.
- Requested Mr. Bazzoli send info to her on in-house trainings that have been conducted so they can be entered for credit.
- Concerns about the conflict program or attorneys that are under conflict; she wondered if there has been discussion about putting that under a separate administrator.
- The PDC Commission has passed proposed rules and will be putting them out for public comment. She requested input from Canyon County; Mr. Bazzoli will attend the meeting tomorrow and Commissioner Smith asked him to visit with Mr. Laugheed regarding the proposed rules.

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

#### EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(B)

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

Commissioner Van Beek made a motion to go into Executive Session at 3:07 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. 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: Commissioner White and Facilities

Director Paul Navarro. Commissioners Smith and Van Beek participated via Webex. The Executive Session concluded at 3:32 p.m. with no decision being called for in open session.

## SEPTEMBER 2021 TERM

CALDWELL, IDAHO     SEPTEMBER 9, 2021

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

### MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 10:02 a.m. to consider agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek via Webex, Director of Indigent Services Yvonne Baker (left at 10:04 a.m.), Controller Zach Wagoner, Sr. System Analyst Steve Onofrei and Deputy Clerk Jenen Ross.

#### ***Matters related to medical indigency:***

The following cases do not meet the eligibility criteria for county assistance: 2021-904, 2021-919, 2021-921 and 2021-903. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

Commissioner Van Beek made a motion to place case no. 2021-920 into suspension. The motion was seconded by Commissioner Smith and carried unanimously.

One release and two liens were presented for Board signatures.

#### ***Consider signing resolution to grant taxing district extensions:***

Mr. Onofrei explained that annually taxing districts have the option to apply for an extension of the deadline to file their L-2 documents. This year requests were received from the Kuna, West Ada, Homedale, Nampa, Caldwell, Vallivue and Marsing school districts. Approval of the resolution will extend the deadline to September 20<sup>th</sup>. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to grant taxing district extensions (see resolution no. 21-180).

The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2021 TERM

CALDWELL, IDAHO     SEPTEMBER 10, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 577131 to 577167 in the amount of \$14,679.19 (*With the exception of claim 577131*)
- The Board has approved claims 577305 to 577326 in the amount of \$80,7910.98
- The Board has approved claims 577100 to 577130 in the amount of \$35,758.76
- The Board has approved claims 577208 to 577260 in the amount of \$55,877.58

#### CONSIDER APPROVING FINAL PLAT FOR BLACK ACRES SUBDIVISION, CASE NO. SD2020-0029

The Board met today at 9:35 a.m. to consider approving the final plat for Black Acres Subdivision, Case. No. SD2020-0029. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via Webex, DSD Planning Official Dan Lister, Representative for Black Acres Subdivision and Deputy Clerk Jenen Ross. Mr. Lister said that the 9 conditions that were required prior to the signing of the final plat have been met and provided a brief overview of the requirements and how they were met. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the final plat for Black Acres Subdivision, Case no. SD2020-0029. The meeting concluded at 9:40 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 10:01 a.m. to consider agenda items. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via Webex, Prosecutor Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Sheriff Kieran Donahue, Landfill Director David Loper (left at 10:15 a.m.), HR Generalist Demi Etheridge and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing ratification for Jail Housing Billing Agreement with Ada County:*** This agreement has existed for some time, however there is a new signatory for the Sheriff. Mr. Laugheed said there is no legal reason not to sign. This contract is in place only if needed. Upon the motion of

Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the ratification for jail housing billing agreement with Ada County (see agreement no. 21-069).

***Consider signing FY2022 Canyon County / Norman Family Trust Lease Agreement:*** Mr. Laugheed said this agreement has been in place for several years and there are no changes to the agreement this year. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the FY2022 Canyon County/Norman Family Trust lease agreement (see agreement no. 21-068).

***Consider signing FY2022 Pickles Butte Sanitary Landfill Geotechnical Expansion Boring Project Solicitation of Bids:*** Director Loper gave a review of the project which is for the lateral expansion of the landfill and was budgeted for in the FY2022 budget. There are four companies that the solicitation will be sent to and also added to the county website. Mr. Laugheed said there is no legal reason to not move forward. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the FY2022 Pickles Butte Sanitary Landfill Geotechnical Expansion Boring Project Solicitation of Bids. *Noted for the record - the title on attachment 3 will be corrected to indicate the correct project name.*

***Consider signing resolution to adopt the changes to job description of one (1) position in the Prosecuting Attorney's Office:*** Mr. Taylor explained this change will allow more flexibility and clarification of a legal assistant responsibilities within the criminal division. He also stated that as of right now no one needs to be reclassified, everyone is already classified under this job title. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to adopt the changes to job description of one (1) position in the Prosecuting Attorney's Office (see resolution no. 21-181).

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

## SEPTEMBER 2021 TERM

CALDWELL, IDAHO     SEPTEMBER 13, 2021

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 for Jury in the amount of \$1058.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- WCP in the amount of \$16,044.00 for Information Technology Department
- Right! Systems Inc. in the amount of \$15,653.90 for Information Technology Department
- Right! Systems Inc. in the amount of \$3,858.00 for Information Technology Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Pretty Bubble Co. LLC dba The Pretty Bubble to be used 9/17/21

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:45 a.m. for an office staff meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

#### COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Leslie Van Beek, Steve Burton and Sr. Admin Specialist Terri Salisbury.

The Commissioners provided feedback on the following topics that were raised by Mr. Burton:

- Committee of Nine and the need for the City of Middleton to get involved with the Star Annexation process
- Comprehensive plan updated
- Open P&Z Commissioner positions

The meeting concluded at 9:19 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:04 a.m. with the Director of Development Services to discuss general issues, set policy, give direction and consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Director Steve Fultz and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution granting refund to David Ford for a withdrawn application for a zoning ordinance amendment, comprehensive plan amendment and short plat:*** Director Fultz and Mr. Lister met with Mr. Ford and determined what he wanted to do was not going to work with county ordinances. Staff is recommending a refund. This property is non-viable farm ground but is surrounded by very productive ag ground. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to refund David Ford for a withdrawn application for a zoning ordinance amendment, comprehensive plan amendment and short plat (see resolution no. 21-182).

***Consider signing resolution granting refund to David Hess for a withdrawn conditional use permit modification application:*** Mr. Lister spoke with Mr. Hess and following that discussion Mr. Hess chose to withdraw the application. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to David Hess for a withdrawn conditional use permit modification application (see resolution no. 21-183).

***Consider signing resolution granting refund to Randy Wall for a withdrawn property boundary adjustment application:*** There was an error when the application was taken in; this property is actually within Star city limits. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Randy Wall for a withdrawn property boundary adjustment application (see resolution no. 21-183).

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

- There was recent meeting between DSD and legal regarding the FEMA issues. Stephanie Hailey has been in contact with the engineer regularly and there will be meeting tomorrow at 10:00. Director Fultz feels there seems to be a lack of communication.
- The first comprehensive plan meeting was held Wednesday and about 30 people attended. This was the first of 4 scheduled meetings. Good information was received from those in attendance.
- At the P&Z Commission meeting this week they will be addressing several code enforcement items.
- Some DSD staff will be attending a meeting at the City of Nampa Thursday evening regarding expansion of their impact area.
- There have been further discussions with P&Z and action has been taken to expand noticing from 300' to 600' radius and for some land use issues it will go out to 1000'.

- Bylaws for the P&Z Commission have been amended regarding code of conduct and all members will be asked to sign it.
- Starting later this month they will do a monthly brown bag lunch meeting with supervisors; topics they will be covering include leadership training and roles and responsibilities.
- A property tax exemption request from the City of Caldwell may be coming before the Board for a fairly sizable company.
- With Mr. Lister moving into the Planning Official position the Planner III position was just reclassified, it did not open up another position. Director Fultz will be meeting with Jennifer Allen and Zach Wagoner to see what can be done to create an open position. The Board is supportive of this but asked him to work with Mr. Wagoner to make sure it is financially feasible.
- There has been communication with the City of Caldwell regarding a revenue allocation area. Mr. Fultz thinks the county needs to take a good look at the intergovernmental agreement and have a seat at the table.
- Commissioner Smith asked about meeting the ordinance requirements on timing for applications that have been applied for. Director Fultz said they are looking at that and working thru those processes. They are at 130+ cases and trying to work thru them as quickly as they can.
- A part-time admin has been hired to help with code enforcement and having Director Mondor help with weed control has been beneficial. There have been discussions about bringing on an additional code enforcement officer. Commissioner Smith encouraged that meeting to happen so that there is a good process in place; she also recommends that IT be involved in case Director Mondor needs access to the CAPS program.
- Director Fultz has met with IT about digitizing permits so that they can be tracked online. The person in IT who was handling that project has left the county and it now looks like it will be postponed until the beginning of the year. Additionally, based on a request from Commissioner Smith, the phone system in DSD is being revised. Currently when calling DSD you are not able to reach a person so Director Fultz is looking to add that responsibility to the Sr. Admin once that person is hired.

The meeting concluded at 10:37 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:01 a.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross.



Director Schwend provided a hand-out and reviewed the following with the Board:

- Field Trips are remaining flexible – both in-person and virtual options are available.
- Introduction of two new employees.
- Update on employee evaluations.
- BLM 2018 Travel Management Plan regarding Victory Lane blockage of destructive/decommissioned roads.
- Equestrian meeting on-site at Celebration Park; the group is wanting a dedicated trail. Commissioner Smith said that unless it's in a masterplan to not spend any more time on it. Commissioner Van Beek appreciates what Director Schwend is trying to do and the relationships she's built. Director Schwend would like to pause until there is a masterplan and maybe work on it when time allows. She would like to see the group more organized and have a definitive plan; in cooperation with BLM they have let the group know this information.
- Deer Flat National Wildlife Refuge Urban Refuge Program – collaborative community engagement meeting was held on August 30<sup>th</sup>. The Board is interested in an on-site meeting with Eddie Owens.
- Speed bumps have been added at Celebration Park.
- Improvements to mobile events.
- There is a well issue at Celebration Park, the problem is unknown at this time but Facilities is evaluating the issue. Park staff has come up with a triage/back-up plan.
- Commissioner Smith asked about park entrance fees. Director Schwend explained there are some restrictions due to grants that have been received but thinks there needs to be a bigger discussion as part of the master plan.

The meeting concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:35 a.m. with the Administrative District Judge and TCA to discuss general issues. Present were: Commissioners Keri Smith and Leslie Van Beek, ADJ Davis VanderVelde, TCA Jamie Robb and Deputy Clerk Jenen Ross. The follow items were discussed with the Board:

- Judge Vander Velde has replaced Judge Southworth as ADJ.
- October's mental health meeting has been postponed until the spring so they can be done in-person vs. on Zoom
- In-person jury trials remain postponed as per guidelines from the Supreme Court, however, a large bulk of court operations continue moving forward. Regular in-person and Zoom trials are continuing. Judge Vander Velde answered Commissioner Smith's questions about right to a speedy trial; so far it has not been challenged in Canyon County. In

response to a question from Commissioner Van Beek, Ms. Robb and Judge Vander Velde addressed scheduling and workload of court operations; jury trials are a small portion of court operations.

- Applications are being accepted and interviews scheduled for a new district judge position and Judge Southworth's vacant position. Anticipated start would be approximately 30 days after interviews. Ms. Robb has been working with Director Navarro to make sure space is available for the new judges and staff.
- Ms. Robb is continuing to work on eviction court.
- There is a meeting this afternoon to discuss new FY2022 positions which Ms. Robb will attend.

The meeting concluded at 11:51 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:35 p.m. for an Executive Session to interview and evaluate a candidate for the position of Director of Human Resources. Commissioner Van Beek made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (a), (b) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, and Commissioner Pam White who participated via WebEx, as well as HR staff members Bailey Allen, Ellen Cahalan, Rich Soto, Jennifer Allen, Nicole Ahlstrom, Demi Etheridge, and Cindy Lorta, Assessor Brian Stender, Deputy PA Zach Wesley, Candidate Kim Foster, and Deputy Clerk Monica Reeves. Bailey Allen, Ellen Cahalan, Rich Soto, Nicole Ahlstrom, Demi Etheridge, and Cindy Lorta left at 2:18 p.m. Prosecutor Taylor and Chief Deputy Sheriff Marv Dashiell arrived at 2:19 p.m. Ms. Foster left at 3:05 p.m. Clerk Chris Yamamoto arrived at 3:20 p.m. The Executive Session concluded at 3:28 p.m. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the Executive Session to tomorrow, September 14, 2021, at 3:30 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### MEETING WITH HR GENERALISTS TO REVIEW NEW FY2022 POSITIONS

The Board met today at 3:29 p.m. with HR Generalists to review new positions for FY2022. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White participated via WebEx, HR Staff members Jennifer Allen, Cindy Lorta, and Demi Etheridge, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Sheriff Kieran Donahue, Assessor Brian

Stender, Assistant Benita Miller, Trial Court Administrator Jamie Robb, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The Board had asked HR staff to review all of the new positions that had been allocated in the New FY2022 budget and those job descriptions. There are two new positions under the Board of Commissioners: economic development specialist (in DSD) and a new position for the County Fair. There is also a new court systems technician position under the Clerk. HR does not have the job description for the new Fair position so the Board will schedule a meeting for that position once Fair Director Diana Sinner has completed the job description. Cindy Lorta has a job description for the court systems technician position. HR received comparative salary information from other counties and they created spreadsheets that included information from Kootenai, Bannock, and Ada Counties. Demi Etheridge has job descriptions for the Prosecutor's Office, Public Defender Department, TCA, and the Assessor's Office. The majority are existing job descriptions even though they are new positions. There was one updated job description for the PA legal assistant position which was approved last week. There was discussion regarding the comparable salary information and COLA information the HR staff received from other counties. Commissioner Van Beek asked about the chief deputy pay plan and how Kootenai County's plan compares with Canyon County's plan. Commissioner Smith said the other positions are already approved and the compensation has been set so she wants to focus on the two positions in front of the Board today. The court systems technician position has a budgeted amount of \$45,441. Controller Zach Wagoner said the technology advancements have been rapid in the courts area especially with Zoom and other functions and they currently have a technician position and that person is overburdened with work so this new position would provide support. The salary was matched up with the court clerk IV position. Commissioner Smith said none of the other counties have this position and she questioned why we need two positions. Clerk Yamamoto said it's because of the level of cases that are going through the courts. Discussion ensued. Commissioners Smith and Van Beek would like more information on how the other counties handle that and make sure we are comparable and that the wage is appropriate. There was discussion regarding the economic development specialist position. Ada County has a similar position that pays about \$10,000 less than what we have budgeted. Controller Wagoner believes the salary information came from the Cities of Meridian, Nampa and Caldwell and the information varied widely, and the \$71,870 salary amount was a ballpark number to include in the budget. Commissioner Van Beek said the salary is higher than the amount Director Fultz remembered submitting because it includes the 7.5% increase. An important part of the wage differential to note is the Board is removing the component from Western Alliance for Economic Development (WAED) so there is some trading within the budget on the work that's currently being subsidized. Commissioner Smith said they want someone with five years of high-level management experience in land use planning, community and business development project management, or owned a company with executive level experience or government entity-related to recruitment and retention. That is more than an entry-level position. Also, the word *specialist* seems entry-level and so she asked about using the word *official*. Ms. Allen will talk with Director Fultz about that. Those are the only two positions that needed review. The remainder of the position salaries have been set by the compensation plan and there are no changes to those salaries or the job descriptions. Commissioner Smith wants to get Director Fultz's approval on using the title of economic development *official* vs *specialist*, and she wants to know how other counties are handling the court technician position. Zach Wagoner said there have been numerous questions

about posting the positions because the new judges will be here in early October and they will require support staff including technical support and they want to post the positions sooner rather than later to begin the hiring process. Commissioner Smith said all job descriptions have been approved – there no changes to them and so the appropriate thing to do is wait for the resolution to be passed tomorrow which deals with employee salaries. She wants to have the two positions that were reviewed today wrapped up tomorrow if possible. Controller Wagoner said the court system technician position was discussed throughout the budget process and was included in the approved budget. Commissioner Smith agrees that the funding is there, but today the Board is only looking at the job description and salary information for the new positions. Commissioner Van Beek said the Board has not had the opportunity to evaluate and gathering information is the right thing to do. Commissioner White asked what the Board is considering tomorrow afternoon and whether the Board will set salaries because the compensation plan was already approved. Commissioner Smith said the compensation plan has not been approved and tomorrow the Board will consider changes to Resolution No. 19-145 which is where the Board has previously approved the compensation plan for the prior year's budget. She will forward the draft resolution to Commissioner White for review today. A new meeting will be set for September 15, 2021 at 4:15 p.m. with the HR Generalists to consider the resolution for the two new positions discussed today. The meeting concluded at 4:06 p.m. An audio recording is on file in the Commissioners' Office.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 14, 2021

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

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

*Note for the record: As properly noticed the Board met today at 9:03 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith,

Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 9:30 a.m. with no decision being called for in open session.

#### CONSIDER SIGNING DAY OF PRAYER AND FASTING FOR DROUGHT RELIEF PROCLAMATION

The Board met today at 8:48 a.m. to consider signing a Proclamation for a Day of Prayer and Fasting for drought relief. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Kelli Jenkins, local faith leaders, and Deputy Clerk Monica Reeves. Commissioner Smith read the proclamation into the record, which stated in part, *"We pray for the entire state of Idaho, many counties of which are under drought conditions, and call on the good people of Canyon County to regard October 10, 2021, as a Day of Prayer & Fasting for Drought Relief for the blessings of unity, rainfall, and snowpack over our communities, region, and state."* Ms. Jenkins thanked the Board and Caldwell city leaders for their willingness to support the proclamation addressing the dire drought condition. Local faith leaders spoke of how this a great opportunity for people to come together and unite and express their faith however they want to. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the proclamation. The meeting concluded at 8:58 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING TO CONSIDER A REQUEST BY JOEL MERRIAM, REPRESENTING SWAINSON'S POINTE SUBDIVISION, FOR A PLAT VACATION, CASE NO. VAC2021-0001

The Board met today at 9:36 a.m. to conduct a public hearing in the matter of a request by Joel Merriam, representing Swainson's Pointe Subdivision, for a plat vacation, Case No. VAC2021-0001. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, Joel Merriam, Don Huber, Tami Huber, Ben Iordonescu, Nicoleta Iordonescu, Kim Yanecko, Ken Yanecko, Claudia Haynes, Angela Bratchel, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed she has family involved with the Upper Deer Flat Fire District, but she has not spoken to them about this issue. Dan Lister gave the oral staff report. Joel Merriam is requesting a plat vacation to remove Plat Note #15 from the final plat for the Swainson's Pointe Subdivision which states residential fire sprinklers are required in all residences installed in accordance with NFPA 13 (d), and the Upper Deer Flat Fire District's requirements. The applicant's property is located at 12123 Swainson's Lane, Nampa, but the request affects all lots within Swainson's Point Subdivision (Parcels R30097100 through R30097112). A petition was submitted by neighbors within Swainson's Pointe Subdivision, where 9 of the 12 owners support the removal of the plat note. Nampa Highway District is not opposed nor have they provided additional comments. Upper Deer Flat Fire District stated at the time of approval of the Swainson's Pointe development there were allowances to review this for fire sprinklers due to water supply requirements and the developer at the time agreed to fire sprinklers as a way to demonstrate adequate water supply for the development. The fire district is saying without identifying an alternative water supply, they find the removal of the plat note to be

reckless and dangerous for firefighters and residents and therefore they oppose the plat note vacation. The applicant has demonstrated there is a current statutory exemption in state law that allows single-family dwellings and two-family dwellings to be exempt from the requirement of a fire sprinkler installation unless they voluntarily want to do that themselves. The law was passed in 2009, after the creation of the plat. Mr. Lister summarized the comments received from residents as follows: Kim Yanecko finds the sprinklers were approved for the subdivision to meet water supply and fire code requirements. She also believes the CUP and approval of the plat came with the understanding that this would be part of that subdivision and has presented the lack of enforcement of those requirements per the building permits that have been approved for this subdivision and for Valley View Subdivision showing an inconsistency of applying those plat notes. Dinnius and Associates, representing Upper Deer Flat Fire District, opposes this request stating the plat was approved in 2007 when fire sprinklers were required and the developer agreed to those requirements and the property owners bought knowing that they would have to do so. Removal of the plat note is dangerous and inconsistent with fire code. Justin Winkler was required to meet water supply requirements for his house and he chose to do fire sprinklers to meet the fire flow requirements and he believes this is consistent with many houses within that location. He feels the removal is dangerous and unfair because the people who had to install fire sprinklers did so and the others should have to do the same. Mr. Lister said staff is recommending approval of the plat vacation which is consistent with the P&Z Commission's recommendation on June 3, 2021. Commissioner Smith questioned the conditions that were imposed on the original CUP and asked whether the County enforces conditions. Mr. Lister said the current code is silent about fire requirements, and the only time we require a fire permit is if access to the property is over 150 feet in length and then the County will require a fire district permit, other than that it's not required per County code.

The following people testified in support of the request:

Joel Merriam said state law is clear that all single-family homes and multiple family dwellings, up to two units, are exempt from the provisions of the International Fire Code, the International Building Code, and the Idaho Residential Code that requires such dwellings to have automatic fire sprinkler systems installed. It also states that nothing in the section shall prevent any person from voluntarily installing an automatic fire sprinkler system in any residential dwelling. Mr. Merriam spoke about how he's tried to navigate the state law and the requirements of the fire district. There are certain water flow requirements, but the concern is none of the wells in the area will come close to what is required and he questioned why residents have to have the sprinklers when the law says they cannot be required, and the water flow requirements cannot be met. He built a house without fire sprinklers on the basis of what the law said, and he currently has a temporary occupancy. Following his testimony, Mr. Merriam responded to questions from the Board.

Don Huber, whose son lives in Swainson's Pointe, stated the following entities, organizations, and individuals have confirmed that the Idaho state law is clear that no one can be forced to have residential fire sprinklers: Canyon County building, Canyon County zoning, Canyon County Prosecutor, Canyon County inspectors, the Idaho State Fire Marshal, the Idaho State Legislators who wrote the law, the National Association of Homebuilders, the National Fire Protection

Association and several private attorneys. These organizations were conferred with before building within Swainson's Pointe Subdivision as well as within the last several months. The HOA has no such requirement as part of its covenants so this line entry simply needs to be removed from the plat.

Tami Huber lives in Swainson's Pointe and she contacted the state fire chief before building her home and he agreed that they cannot make anybody have fire sprinklers. She asked the Board to remove the note from the plat map so this does not have to be an ongoing issue and so that Mr. Merriam and others can have permanent occupancy in their homes.

The following people testified in opposition of the request:

Kim Yanecko stated the letter written by Attorney Kevin Dinnius for the fire district should be taken into consideration, and although she feels badly for the residents in Swainson's Pointe, there are some issues that need to be discussed. If they are not going to have sprinklers they need to have a separate water source for firefighting. She's concerned they do not have a secondary water source as required by law, and without that the fire district is going to be looking locally for the next source of water. If the Board does remove the plat note at the minimum there should be a requirement for a water source. Ms. Yanecko said the residents purchased their lots knowing it was a requirement, but there is a rumor the building official said not to worry because they would be allowed occupancy without it because there is a question about the fire code and the requirements therein. She referred to Exhibit 56 that was submitted by the fire department. There have been ongoing issues that should have been resolved in prior years. It created a problem when permits were granted when the homeowners knew they had to have sprinklers but the building official allowed no sprinklers and it set a precedent. In other developments there are homes without sprinklers, yet their plat map indicates they have to have sprinklers so why is this a continuing issue and these poor people are here today begging for their plat note to be removed so they can get back into their homes? The only resolution is to follow the fire code and the code at that time said they could put in sprinklers; if that is going to be removed you still have to follow fire code for safety. She's concerned about safety and not being able to put out a fire. She questioned whether hydrants should be required and no longer have plat notes for sprinkler systems. Following her testimony, Ms. Yanecko responded to questions from the Board. Deputy PA Zach Wesley spoke of the requirements in Idaho Code noting that Section 39-4116 states that local governments cannot require residential dwellings to have sprinklers which is why we don't have a County ordinance that requires sprinklers. The County has not adopted the international fire code, but the state has and there is a state agency that local fire districts are deputized under to enforce that international fire code and they have some independent authority and jurisdiction to enforce the fire codes. Idaho Code does not change the County's authority or exemption for those fire sprinklers. How we get to where we are at now is the County's ordinance does have a fire flow question in the plat phase that we are required to answer and so typically the developers will say in order to meet the fire codes the fire districts are requiring they will voluntarily put a fire sprinkler in and they want that to be part of the plat. The County cannot independently impose that, but the developers are voluntarily offering to put that in place; however, the County does not have independent authority to enforce the international fire code, but we rely on them to tell



us if something is in compliance or not and we rely on their authority to enforce their own codes. As to the initial question of *Does Section 39-4116 give the County authority to impose fire sprinklers?* The answer is no. How these things get to the plats is a voluntary condition put on by the developers in the platting phase. Section 39-4116(3) would exempt residential dwellings from a fire sprinkler requirement. Further discussion ensued. Ms. Yanecko said at the time the plat was approved the statute was what it was, but now they need to have some other water source so if the Board removes the plat note. She is not sure the authority lies with the Board to remove the plat note and she said it seems there should be a task force to determine whether this would be an appropriate way to proceed forward. Commissioner Smith said the County has a legally adopted ordinance that defines the process for amending a plat. Claudia Haynes lives within a mile of the development and she said fire suppression is an issue in the area. She questioned whether the developer or future buyers are required to comply with the conditions that were imposed when the project was approved regardless of whether the law changes at a later date. Dan Lister stated the removal of the note removes it from the plat, but if they have requirements in the CC&R's for sprinklers or other requirements those are enforceable by the HOA not the County. Rebuttal testimony was offered by Joel Merriam who said the fire district wants the property owners to have an alternate source of water and his question is: what is that source, and how much water do they have to have? It's his understanding the requirement is for 1,000 gallons a minute to be sustainable for at least an hour, however, the wells won't produce 1,000 gallons a minute. He said with the discussion that's going on today perhaps developers shouldn't be a given a choice about fire sprinklers, they should have to put in a water system. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Smith said there was a period of time where fire districts were relying on the County to enforce their standards. Idaho Code is clear, the state fire marshal is the enforcement component and that is relinquished to the fire chiefs, but what was happening is the fire department was going above and beyond in some situations and asking for additional requirements that fell outside of state code requirements in the fire code. They also found a mechanism that was allowing DSD to enforce standards. She said Ms. Yanecko did a good job showing the inefficiencies that happen when we enforce other people's rules. Since Commissioner Smith took office in January of 2021, the Board has been removing those plat conditions when presented. The Board is not saying fire sprinklers are not required or that water sources are not required, it's saying the County is not enforcing the rules for someone else. We are going to stick to what is required in our ordinance. Commissioner Smith supports removing the note that requires a fire sprinkler system because it takes away opportunities for homeowners to meet various code exemptions. This subdivision was approved in 2007 and in 2009 the legislature approved an amendment that said we cannot require fire sprinklers in residences, and that alone says state code supports us removing that condition. Commissioner White said her biggest question dealt with whether there is emergency access, but that is not an issue in this case. Commissioner Van Beek said good testimony was given but the most relevant testimony is found in Idaho Code, Section 39-4116(3). She said the Board is deeply concerned about the safety and welfare of citizens and it goes to how much government intervention is appropriate and what the personal responsibility is. It makes sense to vacate the plat note. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the plat vacation in Case No. VAC2021-0001 as it relates to Swainson's Pointe Subdivision



and that we sign the findings of fact, conclusions of law, and order and the resolution (Resolution No. 21-185.) The hearing concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(B)

The Board met today at 11:03 a.m. for an Executive Session to discuss a personnel matter. Commissioner Van Beek made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (b). 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 Clerk Monica Reeves. The Executive Session concluded at 11:27 a.m. with no decision being called for in open session.

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

The Board met today at 1:31 p.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of IT Greg Rast, Assistant Director of IT Eric Jensen, Programmer Analyst Ryan Cronrath, Assessor Brian Stender arrived at 1:48 p.m., Seth Grigg and Sarah Westbrook with IAC arrived at 1:50 p.m. and Deputy Clerk Jenen Ross.

Director Rast discussed the following with the Board:

- .Gov email change will begin on October 1<sup>st</sup>. He will work with Joe Decker to get the word out to county employees. Commissioner Smith wants the message to include notice that there is time to get new cards and to not order them immediately.
- A training for Word and Outlook, specific to Canyon County, has been developed for new hires. The Board is supportive of offering the training.
- A draft MOU with Dr. French from the Caldwell School District has been created in order to have access to their camera system in case of an active shooter situation. He will be working with legal for finalization of the MOU.
- A new panic button is being tested.
- Ryan Cronrath gave a demonstration of the new mobile agenda application; the Board is in favor of going live with the app.
- Discussion ensued regarding a newly created IT position within the Court Clerk's division. At the request of the Board, Director Rast gave his input on this position; he feels this is an IT position. The Idaho Supreme Court does not want anyone moving their assets without IT being involved – IT is required to report back as to where assets were moved from and

to. Additionally, the Supreme Court provides computer equipment that is on the county network which is monitored and support by the IT department. Director Rast reviewed the job description and feels it is in line with his Desktop Technician position.

- Director Rast requested a meeting between the IT department, Facilities and BOCC to make sure everyone has the same expectations for the BOCC meeting room renovation.
- Electronic purchase order and claim systems are being developed within OnBase. A demonstration will be coming before the Board in the upcoming weeks.
- He would like to repurpose an open PCN and will be making a presentation to the Board soon with the request.
- The IT department is working with Steve Fultz regarding the CAPS program.
- Jim Lunders with CCMAD has reached out asking for IT support. They have a Board meeting scheduled for September 21, 2021 where Director Rast's assessment will be shared.

The meeting concluded at 1:58 p.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 2:05 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Seth Grigg and Sarah Westbrook with IAC (left at 2:53 p.m.), PIO Joe Decker (arrived at 2:56 p.m.) and Deputy Clerk Jenen Ross.

Seth Grigg and Sarah Westbrook provided an update on the IAC conference stating that at this time it is go with no restrictions in place as of yet. So far 225 people have registered and they hope to have a good turnout. During the conference they intend to discuss legislative priorities, set the legislative agenda and discuss/vote on the 8 proposals – they are limited to moving only 5 proposals forward. Discussion ensued regarding each of the 8 proposals.

Commissioner Smith asked the other elected officials if they had made any changes to the COVID response within their offices. The Board has let all of their departments know that COVID pay has stopped, employees will be responsible for using their own sick or vacation time if they are out sick and it seems the other elected officials have adopted similar policies. At this time, it was decided that each office should have a policy they are following and one flat policy will not work countywide. Incidents will need to be handled on a case-by-case basis and nothing additional needs to be done right now.

The meeting concluded at 2:59 p.m. An audio recording is on file in the Commissioners' Office.

## MEETING TO DISCUSS CHANGES TO RES. #19-145 REGARDING SALARIES FOR COUNTY PERSONNEL

The Board met today at 3:04 p.m. to discuss changes to resolution no. 19-145 regarding salaries for county personnel. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Coroner Jennifer Crawford, Treasurer Tracie Lloyd, Assessor Brian Stender, Clerk Chris Yamamoto, Sheriff Kieran Donahue (arrived at 3:13 p.m.), PIO Joe Decker, CCSO Financial Manager David Ivers, Chief Deputy Sheriff Marv Dashiell, Assistant TCA Benita Miller, TCA Jamie Robb, HR Generalist Jennifer Allen, Deputy P.A. Alex Klempel, Director of Misdemeanor Probation Jeff Breach, Chief Public Defender Aaron Bazzoli, Controller Zach Wagoner, Deputy P.A. Zach Wesley (arrived at 3:29 p.m.) and Deputy Clerk Jenen Ross.

Commissioner Smith said that this revised resolution is something she has been working on. She has really struggled with no longer having a compensation committee so that has been removed from the resolution. Revisions made to the resolution are as follows:

- The first couple 'whereas' statements have not changed.
- 3<sup>rd</sup> paragraph: This 'whereas' statement notes the 5 factors for recruiting and retaining; changes to this paragraph came in part from suggestions proposed by Commissioner Van Beek.
- 4<sup>th</sup> paragraph: This paragraph talks about the Board previously authorizing the formation of a compensation committee to identify and recommend competitive and fiscally responsible compensation and that the Board continues to rely on the compensation plan that was created by that former committee.
- 5<sup>th</sup> paragraph: The main change to this paragraph there was adding the Board's constitutional responsibilities identified Article XVIII as well the already referenced Idaho Code 31-816. Instead of referencing back to the recommendations from the compensation committee it notes that the Board has worked with the Elected Officials, Department Heads, HR generalists and Controller in evaluation of local compensation for salaries and thru various meetings they brought those proposals to the Board and that those dollar amounts were part of the adopted budget that happened in August.
- A paragraph was deleted that referenced the Elected Officials of Canyon County concur with the Board in their support of the recommend compensation; although Commissioner Smith hopes this is a true statement it is not part of what is being done today. The Elected Officials were definitely a part of submitting those salary recommendations that came forward in the budget but as part of this resolution Commissioner Smith didn't think it was necessary to include.
- 6<sup>th</sup> paragraph: Reference to the compensation committee was removed.
- 7<sup>th</sup> paragraph: Recognizes the importance to adhering to the compensation plan throughout the fiscal year but reserves the right to make market adjustments where substantiation for salaries which are above or below market trends cannot be made to

support the compensation plan. This give opportunity to the Board to review and evaluate changes to job descriptions or salaries throughout the year.

- 8<sup>th</sup> paragraph: This paragraph was shortened to remove duplication referencing Idaho Code.
- 9<sup>th</sup> paragraph: Notes that the 2022 salary ranges are being approved for all existing employees and that the effective start date is in line with what the Controller recommended of September 20, 2022.
- 10<sup>th</sup> paragraph: Allows for future recommendations from Elected Officials, Department Heads, HR Generalist and Controller and that the Board will make final decisions for setting salaries of all Elected Officials and employees of the county as needed and legally noticed.

Commissioner Smith summarized the major changes as removing the committee responsibilities, relying on Elected Officials, Department Heads and HR professionals and believes this reverts the processing of blue sheets (salary rate request forms) back to the Board for approval.

Commissioner Van Beek expressed her appreciation of Commissioner Smith's work on this resolution and incorporation of her suggestions. Discussion ensued regarding suggested clerical revisions to the document and compensation plan comparisons to other municipalities and local businesses. Commissioner Smith noted that use of comparative size local jurisdictions, local industry as well as the cost of living for the residents was added to the 5<sup>th</sup> paragraph.

Commissioner Smith requested that the one employee noted in the compensation plan document without a percentage increase be included. Controller Wagoner confirmed he would get that revised.

In response to a question from Commissioner van Beek, Commissioner Smith would like to see further discussion regarding equitable pay for Directors and feels that is one of the first things they can task the new HR Director with evaluating.

Commissioner White made a motion to approve resolution no. 19-145 with the changes as noted by Commissioner Smith. The motion was seconded by Commissioner Smith. Clerk Yamamoto offered comment. A vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote. See resolution no. 21-186.

The meeting concluded at 3:42 p.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner Van Beek made a motion to go into Executive Session at 3:45 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and HR Generalist Jennifer Allen. The Executive Session concluded at 4:10 p.m. with no decision being called for in open session.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 15, 2021

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

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Shewil LLC dba Slicks Bar to be used 10/2/21

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mtn Home Auto Ranch in the amount of \$37,560.00 for Fleet Department
- Pro Vision in the amount of \$1,575.00 for Canyon County Sheriff

#### PUBLIC HEARING – REQUEST BY ROBERT AND TERESA WALTMAN FOR A REZONE, CASE NO. RZ2021-0021

The Board met today at 9:35 a.m. to conduct a public hearing in the matter of a request by Robert and Teresa Waltman for a rezone, Case No. RZ2021-0021. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Robert Waltman, Teresa Waltman, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The applicants are seeking a rezone of Parcel R38007010, 13.3 acres, from an “A” (Agricultural) Zone to an “R-R” (Rural Residential) Zone in order to split their property into a total of three parcels; two parcels in

the front and one parcel in the back which currently has a residence. The property is located at 12681 Fred Lane in Middleton. The area is predominately agricultural but there is a lot of rural residential zoning as well as R-1 zoning in the immediate vicinity. The future land use plan designates this area as residential and there are 13 subdivisions within a one-mile radius with an average lot size of 1.73 acres. The property is within a nitrate priority area with some wells that show contamination issues but none that exceed DEQ's contamination threshold. There is no development agreement associated with this request so although the applicant is going to split it into a total of three parcels they could apply for a total of six lots but that would require platting and another hearing process. Mr. Lister reviewed the agency comments. A letter of opposition was received from the neighbor to the east who sold the property to the Waltmans and she said there are irrigation drainage issues affecting her site so that is something the applicants need to address. There is also concern about access issues associated with Fred Lane and the fact that it's not being paved. Letters of concern were received regarding the positioning of the house being directly along Fred Lane, and further divisions beyond the three parcels in the agricultural area. On July 1, 2021, the Planning and Zoning Commission recommended approval of the request, and today staff is recommending approval as well. Following his report, Mr. Lister responded to questions from the Board. Commissioner Smith said the future owners could divide their lots and then there would be unplanned development and growth resulting in the burden of one person having to make improvements to the roads. It's bad planning and her concerns include: a lack of development agreement or conditions; the proximity to the feedlot; and the fact that the average lot size in the area is 17 acres. There was discussion regarding road standards and access issues.

Robert Waltman testified he wants to split the property because it's more land than he needs. Regarding the concern about drainage issues, he said the neighbor's water goes off her lot when she irrigates and in order to fix the situation he will wait for water to be shut off and then he will fill in the ditch and remove the pipe and build a berm so the water stays on the neighbor's land where it's supposed to stay. He noted that it's illegal to flood another person's land, which the neighbor does constantly. Before next water season the issue will be fixed. Another neighbor has concerns about headlights shining into her home but he does not want to give up his private road so that's why it is set up the way it is. Mr. Waltman testified he will not split his remaining acreage. Commissioner Van Beek asked why Mr. Waltman did not ask for a development agreement.

Teresa Waltman testified she has approval from the fire department and the health district, and has been in communication with staff from the Black Canyon Irrigation District and the Canyon Highway District. The issue with the turn-around arose because it was not disclosed when the Lopez's sold the land and the purchaser had the burden to install it, which was not fair. Everybody agrees that when they list the property for sale the road has to be put back to the original condition. The highway district advised the Waltmans not to give up their private road because it could cause a lot of issues with access. Mrs. Waltman testified they were not advised of the option of having a development agreement which would limit further division. Regarding the neighbor who is flooding others' properties, she said the Waltmans will rectify the situation so a future buyer does not end up with flooded property. Commissioner Smith said the applicants applied for a straight rezone and the Board should be evaluating the full development potential of their request. The Board is not charged with looking at three parcels it is charged with looking at

the full rezone request which is a rural residential zone which could have up to seven lots, and a golf course, for example, and determine if that is compatible in an area with feedlots and dairies and when you apply for a straight rezone we have to take it as that. When you apply for a conditional rezone with a development agreement we can look at what you are applying for because we can limit it to what you said. Mr. Lister said initially when this came in the planner at the time saw the future land use designation in the surrounding area and thought it would be a shoein and didn't give all the options to a division. If they want to go with a development agreement it will cost an extra \$385 and we will have to re-notice a new hearing. Commissioner Smith thinks they will have to amend their application to include the conditional rezone and development agreement, and she wants the map clearly marked with what the applicant intends to do. Mrs. Waltman said they will agree to a development agreement but she is concerned about the delay it cause. Following testimony, Commissioner Van Beek made a motion to close the public testimony. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a motion to table this case indefinitely to allow time for the applicant to modify their application in accordance with the discussion on the record. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING - REQUEST BY SILVIA CASTRO FOR A REZONE FOR CASE NO. RZ2021-0009

The Board met today at 1:36 p.m. to consider a request by Silvia Castro for a rezone, Case No. RZ2021-0009. Present were: Commissioners Leslie Van Beek and Pam White, Commissioner Keri Smith participated via WebEx, DSD Planning Official Dan Lister, CJ Castro, Carlos Rivera, David Gallina, Meg Gallina, William Sleeper, and Deputy Clerk Monica Reeves. Today's hearing was tabled from August 30, 2021. Commissioner Van Beek, who was not present for the first hearing, said she's joining the hearing today but her participation will be limited. Dan Lister reviewed the information the Board required at the previous hearing: A public nuisance was identified and the applicant was required to work on abating the issues; the applicant must contact the fire district and highway district regarding improvements; and staff needs to provide information about the public right-of-way and where it begins and ends and what is part of the applicant's property. Nampa Highway District's jurisdiction ends just before Island's #6 Subdivision and the city's jurisdiction goes through the Islands subdivision and from there it goes through a 30-foot easement which is owned by the city and then it turns south on a 56-foot easement owned by the city and ends at the Castro property. The part of York Avenue after the Wilson pathway is a shared access and it has to meet county requirements for a private road if this rezone is approved and they divide the property, and then the property to the east would be affected by this change and would have to become a private road. The applicant will have to work with the City of Nampa on a 30-foot and 56-foot easement regarding any improvements they need as part of the land division application. They will have to apply for a private road and any easement requirements and road users' maintenance agreements for that section. Mr. Lister reviewed photographs showing the weeds have been mowed and a lot of vehicles have been removed from the property. CJ Castro gave testimony regarding the vehicles on the property and the cleanup and removal that have

taken place. He also submitted documentation regarding vehicle ownership. According to Mr. Lister, the only pending matter is getting permits for the storage containers and removal of the truck that's located by the containers. Mr. Castro testified about his conversations with staff from the fire department regarding road requirements. The roads running north/south may have to be re-graveled and re-compacted, and whatever direction he takes with the road for the two properties to the south will determine the size of the road and the specifications of the road. There is a possibility they will have to widen the road leading towards the home to the east to 16-20 feet because it will serve more than three homes. Commissioner Smith asked Mr. Castro if he has the financial means to complete the road improvements, and Mr. Castro said yes, he has the means to do that when the time comes. Mr. Lister said they have the letter of acknowledgement from the fire department and the highway district, as well as other agencies, and whatever conditions they require it will be conditioned to that land division so when they divide it and prior to building permit issuance, or in some cases prior to occupancy, they have to complete those improvements. The private road construction doesn't have to occur until prior to occupancy and so at that point they will have an engineer certifying the road was constructed to standards. The fire department has to agree with it as well. Discussion ensued about road standards. David Gallina, Meg Gallina, and William Sleeper are opposed to the request but they did not offer testimony. 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 not reviewed the audio from the previous hearing so she will recuse herself from making a decision on this case. Commissioner White asked if staff is satisfied with the information presented by the applicant. Dan Lister said he is satisfied, and through the land division process staff doublechecks the conditions and improvements required by the highway district and the fire district. Commissioner Smith has no changes and said if staff has found the property to be in compliance she encouraged the Castros to keep in compliance with the property per the zoning ordinance. Commissioner White made a motion to approve the request by Silvia Castro for a rezone, including the findings of fact, conclusions of law and order, and the ordinance or Case No. RZ2021-0009. (Ordinance No. 21-025.) The motion was seconded by Commissioner Smith. Commissioner Van Beek abstained. The motion carried unanimously. (Commissioner Smith authorized the use of her stamp on the approval documents.) The hearing concluded at 2:10 p.m. An audio recording is on file in the Commissioners' Office.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 16, 2021

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



#### APPROVED CLAIMS

- The Board has approved claims 577644 to 577646 in the amount of \$417.26

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Crescent Brewery LLC dba Crescent Brewery to be used 9/18/21; Heritage Hop Haus LLC dba Heritage Hop Haus to be used 9/18/21

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:47 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Financial Specialist Lina Miller and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue denials with written decisions within 30 days on the following cases: 2021-924, 2021-948, 2021-806, 2021-925, 2021-928 and 2021-938.

Case no. 2021-1041 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case no. 2018-1143: This was a previously approved case by the county that was brought before the Commissioners a few weeks ago. The Applicant has asked for a partial release of his lien on his land in Marsing that he has subdivided and sold a portion of. The applicant has agreed the County will be receiving \$110,000.000 from the sale to help pay down his lien and he will keep \$90,000.00 to build a new home. A new lien will be placed on the remaining property. Commissioner White made a motion to approve the partial release. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens and lien releases were presented for Board signatures.

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

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

The Board met today at 9:06 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith via Webex, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Elections Supervisor Haley Hicks and Elections Technician Kylie Marks (left at 9:11 a.m.), Fair Director Diana Sinner (arrived at 9:09 a.m. and left at 9:19 a.m.) and Deputy Clerk Jenen Ross.

Commissioner Van Beek asked about a \$24 claim that was denied buy audit due to a meal being in excess of the allotted per diem amount; the excess amount was paid out-of-pocket by Kathy Frost and Commissioner Van Beek would like to authorize that overage to be covered by the county for audit to pay the claim. Commissioner Smith is supportive of the claim being paid.

The action items were considered as follows:

***Consider signing resolution authorizing the destruction of Canyon County Clerk Elections Equipment Items:*** Ms. Hicks explained that the cases that went with these machines have been auctioned off and now the machines themselves need to be destroyed. They will be destroyed by the company that IT uses for destruction of retired computers and there is no value to them. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution authorizing the destruction of Canyon County Clerk Elections Equipment (see resolution no. 21-187).

***Consider signing resolution granting a transfer alcoholic beverage license to The Tackle Shop LLC DBA The Tackle Shop:*** This application has been reviewed and everything seems to be in order. This is just a name change of the business. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a transfer alcoholic beverage license to The Tackle Shop LLC dba The Tackle Shop (see resolution no. 21-188).

***Consider signing resolution granting a transfer alcoholic beverage license to Garden City Bar LLC DBA 1918 Lounge:*** This application has been reviewed and everything seems to be in order. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a transfer alcoholic beverage license to Garden City Bar LLC dba 1918 Lounge (see resolution no. 21-189).

***Consider signing property transfer agreement with City of Caldwell for property associated with Canyon County Fair Expo Building site:*** Zach Wesley explained that the county has obtained a title insurance policy associated with this property and once this agreement is signed the City of Caldwell will have 30 days to issue the warranty deed to the County. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the property transfer agreement with the City of Caldwell for property associated with the Canyon County Fair Expo Building site (see agreement no. 21-070).

The Board took a brief break from 9:20 a.m. to 9:22 a.m. due to technical issues.

The meeting continued with a request to enter into an executive session as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 9:23 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith via Webex, Deputy P.A. Alex Klempel and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:52 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.

#### EMERGENCY MEETING – ANNOUNCEMENT ABOUT CRISIS STANDARDS OF CARE

The Board met today at 10:33 a.m. for an emergency meeting regarding the state's recent announcement regarding crisis standards of care. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith via WebEx, Deputy PA Zach Wesley, PIO Joe Decker, Chief Deputy Coroner Steve Rhodes (also the Mayor of Wilder), Prosecutor Bryan Taylor, Clerk Chris Yamamoto, EOM Christine Wendelsdorf, SWDH Director Nikki Zogg participated via WebEx, and Deputy Clerk Monica Reeves. Assessor Brian Stender joined via WebEx at 10:40 a.m. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to convene an emergency session under Idaho Code, Section 74-204. Staff noted there are no media organizations on file who have requested to be notified of an emergency session. Commissioner Smith said this morning the Board received an email from SWDH Director Zogg and the Idaho Department of Health & Welfare where Idaho issued crisis standards of care for our hospitals, and the Board wants to share that information with employees. Director Zogg said yesterday St. Luke's made a request to go into crisis standards of care and they provided an hourlong presentation and justification for that request to the advisory committee which unanimously supported a recommendation to move the entire state into crisis standards of care. She reviewed stories from hospitals about the lack of beds, lack of staff, etc. The large hospitals we rely on for the most intensive care in the state are maxed out and the critical access hospitals are impacted as well because they don't have the same level of care capacity and are facing limitations in trying to transfer patients. Crisis standards of care will mean the hospitals will have more flexibility in being able to transfer patients. They anticipate in the next couple of weeks there could be instances where those who are expected to be not survivable will be moved to the back of the line for care, and if a bed opens up and their status moves up, they could be moved into a bed for care. Chief Deputy Coroner Steve Rhodes, who also serves as the Mayor of Wilder and the Wilder Fire Chief, said in the last couple of months the Coroner's Office has processed more COVID deaths than it processed last year and it's due to people not wanting to go to the hospital because

they don't think there is any space, so they are staying home and dying of respiratory problems. He spoke of how the fire district is doing transports for COVID patients who, after being discharged from the hospital and sent home, are calling 911 and wanting to be transported back to the hospital. Director Zogg talked about how hospitals are sending patients home with monitoring technology so they can monitor them from home if beds are not available. Prosecutor Taylor asked if it's redundant for the County to issue a separate statement versus supporting SWDH in its statement? Commissioner Smith agreed and said we should share and reiterate that we acknowledge we are in a crisis, and we concur with SWDH and encourage people to follow the recommendations. Clerk Yamamoto agrees. Commissioner Van Beek wants to make the information available on the website and remind people to practice good hygiene and safety. Christine Wendelsdorf spoke of the calls she's received from local hospitals who are looking for tents, cots, and stretchers. Deputy PA Zach Wesley said Chairman Smith has the authority to issue a local disaster emergency declaration, which would have to be ratified by the Board within seven (7) days, that would allow Canyon County to initiate our emergency plans, authorize and furnish aid such as making emergency procurements or provide aid to other hospitals who need it. Commissioner Van Beek said we must weigh the benefits of making that declaration against already having the authority to do it. We did it last time to access funding for purchasing certain things, but she doesn't know with the receipt of ARPA funds if that is a viable use of those. Commissioner Smith said we just put our hospitals in crisis care and we have constituents that cannot and will not be served and we will lose people – this is an emergency. We should not issue a mandate, but we should let the community know this is an emergency. She supports the issuance of an emergency declaration. Deputy PA Wesley will prepare the declaration for the Chair's signature and the Board will ratify it within 7 days. Director Zogg added that an emergency declaration might communicate to the community a sense of urgency about needing to take precautions and follow recommendations. Ms. Wendelsdorf agrees that now is the time to issue a declaration. Prosecutor Taylor said it's appropriate at this stage because it allows more flexibility to provide support to the hospitals and they need it right now. He doesn't want the emergency declarations to go on ad nauseum, but he is in favor of it now. Chief Deputy Rhodes said hospitals have asked for help with body overflow and we have the capability of helping with coolers and trailers and declaring the emergency allows us to help without worrying about having written agreements in place. Clerk Yamamoto favors an emergency declaration because it plays into the ARPA funding in a very big way. Assessor Stender said if it comes to us needing additional PPE and if there is a way someone else could help pay for it, he is in favor of it. Commissioner Smith said having money available to find emergency locations and provide some therapy options, such as monoclonal antibody therapy, that are outside the hospitals would be key right now and that's a big reason why she supports the declaration. Joe Decker will draft a statement to employees and share the information from SWDH and IDHW on our social media pages. The meeting concluded at 11:13 a.m. An audio recording is on file in the Commissioners' Office.

CHAIRMAN SMITH SIGNED 2021 LOCAL DISASTER EMERGENCY DECLARATION - CRISIS STANDARDS OF CARE - COVID-19

Following today's emergency meeting, Board Chairman Keri Smith signed the 2021 local disaster emergency declaration – crisis standards of care – COVID-19. The document declares that a local emergency exists and that all efforts may be made to protect the citizens and property of Canyon County through activation of all local disaster emergency plans and state emergency assistance. The declaration shall expire within seven days unless the Board authorizes the continuance of the declaration.

#### MEETING WITH HR GENERALISTS TO REVIEW NEW FY2022 POSITIONS AND CONSIDER ACTION ITEMS

The Board met today at 11:21 a.m. with HR Generalists to review new positions and consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith via Webex, Clerk Chris Yamamoto, Controller Zach Wagoner, DSD Director Steve Fultz (left at 11:31 a.m.), Director of Court Operations Jess Urresti, Director of IT Greg Rast, Assistant Director of IT Eric Jensen, TCA Jamie Robb, ADJ Davis Vander Velde, HR Generalists Jennifer Allen and Cindy Lorta, and Deputy Clerk Jenen Ross. The action items were considered as follows:

Jennifer Allen gave an update on the revisions made to the Economic Development Specialist position in Development Services. Director Fultz provided information regarding the salary range and it being comparable with other area municipalities. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving one position in the Development Services department for an Economic Development Specialist (see resolution no. 21-190).

An in-depth discussion was had regarding the Court System Technician position under the Clerk's Office within the Clerk of the Court department. There was discussion regarding responsibilities being handled by Nathan Dutton, the current Court System Technician, issues that are resolved by the IT department and the expectations of the Idaho Supreme Court in relation to their equipment. At the conclusion of the discussion, it was thought that perhaps the bottom-line solution may be to remove all the Idaho Supreme Court responsibilities from Mr. Dutton's job description and let those be absorbed into the Desktop Support Technicians within IT for this fiscal year and evaluate for next fiscal year. Director Rast said that if it became necessary, he would request an additional Desktop Support Technician to support court functions only. Mr. Jensen feels they have the bandwidth to support the courts and spoke to the concern about the urgency of requests. He believes they have a system in place to prioritize the urgency of those requests.

At this point the job description created and presented to the Board would need some revision based on the discussion had today as it is no longer accurate. Further conversation will be necessary between the IT department and the court offices to revise the job description and duties that will meet the needs of all entities involved including Canyon County and the Idaho Supreme Court.

Commissioner Van Beek made a motion to continue the meeting to September 17, 2021 at 10:30 a.m. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 12:42 p.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – REQUEST BY TANNER VERHOEKS FOR A REZONE, CASE NO. RZ2021-0019

The Board met today to conduct a public hearing in the matter of a request by Tanner Verhoeks for a zoning map amendment (rezone) of Parcels R20800, R20801, and R20803 from an "A" (Agricultural) zone to an "R-1" Case No. RZ2021-0019. Present were: Commissioners Leslie Van Beek and Pam White, Commissioner Keri Smith participated via WebEx, DSD Planning Official Lister, Tanner Verhoeks, other interested citizens, TJ Wellard joined via WebEx, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 2:06 p.m. Dan Lister gave the oral staff report. The applicant, Tanner Verhoeks, is requesting a rezone of Parcels R20800, R20801, and R20803 from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. The properties total 18 acres and are located at 12861, 12866 and 12835 Quail Run Lane in Middleton. They are original lots created by the Christensen Homestead Manor Subdivision in 1973 and they have a split available and have access off Quail Run Lane. The applicant wants to divide the property into 12 lots served by a private road system with an average lot size of 1.5 acres. The average lot size within the area is 12.07 acres; the area is predominately zoned agricultural although there are some R-1 and R-R zones in the area. There are 13 subdivisions within a one-mile radius with a 1.73 average acre lot size. The future land use plans show this area to have a residential designation. The property is within a nitrate priority area however, it only requires a land use division application if approved. There was a review of agency comments and potential impacts. The application does not come with a development agreement so the 12 lots are not locked down and with this rezone they could have a potential of 18 lots. There are feedlots, pastures, and row crops in the area. One of the properties associated with this application appears to have a code violation, a public nuisance the storage of materials and waste on the property. On July 15, 2021, the P&Z Commission recommended approval of the request. Following his report, Mr. Lister responded to questions from the Board. Tanner Verhoeks testified in favor of the request as both the applicant and the project civil engineer. The land has been a challenge for the neighborhood for some time and the rezone is their effort to band together, find solutions, and enact change for the better by: taking care of and repairing an eyesore house that has been vacant and in disrepair for years; resolving a public nuisance by clearing a neglected property that has decades of accumulation on it; and bringing road, utility, and community improvements to make the neighborhood a more enjoyable place and improve the sense of community while still promoting the rural lifestyle. The rezone will provide more housing options in this tough market. A neighborhood meeting was held and the feedback has been worked into the design plan. They have considered the irrigation systems, maintenance agreements, proposed community trail, trees, roadway plans and much more. The residents served by Quail Run Lane support this rezone application. According to Mr. Verhoeks, R-1 zoning would protect this area from future density. He is aware of potential deals close to the subject property that are ready to be annexed into the

City of Middleton with R-3 zoning, and in a couple years the property could very well be inside city limits and subject to denser zoning. The property does not have suitable soil due to the topography, and the land has been neglected for several years. Following his testimony, Mr. Verhoeks responded to questions from the Board. Commissioner Smith believes the request will change the essential character of the area. The applicant purchased agricultural land and has administrative land divisions available to him and although he has mentioned things that could help protect the essential character of the area, the Board cannot consider those things without a development agreement in place. There is a dairy within ¼ mile of the subject property, and the average lot size is 12 acres and the median lot size is 4.53 acres. She also noted concerns about access and road improvements. Mr. Verhoeks said he did not know a development agreement was an option when he started the process. At a minimum he will widen the road and bring it up to the compacted gravel standard, but knowing they will have that many houses he fully intends to pave the road. He has no problem with there being a requirement to bring it up to public standards. Commissioner Smith said an option would be to table the hearing and let the applicant work with staff and re-notice the hearing with a conditional rezone with a development agreement to be brought back at another hearing. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said providing R-1 zoning would prohibit the applicant from dividing it to a higher density, and she believes there is a market for this size of property. She likes the structured the layout that's been proposed as well as the planned amenities and the remediation that's been done. She noted most of the ground along the Emmett corridor is under contract, and she finds support for granting the request. Commissioner Smith said there are few inconsistencies in how we've been handling cases recently, including that there is no evidence that the public nuisance violation has been corrected therefore she wants confirmation that it has been cleaned-up. Given the proximity to a dairy and the other agricultural uses in the area, residential is not a compatible use especially if we don't have any type of standards. She wants a development agreement and proof that the public nuisance has been abated. Commissioner Van Beek finds less that the character of the area will change noting that the City of Middleton is rapidly expanding its boundaries and wants to put in higher density housing. Commissioner Smith said approving a blanket rezone today does not protect the character of the area; however, with a development agreement you could impose conditions to protect the area. Commissioner White agrees. She has no problem with the requested 12 lots providing the applicant improves the roadway and provides proof that the junk has been cleaned up. Commissioner Smith said in order to protect the dairies, mandatory disclosures on agricultural protection are important and staff can work with the applicant to finetune that. Dan Lister said if the request is tabled the applicant will have to submit an amended application to change their rezone to a conditional rezone and submit a revised letter of intent and a conceptual plan showing the number of lots and agree to lock it down with a development agreement that would include the improvements to the roads and allowing for a disclosure of the right-to-farm act for these properties. They will have to pay a fee of \$385 and staff will re-notice the case a full hearing before the Board. Commissioner White made a motion to table the hearing for Case No. RZ2021-0019 indefinitely to allow time for the applicant to work with staff on the application. The motion was seconded by Commissioner Smith. The motion carried by a two-to-one split vote with Commissioner Van Beek voting against the motion to table. The hearing concluded at 2:30 p.m. An audio recording is on file in the Commissioners' Office.



## SEPTEMBER 2021 TERM

CALDWELL, IDAHO     SEPTEMBER 17, 2021

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

### APPROVED CLAIMS

- The Board has approved claims 577512 to 577552 in the amount of \$30,751.57
- The Board has approved claims 577647 to 577647 in the amount of \$1900.00
- The Board has approved claims 577553 to 577593 in the amount of \$99,035.43
- The Board has approved claims 577648 to 577683 in the amount of \$124,070.49
- The Board has approved claims 577684 to 577726 in the amount of \$77,787.59
- The Board has approved claims 577766 to 577802 in the amount of \$68,489.57
- The Board has approved claims 577594 to 577614 in the amount of \$55,067.25
- The Board has approved claims 577615 to 577643 in the amount of \$21,872.29

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Carolina Software in the amount of \$2,450.00 for Solid Waste Department

### MEETING WITH HR GENERALIST TO REVIEW NEW FY2022 POSITIONS AND TO CONSIDER ACTION ITEMS

The Board met today at 10:31 a.m. for a continued meeting with the HR Generalists to review new FY2022 positions and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith via Webex, Clerk Chris Yamamoto, ADJ Davis Vander Velde (left at 10:46 a.m.), Judge Matt Bever, TCA Jamie Robb, Director of Court Operations Jess Urresti, Court Training & Development Manager Raena Bull, HR Generalist Cindy Lorta, Director of IT Greg Rast, Assistant Director of IT Eric Jensen and Deputy Clerk Jenen Ross.

Director Rast said that he has worked with Mr. Urresti on the job description for the Court Systems Technician. It is no longer an IT position but more of an administrative position to support the



courts. He explained that moving these positions out of the Clerk's Office would be detrimental due to the work and support they provided to the courts and court operations. Mr. Urresti concurs with what Director Rast said and noted that the Idaho Supreme Court aspects of the job were removed from the job description and the administrative responsibilities were more clearly defined. Director Rast will work closely with Mr. Dutton and the new person hired for this position to determine the duties and responsibilities of everyone to make sure the county is in compliance with the Idaho Supreme Court but not impact the work of the Clerk's Office. Clerk Yamamoto expressed his concern about the service the judiciary will suffer but acknowledged this change will reduce Ms. Bull's workload which is greatly needed. Ms. Robb thinks the collaboration is great and trusts that Director Rast is getting the county into compliance with the Idaho Supreme Court in regard to their information technology requirements. Commissioner White made a motion to approve the Court Systems Technician position. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 21-191).

Commissioner Van Beek asked about the additional Planner III position for DSD.

Commissioner Smith made a motion to approve all remaining positions, excluding the Fair position, in accordance with the noted job positions and pay ranges in accordance with the compensation plan. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 21-192). Clerk Yamamoto will work with legal to create resolution approving these remaining job descriptions.

The meeting concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO     SEPTEMBER 20, 2021

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

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

The Board met today at 9:06 a.m. with county attorneys for legal staff update and to consider and action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker, EOM Christine Wendelsdorf (left at 9:15 a.m.), Deputy P.A. Zach Wesley, Deputy P. A. Alex Klempel, Deputy P.A. Doug Robertson, Controller Zach Wagoner and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider extending the Crisis Standards of Care - COVID-19 - Emergency Declaration:*** Last week there was an emergency meeting with all Elected Officials where Commissioner Smith signed an emergency declaration, but it needs to be ratified within 7 days. Two drafts of the declaration have been prepared; the only difference is the term. One is for the declaration to be evaluated and considered every 30 days and the other is tied to the Department of Health and Welfare so it would be connected to the crisis standard of care. Commissioner Van Beek is in favor of the declaration to be evaluated every 30-days and Commissioner White concurs.

Ms. Wendelsdorf spoke about supplies related to COVID-19. Canyon County Ambulance District has requested KN95 masks; their runs are going up and they are having trouble procuring the masks. She also spoke about the glove supply, the need for masks for inmates and the need to procure a scissor lift for the morgue trailer. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the 30-day Crisis Standards of Care – COVID-19- Emergency Declaration (see resolution no. 21-193).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:16 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker, Deputy P.A. Zach Wesley, Deputy P. A. Alex Klempel, Deputy P.A. Doug Robertson, and Controller Zach Wagoner. The Executive Session concluded at 9:52 a.m. with no decision being called for in open session. At the conclusion of the executive session Commissioner Van Beek amended her motion to include subsection (a) regarding personnel matters. The motion was seconded by Commissioner White and carried unanimously.

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

CONSIDER SIGNING A RESOLUTION SETTING THE LEVY RATES FOR ALL CANYON COUNTY TAXING DISTRICTS

The Board met today at 10:02 a.m. to consider signing a resolution setting the levy rate for all Canyon County taxing districts. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Sr. System Analyst Steve Onofrei and Deputy Clerk Jenen Ross.

Mr. Onofrei gave the background and process of setting levy rates. Additionally, he and Controller Wagoner provided a review of the yellow highlighted sections of the report and how they relate

to urban renewal and judgement funds. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution setting the levy rates for all Canyon County taxing districts (see resolution no. 21-194). The meeting concluded at 10:22 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:34 a.m. for a monthly meeting with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman reviewed the following with the Board:

- Ordering may be difficult this year just due to supply issues.
- At the request of Commissioner Van Beek, Director Tolman spoke about some of the benefits of being a Ford fleet.
- Director Tolman asked if the Board prefers individual purchase orders for each vehicle ordered or if multiple vehicles can be added to one purchase order. The Board confirmed they are okay with just one purchase order for several vehicles.
- 10-12 vehicles are being prepared to go to auction.
- The morgue trailer will be moved to the Coroner's Office in the next couple weeks.
- He is working to make sure the purchase of the carwash system will fall under OPW and SourceWell purchasing so that it doesn't have to go out to bid. The agreement with Epic Shine will probably need to be extended as it will likely be another year before the carwash is complete. The cost for the extended agreement has been budgeted.
- Discussion ensued regarding a draft version of the SILD contract.

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

#### CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR BOB'S TROLLEY HOUSE, LLC DBA BOB'S TROLLEY HOUSE II

The Board met today at 1:34 p.m. to consider a new alcoholic beverage license for Bob's Trolley House II, LLC, dba Bob's Trolley House II. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the new alcoholic beverage license for Bob's Trolley House II. (Resolution No. 21-196.) The meeting concluded at 1:36 p.m. An audio recording is on file in the Commissioner's Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION LLC FOR A REZONE, CASE NO. RZ2021-0012

The Board met today at 1:36 p.m. to conduct a public hearing in the matter of a request by Preston Reynolds of Reynolds Brothers Construction LLC, for a rezone of Parcels R37497010, R37497010A, R37497010B, and R37497010C from an "A" (Agricultural) zone to an "R-1" (Residential) zone. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Elizabeth Allen, an interested citizen, and Deputy Clerk Monica Reeves. The applicant did not appear for the hearing so a continued date was required. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to Friday, September 24, 2021 at 10:00 a.m. The proceeding concluded at 1:41 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:01 p.m. to consider signing action items scheduled for this afternoon, and to have a weekly meeting with the Director of the Development Services Department to discuss general issues, set policy, and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White participated via conference call, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Consider signing Findings of Fact, Conclusions of Law, and Order (FCOs), an Ordinance and a Development Agreement for Ekart Holdings LLC, Case No. CR2021-0003:*** On September 8, 2021, the Board considered a comprehensive plan map amendment and a rezone request with a development agreement to allow for a C-1 zone with one use, an RV storage facility. The comprehensive plan map amendment request was denied. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCOs, the ordinance and the development agreement for the Ekart Holdings, LLC, rezone request, Case No. CR2021-0003. (Ordinance No. 21-026, and Agreement No. 21-071.)

***Consider signing a resolution granting a refund to Andrea Lee for the cost difference between a conditional rezone application fee and a development agreement amendment fee:***

DSD received the application for a conditional rezone and upon further review staff realized it was just an amendment to the development agreement resulting in a fee difference from \$1,235 to \$385 thus a recommended refund of \$850. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution granting a refund to Andrea Lee for the cost difference between a conditional rezone application fee and a development agreement amendment fee in the amount of \$850.00 as presented by staff. (Resolution No. 21-195.)

As part of the DSD Director's meeting the following topics were discussed:

Commissioner Smith said the Board wants more coaching for the land use applicants on the seven (7) questions the Board has to answer when considering requests. If an applicant has to make a pitch for any type of mitigation or reduction in lots they need to apply for a conditional rezone and development agreement versus a straight rezone. The Board is considering including a supplemental form with the application that indicates whether the applicant took staff's advice to seek a conditional rezone/development. Commissioner Van Beek likes the idea. Director Fultz said he has witnessed staff making those comments and recommendations to applicants, with the caveat that they are welcome to apply in any form they desire although. He likes the idea of having something on the application that states staff has made the recommendation and the applicant opted to go another route.

There was discussion regarding County decisions/conditions that become invalidated when property is annexed into a city.

There was discussion regarding the notice FEMA sent to various flood insurance policyholders that referenced Canyon County's potential probation status. There are 163 policyholders in the database and DSD staff will draft a letter about the process and what the department is doing to meet the needs and mitigate the issues. There are six outstanding units they are dealing with and there are some that are a bit more challenging so they will meet with the County's engineer and get a full assessment and in the meantime let the policyholders know what they are doing to correct it. Dan Lister will be the lead on this project and track the inquiries that are coming in as well as the responses that are sent. They will have weekly communications with FEMA.

Staff is continuing to hold workshops for the draft comprehensive plan update and working to get the word out in order to hear from citizens. There was discussion regarding transition areas. Director Fultz said there have been numerous discussions about exclusive agriculture being more of an overlay. Staff has met with the City of Nampa and discussed impact areas, and a number of people south of Lake Lowell strongly favor exclusive ag for their areas and they want to expand it. The map update includes some adjustments to that area and they will be doing fieldwork on Friday to look at sites to get a greater assessment. There is continued discussions regarding the transfer of development rights (TDR's) and the opportunity for getting TDR's, taking out of those exclusive areas to put into the impact areas, or maybe the cities themselves. There is still a great deal of discussion to be had and he is excited to hear from the farming community as well. The City of Melba has looked at a moratorium and they have some concerns, they want to grow but they want to see smart growth. He plans to have a discussion with the Melba mayor soon. Commissioner Smith asked if there are definitions for what to anticipate for growth in general, transition, or exclusive ag? Director Fultz does not have a drafted statement for that, but there has been discussion about exclusive ag and been some discussion about how even a house to be built in those areas would require a CUP. The idea is to push development as much as we can into the cities, the impact areas, and those transitional ag areas giving opportunity for some flexibility, but also taking into consideration the agriculture and how we develop in and around it. Discussion ensued. He wants people to give ideas so we can build and grow from that. Commissioner Smith

said when staff starts to define those she wants the community to have another opportunity to comment before it gets to the Board. There was discussion on the following topics within the comprehensive plan:

- The wildland urban interface map being confusing and how it needs to be reworked.
- Include a pedestrian bike path. Check with the pathways committee, the Snake River Scenic Byway Committee, the Boise River Committee, the City of Nampa, and the City of Caldwell regarding their respective paths and sub-routes that need to be identified.
- Creation of overlay areas for the Sunnyslope region so that when development is proposed that group will receive notice about the proposal. Director Fultz said the most recent maps show that area.
- Designation of overlay areas with special natural resources and historical significance such as the Map Rock Road area given its significance to the Tribes and with the archaeological artifacts that exist in that area.
- Discussion regarding wetland and wildlife areas.
- Include an impact fee map to be used for planning purposes.

There was a review of the P&Z Commission membership. Two P&Z Commissioners' terms expire on December 1, 2021 and he wants to work with the Board to send a letter of congratulations as well as thanking them for their time and service. Upcoming interviews for candidates will be scheduled. The current ordinance requires the County to have seven (7) members but we are looking at following state code which says there can be 3-12 members. Even with the two P&Z Commissioners who depart the end of November/first of December we would still be able to meet the state requirement.

There was discussion regarding Director Fultz's request for an additional Planner II position with a salary range of \$49,000 to \$62,000. Revenue projections are exceeding what was projected for this fiscal year and probably for next fiscal year as well. Commissioner Smith recommends posting the position as a Planner I or II and bringing a budget plan back to the Board for review. Director Fultz will meet with Controller Wagoner to review the salary information and draft the job description.

Miscellaneous topics:

- The hearing examiner is handling the caseload well although there are some logistical issues to resolve.
- Director Fultz participated in an interview with Idaho Press regarding the comprehensive plan update.

- The net revenue for the department for the month of August, after impact fees were taken out, was down slightly to \$277,000 which is still doing well. He anticipates a surge upward in the coming months.
- The wait time for building permits is 4-6 weeks out, although they were hoping it would be 2 weeks.
- Another administrative position will be coming to help process applications from both the planning and building department departments. The code enforcement and economic development positions will be advertised this week.
- The issue with CAPS software management system has been addressed.
- The department has a brown bag luncheon on Wednesdays where supervisory staff discuss strategy and will begin the process of going through the book *"Good to Great"*, and they will talk about a number of other things that tie into the growth and expansion of the department.
- Commissioner Smith said the areas of impact need adjusted right away and that's going to require a planner to get those negotiated. Her hope is that when the mayors meet with the Board on October 1<sup>st</sup>, she wants to talk to the mayors about the desire to guide growth in the impact areas and how the County needs their help to do this and we need to narrow the impact areas back to save agriculture and still have areas for growth. We don't want them to feel that impact areas only get negotiated until every decade or more, she wants them to know they can negotiate every year if they want.

The meeting concluded at 3:53 p.m. An audio recording is on file in the Commissioners' Office.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 21, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 577980 to 578033 in the amount of \$77,273.70
- The Board has approved claims 577873 to 577913 in the amount of \$122,363.97
- The Board has approved claims 577865 to 577872 in the amount of \$12,285.23
- The Board has approved claims 577858 to 577864 in the amount of \$4,222.00
- The Board has approved claims 577850 to 577857 in the amount of \$2,485.00
- The Board has approved claims 577843 to 577849 in the amount of \$7,903.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Morteck Manufacturing in the amount of \$13,040.00 for Emergency Management

There were no meetings held this day.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 22, 2021

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

#### APPROVED CLAIMS ORDER NO. 2126

- The Board of Commissioners approved payment of County claims in the amount of \$1,716,548.28 for a County payroll.

#### APPROVED CLAIMS

- The Board has approved claims 577803 to 577842 in the amount of \$569,397.57
- The Board has approved claims 577914 to 577979 in the amount of \$47,434.63

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



The Board met today at 10:34 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker updated the Board on the following:

- An update was provided on his project management and some of the items that take up a bulk of his time.
- He's had preliminary discussion with The Brothers Rabe about a state of the county video; they discussed basic information and timelines, the approximate cost at this point is \$10K for a 10-15-minute video depending on the complexity of the video. Mr. Decker spoke about what he envisions for the video and the process and suggested inviting the company in for a presentation. The Board is supportive of this idea so Mr. Decker will work with The Brother Rabe to get something scheduled.
- The Domestic Violence Awareness press conference will be held on October 1<sup>st</sup>.
- Discussion ensued regarding the change to the .gov email address. Mr. Decker worked with Director Rast regarding the messaging which will be sent from the BOCC email address by the end of this week or early next week.
- Discussion ensued regarding the posting of elected officials' terms on the county website. Commissioner Smith said some feedback was received but it wasn't great and wonders if the subject should be readdressed at the next EO meeting. Commissioner Van Beek feels it's a matter of transparency. Mr. Decker will follow up with the elections office to find out what information is readily available in regard to other agency elections such as school boards and highway districts. Commissioner Smith clarified she does not want to be providing any information on the candidates other than name, position and term.
- Discussion ensued regarding potentially different office spaces for Mr. Decker. Commissioner Van Beek suggested perhaps the underutilized security office would be a good move as it's not a direct line of sight from the front door.

The meeting concluded at 11:00 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:02 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Assistant Director of Juvenile Detention Shawn Anderson, Director of Juvenile Probation Elda Catalano (arrived at 11:08 a.m.), Director of Misdemeanor Probation Jeff Breach (arrived at 11:10 a.m.) and Deputy Clerk Jenen Ross. Director Brown updated the Board on the following:

- There are currently 31 juveniles in custody – 2 from Department of Juvenile Corrections, 2 from Washington County and 1 from Payette County, the remaining are from Canyon

County. Over the past 3 months they have seen an increase in the number of juveniles coming in which could be partially due to the population growth. If higher numbers continue, they may need to bring on additional staff.

- An overview of the on-call/part-time Juvenile Detention Officer position was provided. He would like to increase the wage from \$14.67 closer to \$17.75 in order to be more competitive. He would like for this change to be in effect starting on October 4, 2021 with the new fiscal year.
- 1075 lbs. of produce have been harvested from the garden. The produce was shared among some of the kids in the facility as well as donated to other outside organizations.
- The school program is going well. This year they have both math and language arts teachers and the *The Cabin* writing program will be starting on the 28<sup>th</sup>.
- Rob King is back working with the kids in transitioning them to leave the facility.
- Mr. Anderson gave an update on individuals in the FTO (Field Training Officer) program which is going really well. He and Mr. Brown will be working on the curriculum for the juvenile POST Academy.
- Employee evaluations are nearly complete.
- In response to a question from Commissioner Smith, Ms. Catalano said that she has not seen an increase in numbers, but they are seeing an increase in high-risk offenders.

The meeting concluded at 11:12 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:17 a.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach and Deputy Clerk Jenen Ross. In response to a question from Commissioner Smith, Director Breach said he has completed all of his employee evaluation and Director Catalano has just 2 more to complete.

Director Breach provided the following update:

- Statistics were provided – last month they finished with 1055 on active probation, 495 on bench warrants and 350 on community service. FY2021 cost of supervision revenue projections were surpassed.
- There is one vacant PO position that they are in the process of filling and will be conducting interviews next week.
- In the past there has been credit given to new hires who come with Probation Officer experience; Commissioner Smith said to continue following the compensation plan and requested that a supplemental memo be provided to the Board explaining how the salary rate was determined.

- Discussion ensued regarding issues with the courts and how it affects his office and staffing. Director Catalano also spoke to her frustration with the court scheduling. She has the additional struggle of having to notify an interpreter with 48-hour notice. The Board suggested a meeting between the ADJ, TCA, interpreter coordinator, Director Breach, Director Catalano and the Board to discuss the issues may be beneficial.

Director Catalano updated the Board on the following:

- She has recently had one Probation Officer leave the office but at this time she is not going to post the position until she can evaluate numbers. Additionally, she has one employee out on maternity leave.
- There are some high-risk offenders in the community; she will be meeting with law enforcement next week to help manage these offenders.
- Kicking truancy event in August was a huge success.

The meeting concluded at 11:39 a.m. An audio recording is on file in the Commissioners' Office.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 23, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Rider Hofer, Haz Waste Screener/Heavy Equip Operator

#### APPROVED CATERING PERMIT

- The Board approved Idaho Liquor Catering Permits for Raising Our Bar LLC dab Raising Our Bar to be used 10/01/21, 10/30/21, 10/29/21, 10/23/21, 10/22/21, 10/16/21, 10/10/21, 10/09/21, 10/08/21, 10/03/21; Tricycle LLC dba Eastside Tavern to be used 10/16/21, 10/09/21, 10/02/21

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Les Schawb in the amount of \$7,062.30 for Solid Waste Department

#### MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 8:38 a.m. to consider agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Financial Specialist Lina Millar, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson (arrived at 8:46 a.m.) and Deputy Clerk Jenen Ross. The agenda/action items were considered as follows:

***Consider signing resolution establishing the income and expenses to be considered in determining medical indigency:*** Director Baker explained this is the guideline used when investigating an application and putting together the Clerk's findings. She noted for the record that the hourly wage for attributed income increased from \$9.32 to \$10.06. Revisions to allowable expenses are included in with the resolution. Changes will be effective October 1, 2021.

Discussion ensued regarding incomplete applications that are received into the Indigent office. Commissioner Smith asked legal to look into the requirements for completeness of applications being submitted from the hospital to indigent.

Commissioner Van Beek made a motion to sign the resolution establishing the income and expenses to be considered in determining medical indigency. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 21-197).

***Consider signing master agreement, software & support license with Computer Arts Inc.:*** Director Baker said this is the yearly agreement for their main database and that the contract amount has been budgeted and approved. Ms. Klempel said that the contract is satisfactory to legal as the company is unwilling to make alterations to the contract. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the master agreement, software & support license with Computer Arts, Inc. (see agreement no. 21-072).

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

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

The Board met today at 9:00 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Financial Specialist Lina Millar, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance, 2021-0888, 2021-1045, 2021-0957 and 2021-0958. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions to

be issued within 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Van Beek made a motion to issue an initial approval on case no. 2021-0982. The motion was seconded by Commissioner Smith and carried unanimously.

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

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-764

The Board met today at 9:09 a.m. to conduct a medical indigency hearing for case no. 2021-764. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker, Attorneys Bryan Nickels and Jordan Reid on behalf of St. Alphonsus and Deputy Clerk Jenen Ross. Following testimony and Board discussion Commissioner Van Beek made a motion to continue the case to December 2, 2021. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 9:14 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:16 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to continue case no. 2021-766 to November 18, 2021. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Van Beek made a motion to issue final approvals for case nos. 2021-758 and 2021-726. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Van Beek made a motion to issue final denials with written decisions on case nos. 2021-662, 2021-765, 2021-778, 2021-756 and 2021-791. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioner Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Controller Zach Wagoner (left at 10:26 a.m.), Assistant TCA Benita (left at 10:13 a.m.),

TCA Jamie Robb (left at 10:13 a.m.), Judge Susan Clark (left at 10:13 a.m.), HR Generalist Demi Etheridge (left at 10:13 a.m.), DSD Director Steve Fultz (left at 10:05 a.m.), DSD Office Manager Kathy Frost (left at 10:05 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution classifying records of the Development Services Department and authorizing the imaging and/or destruction of certain files/records:*** Ms. Frost confirmed all files have been scanned and verified and that these files are no longer active. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution classifying records of the Development Services Department and authorizing the imaging and/or destruction of certain files/records (see resolution no. 21-198).

***Consider signing resolution to approve the addition of one (1) job description in the Trial Court Administration Department:*** Ms. Robb explained this position is for the Eviction Mediation Services Coordinator which was approved in the budget. Judge Clark spoke of the statistics and effectiveness of providing this program. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to approve the addition of one (1) job description in the Trial Court Administration Department (see resolution no. 21-199).

***Consider signing FY2022 cooperative agreement between Valley Regional Transit and Canyon County Commissioners:*** Commissioner Van Beek believes financial documents were requested and asked Controller Wagoner if those were received; he does not recall VRT providing any financial documents. Mr. Wagoner noted that for the previous two fiscal years VRT has been funded at approximately \$39,000, for FY2022 they requested and were approved \$49,546. Commissioner Van Beek asked Controller Wagoner questions in regard to the increased amount being approved, ridership numbers and if there are statutes requiring counties to provide public transportation. Controller Wagoner said that VRT presented their request in May where these items were discussed. Commissioner Van Beek made a motion to sign the FY2022 cooperative agreement between Valley Regional Transit and Canyon County Commissioners (see agreement no. 21-073).

Discussion ensued about having a form to be used next year for the outside agencies budget requests in order to formalize the process and make the information received more consistent among the agencies. Commissioner Smith also asked Ms. Klempel to determine how the county legally provides funds to the outside groups and definition differences between a 'grant' and 'contributions'.

A question was asked prior to the meeting regarding a preliminary plat hearing scheduled this afternoon. Ms. Klempel gave initial comments but indicated that Mr. Wesley would be in attendance for the hearing and would be better able to address the questions.

The meeting concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER FINAL PLAT FOR LEIGHTON RANCH, CASE NO. SD2021-0011

The Board met today at 1:30 p.m. to consider the final plat for Leighton Ranch, Case No. SD2021-0011. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planner Dan Lister, DSD Planner Jennifer Almeida, Trace Leighton, and Deputy Clerk Monica Reeves. Dan Lister said all but one of the conditions have been met. The plat note regarding fire sprinklers has been removed, and there was a modification to plat note #7 referencing the note regarding the floodplain development permit. Condition #1A requires the construction of the private road and the shared driveway prior to the signing of the final plat and since it's over 150 feet it needs to be certified by an engineer. It's a condition of approval that was imposed by the P&Z Commission, but there is no evidence that it has been met. Additionally, the pressurized irrigation stops prior to the last lot. There are conditions stating subdivision improvements will be put in and this includes a shared driveway. The options are: amend the preliminary plat to remove the condition, or, bond the improvements, or, merge Lots #6 and #7 together and when they are ready to develop those lots they can replat at that point. The code does have options for the Board to amend the preliminary plat as approved, however, these are conditions that were approved by the P&Z Commission and the Board so staff recommends we at least go back through some type of hearing process to remove those before signing the final plat. Commissioner Smith had questions regarding the condition requiring a driveway and said it's typical for a homeowner to build their own driveway. Mr. Lister said the P&Z Commission felt that due to concerns about having a shared driveway it was not acceptable to have the next owner do it. Deputy PA Wesley had questions of staff. The ordinance allows the Board to make changes to the plat, and usually they are minor changes not dealing with the conditions or altering the terms of the ordinance. The one that causes the most concern is the irrigation because it's borne out of the ordinance and it remains as two lots and the irrigation is not for the second lot and that's an improvement that either needs to be completed or bonded when you sign the final plat. The driveway appears to be something the Board and the P&Z Commission added as a condition, which seems to contrary to how we normally do these things which is at the building permit phase so he does not think the driveway change is material if the Board wanted to change the timing of that and have the driveway complete at the building permit phase, particularly with the private roadway completed. The irrigation is not something we can make a change to get around because it's an ordinance requirement. The developer, Trace Leighton, said the reason it has not been completed is because it's a family compound estate and the two lots are for his grandchildren who very young. He can do the driveway but the problem is all the utilities have run their main lines 600 feet up the driveway for future use and he doesn't want to tear it up. Regarding irrigation, he can hook a pipe to the irrigation and satisfy the requirements right now. He would rather not merge the lots. Commissioner Smith said we could add a plat note that requires certification for the driveway at the time of construction and also certification from an engineer on the irrigation plan at the time of construction. We are not waiving the requirement, we are delaying it. Mr. Lister said the improvement has to meet the construction plan and be certified by an engineer, or, Mr. Leighton could bond it. The driveway is a big issue because we already have a road users maintenance agreement for those lots and so it already has a mechanism that they have to

construct it and maintain it. The final plat will be considered next week. The meeting concluded at 1:49 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION GRANTING REFUND TO WILLIAM WERHANE FOR A WITHDRAWN REZONE AND COMPREHENSIVE PLAN CHANGE

The Board met today at 1:49 p.m. to consider a resolution granting a refund to William Werhane for a withdrawn rezone and comprehensive plan map change. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, other interested citizens, and Deputy Clerk Monica Reeves. Director Fultz explained that Mr. Werhane submitted an application for a comprehensive plan amendment and rezone and after having a discussion with Dan Lister it was determined they wanted to hold off until the new comprehensive plan is completed/updated. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the request for a refund in the amount of \$3,350 for Parcel No. 3359012B. (Resolution No. 21-200.) The meeting concluded at 1:51 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY CALLISTER, LLC, AND C4 SUBDIVISION FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0010 & SD2021-0008

The Board met today at 1:52 p.m. to conduct a public hearing in the matter of a request by Callister, LLC, and C4 Subdivision for a rezone, and preliminary plat, Case Nos. RZ2021-0010 and SD2021-0008. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida, Andrew Francis, Alec Egurrola, Jerry Lyle, John Carpenter, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The applicant is requesting a rezone of approximately 31.43 acres from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. Also requested is a preliminary plat, and an irrigation and drainage plan for C4 Subdivision. The plat includes 24 residential lots and one (1) common lot. The subject property is located directly north of the intersection of Quail Haven Way and Lansing Lane. The property is designated as residential on the future land use map and lies within Middleton's area of city impact. There are agricultural uses and agricultural zoning in the area. There are 603 platted lots within one mile of the site with an average lot size of 1.47 acres. Pressurized irrigation is proposed. The City of Middleton withdrew its opposition to this request recognizing the applicant is willing to enter into a pre-annexation agreement with the city. The P&Z Commission recommended approval of the requests on July 15, 2021. Staff is also recommending approval of both requests with conditions. Staff conducted a re-review of the recommended plat conditions and there were a couple she suggested be added: A road users' maintenance agreement shall be submitted prior to final plat approval in regards to the shared easement that is used for approximately two areas of the plat. And, in regards to shared easements, it was part of the easement reduction approval that specified that only those lots could utilize the easement for access, but after looking at the plat it also should be a note on the plat. The parties need to be aware that only specific lots can utilize that easement for access, the remainder of the lots need to utilize the public roadways.



Following her report, Ms. Almeida responded to questions from the Board. Alec Egurrola reviewed the site plan and intention of the project. The average lot size is 1.13 acres and the individual wells and septic systems for each lot will be designed to health district standards. The access easements are shown and initially they had a tighter turn radius, but the highway district wanted them bigger so there will be more gradual turns which is why they came up with driveway easements. He spoke of how they have worked with Canyon Highway District to make sure their standards are met. The purpose of the pond is to maintain the irrigation and surface water rights on the property. Irrigation will go into the pond and they will collect the irrigation from the pond and provide pressurized irrigation to the back side of the lots. The pond will be the source of stormwater retention. With the natural topography the water sheds to the pond so the intent is to limit impacts as much as possible and repurpose the water for irrigation. The pond will also be for recreational activities for the residents of C4 Subdivision. Following his testimony, Mr. Egurrola responded to questions from the Board. Commissioner Van Beek noted the plat shows a discrepancy regarding the name of the Modock Drive rather than Curly Red Drive. Mr. Egurrola said they have spoken to County GIS and had it corrected. Commissioner Smith questioned why multiple road names are being used throughout the project. Mr. Egurrola said initially the road was named Modock Drive but the County GIS told them to come back with three different street names because the road changes direction. The City of Middleton initially objected to the project because they wanted the lots to connect to city utilities but the developer does not intend to hook up to city utilities. In working with the city, the developer's intent is to bring utilities to and through the development but not necessarily shrink the lots sizes. They will still retain septic and well. Commissioner Smith questioned the requirement for three separate road names. Discussion ensued. Ms. Almeida will look into it to see if there is an underlying requirement to have the three separate names. The Board prefers a landscaped entryway and access, and for the developer to install fencing. John Carpenter asked questions of the Board about the landscaped entryway preferences, and water usage information. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the hearing to Monday, October 4, 2021 at 1:30 p.m. The applicants will work on the road name issues, and correct the notes on the plat for IDWR landscaping, and the lot and block numbers on the irrigation plan. The hearing concluded at 2:40 p.m. An audio recording is on file in the Commissioners' Office.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 24, 2021

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Julio Luna, Heavy Equipment Operator; Clarissa Greensmyth, Deputy Public Defender I; Bennett Morrison, Interpretive Specialist

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$5,750.00 for Information Technology Department
- Jumper Cables in the amount of \$1197.65 for Development Services Department
- R&H Wholesale in the amount of \$33,405.04 for Facilities Department

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Tammy Bartlett

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Theresa Eckersell dba Bubble Bar to be used 9/30/21; Raising Our Bar LLC dba Raising Our Bar to be used 10/02/21

#### APPROVED MAY 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

#### RESCHEDULE PUBLIC HEARING - A REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION LLC FOR A REZONE, CASE NO. RZ2021-0012

Today the Board was scheduled to conduct a public hearing in the matter of a request by Preston Reynolds of Reynolds Brothers Construction, LLC, for a rezone, Case No. RZ2021. Present were: Commissioner Leslie Van Beek and Deputy Clerk Monica Reeves. Today we did not have a Board quorum so Commissioner Van Beek went on the record at 10:02 a.m. to reschedule the hearing to Thursday, September 30, 2021 at 2:00 p.m. The proceeding concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 27, 2021

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

There were no meetings held this day.

SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 28, 2021

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

There were no meetings held this day.

SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 29, 2021

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

There were no meetings held this day.

SEPTEMBER 2021 TERM

CALDWELL, IDAHO     SEPTEMBER 30, 2021

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

APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

- The Board approved the transfer of sick leave time to vacation time for M. Bettencourt

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for William Phelps, part time Juvenile Detention; Alyson Overton, part time Juvenile Detention; Paige Gabiola-Reedy, part time Juvenile Detention; Caroline Reynolds, part time Juvenile Detention; Kip Wiemers, Haz. Waste Screener/Heavy Equip. Operator; Kellie George, Administrative Specialist, Gunnar Clapp, Maintenance Technician

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Craft Lounge LLC dba Graft Lounge to be used 10/09/21

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 8:36 a.m. to consider agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek, PIO Joe Decker (left at 8:39 a.m.), CCSO Victim Witness Coordinator Aleshea Boals, (left at 8:39 a.m.), Lt. Chuck Gentry (left at 8:39 a.m.), Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. Agenda items were considered as follows:

***Consider signing Domestic Violence Awareness Month proclamation:*** This year they will be partnering with other domestic violence agencies and area law enforcement, however, many of the survivor spotlights will be recorded due to COVID protocols. The theme is 'Shine A Light' so

that will be emphasized during the event. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Domestic Violence Awareness Month proclamation.

***Consider matters related to medical indigency:***

Director Baker said the following cases do not meet the eligibility criteria for county assistance: 2021-1043 and 2021-981. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record. Notices of lien and release of liens were presented for Board signatures.

The meeting concluded at 8:40 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 8:47 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. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Chief Deputy Sheriff Marv Dashiell (left at 9:11 a.m.), Chief Deputy Coroner Steve Rhodes (left at 9:01 a.m.), Training and Benefits Coordinator Nicole Ahlstrom (left at 9:04 a.m.), Controller Zach Wagoner (left at 8:55 a.m.), Director of Juvenile Detention Sean Brown (left at 9:06 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing FY2021 operation transfers and reimbursements:*** Controller Wagoner gave review of adjustments. The county receives money from the state for juvenile justice functions under the umbrella of the cigarette tax. The funds were initially deposited into Juvenile Probation but \$10,000 is allocated out with \$5000 to Juvenile Detention and \$5000 to Juvenile Drug Court. Today's request is to transfer \$10,000 from Juvenile Probation into the Juvenile Detention and Juvenile Drug Court funds. The other adjustment is for a payment from the Landfill Enterprise fund to the Current Expense fund, the Justice fund and the Parks and Recreation fund – the requested transfer amount is \$1,321,760 from the Landfill with \$1,185,000 to the current expense fund, \$101,760 to the Justice fund and \$35,000 to the Parks and Recreation fund. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution adopting FY2021 operation transfers and reimbursements (see resolution no. 21-202).

***Consider signing a memorandum of understanding for morgue overflow storage:*** Mr. Rhodes explained the Coroner's Office anticipates holding 2-3 bodies but could hold up to 10 based on being able to identify and contact next of kin. This agreement is specifically with St. Luke's and holding costs will be billed to them. Mr. Robertson spoke about how the fee amount was calculated. Mr. Rhodes and Mr. Robertson addressed questions asked by Commissioner Van Beek. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted

unanimously to sign the memorandum of understanding for morgue overflow storage (see agreement no. 21-075).

***Consider signing amendment no. 2 to employer service agreement with JobScore Inc.:*** Mr. Wesley explained this agreement is set to expire today so this will renew it for FY2022. The only change to the contract is small price increase. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign amendment no. 2 to the employer service agreement with JobScore Inc. (see agreement no. 21-076).

***Consider signing memorandum of agreement between Ada County, SWIJD, and IDJC, FY2022:*** Mr. Wesley said this is just an annual renewal and there are no changes from last year. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the memorandum of agreement between Ada County, SWIJD and IDJC for FY2022 (see agreement no. 21-074).

***Consider signing resolution authorizing retirement of CCSO K9 “Jimmy”:*** Chief Dashiell explained that “Jimmy” is a field service dog doing drug detection. He is about 7 years old and has worked about 6 years with CCSO. He has an aggressive cancer and even with treatment would not be able to return to full service. “Jimmy” will be retired to Cpl. Frailey. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution authorizing the retirement of CCSO K9 “Jimmy” (see resolution no 21-201).

***Consider signing Treasurer's tax charge adjustments by PIN for August 2021:*** The adjustment amount is \$2684.14 for tax year 2018. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for August 2021.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:12 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioner Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 9:52 a.m. with no decision being called for in open session.

The meeting concluded at 9:52 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### CONSIDER APPROVING FINAL PLAT FOR LEIGHTON RANCH CASE NO. SD2021-0011

The Board met today at 10:00 a.m. to consider the final plat for Leighton Ranch, Case No. SD2021-0011. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, Trace Leighton, and Deputy Clerk Monica Reeves. This matter was tabled from September 23, 2021. Today Dan Lister reported there is an irrigation line that needed to be extended and the applicant has extended that line and provided engineering showing it has been done per the plan and it has been reviewed by Keller & Associates who found it to be acceptable. The rest of the conditions have been met. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the final plat for Leighton Ranch Subdivision with the clarification that Condition No. 1B has been met. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – KELLY FAMILY REVOCABLE LIVING TRUST'S REQUEST FOR A REZONE, CASE NO. RZ2021-0018

The Board met today at 10:04 a.m. to conduct a public hearing in the matter of a request by Matt Wilke, representing Kelly Family Revocable Living Trust, for a rezone of Parcels R37527011 from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Scott Kelley, Alan Mills, Matt Wilke, Scott Brock, Spencer Kofoed, Barbara Malmstrom, Douglas Benne, Michael Morcom, Richard Trudeau, Lyle Zufelt, Janae Wolf, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she attended the comprehensive plan workshop and there were a number of people at that meeting and it related to the Board's direction on land use and planning. There has been a shift in posture from the previous Board to the current Board but she does not think it will impact her ability to make a decision. Commissioner Smith disclosed she knows Alan Mills and Spencer Kofoed but they have not discussed this case. Both men supported her in her election that not sway her decision in this case.

Dan Lister gave the oral staff report. The property is located at 25683 Duff Lane in Middleton and is approximately 37 acres in size. In 2005 the property was allowed a conditional use permit and preliminary plat to divide the property into 14 lots, however, that has expired. The request today is for an "R-1" zone that would allow for 35-36 one-acre average minimum lots. The zoning is predominately agricultural in this location; a couple areas near the property were zoned rural residential at one point. Thoroughbred Estates Subdivision, a 40-lot subdivision with a 2.27 average acre lot size. To the south is a conditional rezone of a 9.7-acre parcel that was platted to White Ranch Estates. The subject property abuts a 74-acre property to the north, and to the west a 32-acre property, and to the east are smaller acreages. There are 24 subdivisions within a one-mile radius with an average lot size of 2.77 acres. The property has 9 acres of best suited soils and 23 acres of moderately suited soils and approximately 20.5 acres are considered prime farmland

which has to do with the topography of the site. This is in a nitrate priority area so they will have to do a nutrient pathogen study. There are wells in the location that show nitrates in the drinking water but none exceed DEQ's threshold for contaminants. A small portion of the property is in a floodplain at the southeast corner and at the time of platting they will have to identify the development in that location and how it will be done in compliance with the County's current policies. The future land use plan shows this area as residential. The property is located just outside Middleton's impact area where they would show residential; the city is actively working on extending their impact area into this location. Mr. Lister reviewed the agency comments, as well as the concerns of some neighbors who want larger lot sizes. Staff is recommending denial because this is still predominately agricultural with some scattered rural residential uses. This does not come with a development agreement although the applicant did provide a conceptual plan at the P&Z Commission hearing. Staff is recommending an R-R zone. The previous site plan for 14 lots with a 3-acre lot size seem to be a better size for that area than the 1.1-acre lot size the applicant is presenting in their conceptual plan. With that said, the P&Z Commission did recommend approval on August 5, 2021. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in favor of the request:

Matt Wilke testified the Middleton impact area boundary is located 2,600 feet to the south of the subject property and the city is actively trying to increase their impact area boundary. If the property is included in the city there could be 113 homes in this area if it's an R-3 designation in the future and was annexed into the city. The neighbors support the rezone because there will be 26 homes versus the potential of having 113 homes once it's within the city limits. There are least 15 subdivisions in the area. Thoroughbred Estates is located across the street from the subject property and has 7 lots within the floodplain that have over 2-acre average lot sizes, but the other 33 lots are just over an acre average. The proposed project will mirror Thoroughbred Estates. Mr. Wilke provided a soil classification map which he said disputes staff's findings of prime farmland. The property has sections of steep ground. Cary Spencer farmed the land for three years but he couldn't make money on it because the soil is not good, it sucks up the water before it gets to the bottom of the field. It has not been farmed in two years. Mike Wagoner farms 2,000 acres in the area and for the same reasons he won't farm this property. Mr. Wilke said the property is in the path of growth for the City of Middleton and they want to protect the neighbors and keep the beautiful one-acre plus estates. Spencer Kofoed with Tradition Homes will build for this site and it will be a mirror of Thoroughbred Estates. He gave testimony regarding the topography of the property, the geotechnical work that's been done, the ground water level, and well water. Following his testimony, Mr. Wilke responded to questions from the Board. He indicated he will agree to a development agreement for 26 lots.

Alan Mills testified there is no lack of inventory for city lots because the city is growing quickly. FFA and 4-H programs are still very popular and you cannot do that on city lots and so this project opens the door for those who want to do those activities. He referred to the Lansing Heights development that was approved in the 1970s that started the trend and other developments followed. There are both hobby farms and platted subdivisions in the area. Mike Wagner farms



in the area and is well versed with this property and he won't farm it because of the conditions which were borne out when they did the test holes. They have a nutrient pathogen study and, in their mind, there is nothing they can do to exceed 26 lots. Regarding wells, IDWR study results show up to a five-foot increase in the aquifer. Following his testimony, Mr. Mills responded to questions from the Board. Commissioner Smith asked Mr. Mills to talk about farming disclosures. Mr. Mills said he is working with others on developing ag disclosures and disclaimers that offer protection. Commissioner Smith said there are agricultural uses in the area and if we could condition a requirement that property owners be notified of the ag uses, and that their complaints regarding those would be that the farmer can come back and recoup some of his expenses to combat those complaints. The problem with putting residential in agricultural areas is it slows down farming businesses when they must deal with neighbor complaints. Mr. Mills said they want to get to a point where the purchasers have to sign the documents at the closing with the title company so they can't say they didn't read it. Disclosures and disclaimers can solve a lot of problems as it relates to protections for agriculture.

Scott Brock lives 46 feet from the property, and he is in favor of the development. The Middleton impact area is going to move forward and as it does it will change the structure of everything there and it will be a detriment to Canyon County. He spoke of the difficulties of farming this property, and how there isn't anything indicting a lack of water in the area. Mr. Brock is a Canyon County P&Z Commissioner and he recused himself from this matter when it came before the Commission. Following his testimony, Mr. Brock responded to questions from the Board.

Barbara Malmstrom is a real estate agent who lives in Thoroughbred Estates, and she testified regarding the comparable lot sizes and the difficulties with farming the land.

Spencer Kofoed testified the owners approached him to build the homes for this development, testified about the homes he has built in the area. He has no problem with agreeing to 26 lots and making the project look like Thoroughbred Estates. He has built homes in the area for 15 years and said this is a good transition ag area and it meets the engineering guidelines. He spoke of how he's worked with floodplain issues in other developments.

The Board took a recess from 11:14 a.m. to 11:18 a.m.

The following people testified in opposition to the request:

Douglas Benne testified about water concerns and lot sizes, and he questioned whether will services/utilities will be provided or road improvements will be made.

Mike Morcom lives across the street from the subject property and he referenced a petition signed by the immediate neighbors which states, in part, the developers are requesting R-1 zoning to allow 26 homes to be built in an area that is predominately zoned for R-R development. DSD staff recommended denial of the R-1 request. The neighbors urged the Board to respect staff's recommendation and allow the R-R zoning for 15 homes. Neighbors' concerns include impacts to

the aquifer, schools and wildlife, the lot size, and maintaining the R-R setting and quality of life, and not setting a precedent for R-1 zoning

Richard Trudeau lives a ¼ mile from the subdivision and his main concern deals with groundwater and the threat of losing his ground water supply. He urged the Board to go with larger lot sizes.

Janae Wolf testified she wants a rural quality of life and does not want to live near big developments. She is concerned about wells running dry due to projects being built next to established homes. She spoke of the importance of maintaining the recharge of the aquifer, and said she's not aware of any recent water studies to ensure there is sufficient water. She asked the Board to not allow 26 homes on the site but to restrict zoning to reflect five to ten-acre lots, or none at all, and, to require a community well for the development. Ms. Wolfe also spoke about the need for appropriate planning. Commissioner Smith said although she would like to have a water study they are not feasible. She has heard there are concerns about water, however, no factual evidence has been provided that shows there are concerns. The Board is exploring meeting with mayors and talking about growth and possibly trying to figure out how to commission a countywide study and do some additional wells. The County relies on agencies to respond about water issues and IDWR has not indicated there are concerns with quality or quantity issues in this area. It is identified as a nitrate priority area and the developer has supplied a study which was certified by an engineer. She encouraged Ms. Wolf to continue working with IDWR and talk about concerns and support the countywide monitoring and updates.

Lyle Zufelt testified the staff report was fair, accurate, and honest where it stated the request is located within a one-mile radius of 24 subdivisions totaling an average lot size of 2.77 acres. This area is scheduled for rural residential growth. The lot size promoted by the R-1 zone and is incompatible with the existing conditions of the area. He is not opposed to development nor does he reject anyone's desire to live in the area, but he wants them to respect the current character of the neighborhood, which is rural residential. The proposed use will negatively affect the character of the area. Mr. Zufelt said when the report was presented to the P&Z Commission a commissioner rejected it and overturned the staff recommendation in favor of the developer and his group's request for R-1 zoning. That commissioner has since resigned his position when questions were asked about his relationship to the developer and Mr. Zufelt believes he failed to recuse himself and committed malfeasance and the process was corrupted. He referenced previous testimony from Dennis Owsley with IDWR in regards to wells drying up, who said the reason wells are going dry is because houses are being built too close together. Mr. Zufelt urged the Board to protect the zoning as it currently exists and maintain the current character of the area. The lots should be two acres so the system is not overtaxed.

Rebuttal testimony was offered by Matt Wilke who said they are required by state law to use surface irrigation water and so an irrigation system will be used to irrigate the site. The city uses well water to give public water to city residents so their density level of three units per acre would create a potential to have 130 units on this site versus the developer's proposal of 26 lots, and it would use a lot more ground water than this proposal will. He submitted an exhibit (#8) showing

a 10-foot increase in the aquifer. According to Mr. Wilke, they need R-1 zoning over R-R zoning to control the weeds and to make the site look like Thoroughbred Estates. He heard concerns about traffic and referenced the Mid-Star Traffic Impact Schedule that developers are required to pay into (\$5,050) in order to build up the surrounding intersections and roadways and help with traffic. The 26 lots will generate \$143,000 in taxes which will help the community. He knows P&Z Commissioner Rick Fried and said he planned to retire weeks before the P&Z Commission hearing for this rezone; this request did not cause him to relieve himself from the duties of the Commission. Additionally, he also retired from his work. He said the attorney here today is the landowner and he plans to live in the subdivision. Mr. Wilke said he pulled data from IDWR's website regarding the test well that is 4,000 feet from the site which showed they have dropped five feet from 1969 to 2019. On August 2<sup>nd</sup> Mr. Wilke sent the Board an ag disclosure he uses for developments, and said he is willing to work with staff and the Board on an ag disclosure for this project as well. The proposal on 37.81 acres would be a 1.4542-acre average.

Commissioner Smith said the average lot size is 11, and the average lot size in subdivisions is 2.77 acres and one could argue it's changing the character of the area. She would feel more comfortable with making a finding that we have factual evidence that the median in the area is 1.69 acres. If we had a development agreement in 1 ½ acre size range it would be larger than what is being proposed. Mr. Wilke said the lots are 1.45-acres and so they hit the mark perfectly. Commissioner Van Beek asked if any of the proposed 26 lots will have the same kind of land exception that's in Thoroughbred Estates. Mr. Wilke said no, in the proposed development there is only four-tenths (0.4) of an acre that's in the floodplain. It can be kept as a common lot and controlled by the adjacent lot. He is willing to work with the County on a development agreement, and he does not think it will be a problem to have a landscaped entryway with monument signs, but he will talk to his client about that. Pressurized irrigation will be provided to each lot and they are required to use surface water. Commissioner Smith asked if they will support a condition in the development agreement that requires a pressurized irrigation system and not utilize wells. Mr. Wilke will agree to that that, and they will have a water users maintenance agreement, or have the HOA control the costs of the system. Commissioner Smith asked if they would be willing to have a condition for ag discloses that can be provided at the next hearing that would be provided to each homeowner and run with the land. Mr. Wilke indicated they are agreeable to that. Commissioner Smith said if there is a recommended approval for a conditional rezone with a development agreement that would be a substantial change and it would go to a second hearing where new data could be provided. If the data doesn't support that average minimum lot size the Board could still deny it. Dan Lister said the applicant would have to amend their application to add a development agreement and that requires re-noticing for a new hearing. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek likes this development and she would like to see it move forward. She likes the density the applicant is providing and she's hopeful that with additional information from our GIS staff we can get clarification on the number of lots. She wants to see a development agreement, the LOMA proposal, re the proposed use, Mr. Kofoed's current development adds favorably to the area and is a product that's really needed in Canyon County to have custom homes on this size of a lot. Larger lots seems to attract weeds and are potentially problematic if people get tired of taking care of that so the one-acre size adds to the character of

the area given the developer. If we were to remove the seven lots in the floodplain this would be commensurate with the building lot sizes that are already in that area. The factual evidence the Board has been given to evaluate does not show anything where she could make a finding to overturn this for a denial. She suggests the hearing be continued to allow additional information requested by the Board. She then made a motion to approve the request with conditions. Commissioner Smith does not support requiring the LOMA because it's all worked out during the subdivision process and if they have property within the floodplain they have to meet those standards. If they want to go through the LOMA process and remove it so they don't have to meet floodplain standards that's their choice. Commissioner Van Beek agreed to leave out that condition, she does however want a condition for landscaping and pressurized irrigation. Commissioner Smith wants a minimum average lot size to be established that is characteristic of the area. Commissioner Van Beek likes the 1.4542-acre number. They have done the NP study and that shows due diligence that will have to be proven with SWDH. The applicant knows the obstacles he has to overcome in the area and that acre average is close enough. Commissioner Smith encouraged Mr. Wilke to work with staff on when we get correct numbers on the graph to see if there are any changes that are necessary to be characteristic. The motion was seconded by Commissioner Smith and carried unanimously. A new hearing will be noticed at which time the Board will consider the development agreement. The hearing concluded at 12:33 p.m. An audio recording is on file in the Commissioners' Office.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 1:40 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, HR Generalist Jennifer Allen and Kim Foster. The Executive Session concluded at 2:11 p.m. with no decision being called for in open session.

#### PUBLIC HEARING TO CONSIDER A REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION, LLC FOR A REZONE, CASE NO. RZ2021-0012

The Board met today at 2:20 p.m. to conduct a public hearing in the matter of a request by Preston Reynolds of Reynolds Brothers Construction, LLC, for a rezone, Case No. RZ2021-0012. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Elizabeth Allen, Preston Reynolds, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. The applicant is requesting a rezone from an "A" (Agricultural) zone to an "R-1" (Single-Family) zone of Parcel R37497010, and R37497010A, B, and C totaling 5.89 acres. On August 19, 2021, the

hearing examiner recommended approval of the request. The property is located on Lansing Lane in Middleton, approximately 2,000 feet north of Purple Sage Road. The subject properties were created by conditional use permit and the conditions of approval were not completed within the timeframe and the CUP has expired. The parcels are not buildable until reauthorized through a rezone to residential. The area consists of residential and active agricultural uses. The future land use map identifies the area as residential. City services are not available to the parcels. A future development will require individual wells and septic systems subject to agency approvals. The parcel to the southwest R3749701A, is in within a nitrate priority area. SWDH requires a nitrate priority study before approval of any subdivision on the site. Ms. Allen reviewed the agency comments. Staff is recommending approval of the request based on the previous CUP that expired.

Preston Reynolds testified he is requesting a rezone for the parcel and he feels it conforms to the future use of the land and the area around it not only because of the residential properties that have been converted but also because of the number of applications for R-1 zoning. He is asking to conform to the CUP that expired with the idea that the lots will be just over one acre and by absorbing Lot C into Lot A and B they will have 1.26 acres per lot. Leaving a lot size of 3.19 acres if they divide the three lots into two after moving the lot line and they will absorb the cul de sac because the highway district does not want it as a road so they will absorb it into two lots allowing them to make it an ingress/egress easement which will help the traffic situation. Rural residential does not fit with the acreage around it, and it would only make one lot buildable. It would make it so he has to bring all three parcels back together and make one building lot instead of two. The future hope is there will be a private road going back in there but it can't be a private road on the north of C-Line canal if it's rural residential because the lot size has to be over two acres. If it's over two acres he cannot continue to subdivide and potentially fill up the land that's behind it right now. Following his testimony Mr. Reynolds responded to questions from the Board. Commissioner Smith said administratively he can get two parcels without the rezone because if it's an original parcel he should be able to apply for an administrative land division. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek said it would be difficult to farm given the location and the size and it wouldn't make sense to put equipment in there. It has an old approval and is in an area slated for residential development but a few pieces are missing and so she would like to see a conceptual plan to help persuade her. Commissioner Smith said this property is north of the impact area and is identified as residential and it has nonprime farmland. She does not like the plan to water from the wells due to the drawdown of the aquifer. There are no full development plans for this so it makes the property eligible to be further divided. There is a lot of agricultural zoning in the area and there are a lot of subdivisions to the west, but when looking at the impact of that and what the average lot size is, it's 2.47 acres and the median is 3.44 acres and the average, not considering subdivisions, is 18.94 acres. She believes a rural residential zone would be more commensurate with the surrounding area. This area is not a single-family residential area and she cannot make a finding that it's more appropriate than the current zoning designation. This area is predominately agriculture, but you could argue it's transitioning to rural because of the Lansing development on the west, but it's not predominately single-family residential. She could support a rural residential zone or the nonviable option (ordinance

amendment regarding nonprime farm ground split). Commissioner Van Beek doesn't necessarily object to what the applicant is trying to do but there are enough missing pieces and she's not sure how to account for that. In other cases, the Board has asked for a development agreement to shore up some issues so we have planned development that makes sense. Commissioner Smith said this will go back to a second hearing where the applicant can re-present and encourage all three commissioners to be present. Additionally, the other options such as waiting for an ordinance amendment for the nonprime farm ground split, or change the application to a rural residential zone which is compatible with the average lot sizes being approved in the area. Or, if the applicant wants to continue with an R-1 request she recommends amending the application to a conditional rezone with a development agreement and include a little more planning on the improvements and site amenities for the subdivision. Staff was directed to modify the findings of fact, conclusions of law, and order (FCOs) in line with the Board's comments made in deliberation and bring it back for another hearing. Commissioner Van Beek made a motion to deny Case No. RZ2021-0012 with the changes to the FCO's and considerations for future approval. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 2:56 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:01 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider and action item. Present were: Commissioners Keri Smith and Leslie Van Beek, Controller Zach Wagoner (left at 3:12 p.m.), Chief Deputy Assessor Joe Cox (left at 3:18 p.m.), HR Generalist Jennifer Allen (arrived at 3:06 p.m. and left at 3:12 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing resolution to approve the addition of one (1) position in Development Services, Planner II:*** Director Fultz explained his department is still very busy with 120-130 land use cases and that an additional planner would be very helpful. Two planners have some personal issues which may be taking them out of the office for a while. He has been working with the Controller and HR to determine the best way to go about getting this additional position. The hope is that an additional planner will help keep them from falling further behind. Controller Wagoner spoke about funding for the position and that he understands the amount of work that is coming into that office and the importance of keeping things moving in a timely manner. He believes funding will come from fees generated in DSD and that there won't be any cost to taxpayers. There may need to be an adjustment the budget depending on how actual expenditures play out thru the year. Director Fultz answered questions from Commissioner Van Beek regarding the potential applicant pool. Commissioner Smith encourage Director Fultz to look into a Project Manager type position that could be supported with fees so that constituents could be served in a timely manner. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to approve the addition of one (1) position in Development Services for a Planner II position (see resolution no. 21-203).

Director Fultz updated the Board on the following:

- There is an application for a property tax exemption related to the City of Nampa that has previously been before the Board in an executive session. Historically taxing districts have been given 14 days to offer comment but Idaho Code states only 5 days are necessary. The general contractor for the project is concerned about a deadline and has been in contact with the county to see if the timeline could be moved up. Mr. Cox indicated that he had been in contact with Mr. Robertson in the PA's Office who has recommended staying with the historically used 14-day timeline. Commissioner Van Beek is in favor of utilizing the shorter timeframe. The only taxing district that will be affected by this project is the Urban Renewal District and they have already made a commitment to another portion of the project so it is assumed they will be in favor. The Board directed Mr. Fultz and Mr. Cox to work with legal to revise the letter that was signed this morning for this project to the 5-day timeline.
- In regard to the comprehensive plan, in the coming weeks Mr. Fultz would like to provide a larger review to the Board of where they're at. Revisions continue to be made based on community comments, but with the additional suggestions it may not be complete by the end of the year but may be closer to March 2022. Meetings/workshops with the ag community, Board and P&Z will be happening in the near future. At this point the joint meeting between the Board and P&Z scheduled for October 28<sup>th</sup> needs to be cancelled.
- An interview for a P&Z commissioner is scheduled for tomorrow.
- They are continuing to make progress on the FEMA compliance issue. Mr. Lister has been in contact with everyone who has reached out and provided them with the county's plan. 2 of the 6 should be done this week; 3 are being worked on right now and a contractor has provided a cost of roughly \$10K for remediation; 1 is a more involved case that will need further discussion with the Board. The Board would like to see the \$10K come from DSD fees.
- He recently met with Canyon Highway regarding impact fees – they should be coming back to the Board fairly soon and the City of Star has already signed off, the City of Middleton has their 3<sup>rd</sup> reading next week.
- He met with Jennifer Almeida earlier today about Treasure Valley Renewables. The deadline to submit for a permit for the enclosed structure is today but he doesn't think it will happen; once expired it will revert back to ag. Director Fultz will work with PAs Office to prepare the proper documents.
- He is continuing to look at bringing engineering in-house and creating a whitepaper as to why this would be beneficial. The hope is to have a proposal to the Board in 30-60 days.
- In regard to the Summerwind Subdivision there is a plat note requiring sprinklers. At this time, for those under construction and coming in with a building permit application they are requesting a letter from fire district specifically relating to the specific parcel. There is a letter on file from the Wilder Fire District stating that they were providing fire coverage and not requiring fire sprinklers but to Mr. Fultz's understanding if it's noted on the plat note it has to be complied with. In previous years, some permits were issued based on the letter from the Wilder Fire District.

- Commissioner Smith expressed her support for a project management position and encouraged Director Fultz to speak with Director Rast and his Project Manager position in order to get a greater understanding of how they operate. She feels it will encourage efficiency. The Board is supportive of Director Fultz exploring this type of position.

The meeting concluded at 3:50 p.m. An audio recording is on file in the Commissioners' Office.



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

DATED this 30<sup>th</sup> day of November, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS  
Commissioner Leslie Van Beek  
Commissioner Keri K. Smith

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk

OCTOBER 2021 TERM

CALDWELL, IDAHO     OCTOBER 1, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Nathaniel Campbell, Maintenance Technician; Isaiah Govia, Deputy Public Defender II

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hyland Software Inc. in the amount of \$3,300.00 for Information Technology Department
- Carousel Industries in the amount of \$4,542.57 for Information Technology Department
- SANS-Security Awareness in the amount of \$6,120.00 for Information Technology Department
- Iderra Inc. in the amount of \$7,969.50 for Information Technology Department
- C.M.S. in the amount of \$16,000.00 for Information Technology Department
- SHI in the amount of \$26,199.96 for Information Technology Department

APPROVED JUNE 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

BOARD DISCUSSION REGARDING EMPLOYEE APPRECIATION TIME OFF

The Board met today at 8:55 a.m. for a discussion regarding employee appreciation time off. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerks Monica Reeves and Jenen Ross. Commissioner Smith said that typically the Board gives appreciation time at Thanksgiving and Christmas. Due to the way the holidays fall this year and with the raises that were provided to employees that Friday, November 26<sup>th</sup> is sufficient appreciation time this year. Commissioner Van Beek concurs with Commissioner Smith.

Further discussion ensued regarding Juneteenth. At this time the federal reserve has not adopted the holiday in their list of recognized holidays. The Board decided the day will be recognized but not included as a paid holiday.

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

#### OPENING BIDS FOR FY2022 PICKLES BUTTE SANITARY LANDFILL GEOTECHNICAL EXPANSION BORING PROJECT SOLICITATION OF BIDS

The Board met today at 9:12 a.m. to open bids for FY2022 Pickles Butte Sanitary Landfill Geotechnical Expansion Boring Project. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The following bid was received:

Holt Services, Inc

Received September 30, 2021 at 10:41 a.m.

Bid amount \$145,809

The bids will be reviewed by Prosecutor's Office and Landfill staff. A recommendation will be brought to the Board at a later time.

The meeting concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING A RESOLUTION DESIGNATING POLLING LOCATIONS FOR THE NOVEMBER 2, 2021 ELECTION

The Board met today at 10:50 a.m. to consider signing a resolution designation polling locations for the November 2, 2021 election. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Elections Supervisor Haley Hicks and Deputy Clerk Jenen Ross. Ms. Hicks explained that 13 polling locations will be open just about county-wide, only one precinct won't be open. Ms. Hicks said that early voting will be available at the Train Depot from October 18-29 from 8:00 a.m. to 5:00 p.m. She also provided information on how voters can register at the polls on election day. There are two precincts that will be all mail-in due to the low number of eligible voters; voters in those precincts will automatically be sent a mail-in ballot. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution designating polling locations for the November 2, 2021 election (see resolution no. 21-204). The meeting concluded at 10:56 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH LOCAL MAYORS TO DISCUSS GROWTH IN CANYON COUNTY

The Board met today at 11:39 a.m. with local mayors to discuss growth in Canyon County. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, Parma City Mayor Angie Leigh, Greenleaf City Clerk Lee Belt, Middleton City Mayor Steve Rule, Greenleaf City Mayor Brad Holton, Nampa City Mayor Debbie Kling, Caldwell City Mayor Garret Nancolas participated via Webex (left at 12:58 p.m.), City of Star Mayor Chadwick joined the meeting via Webex at 12:26 p.m. and Deputy Clerk Jenen Ross.

Mayor Nancolas said growth in the valley has been both a privilege and a challenge for the City of Caldwell. He feels the city has planned well. Their infrastructure plans have been carried out and are in good condition, noting there is plenty of capacity at the Caldwell treatment plant. He spoke about the good working relationship with neighboring communities in regard to planning of the impact areas and how decisions were made based on who could best serve from an infrastructure standpoint. Over the years the City has worked really well with Nampa, Middleton and Greenleaf to plan impact areas and evaluate infrastructure. They've been really conservative in looking at the area of impact to determine if it can be served with water, sewer, police, fire, etc. Along with the sewer and water masterplans, they've also worked really hard with neighboring communities on the functional application map for road systems to best serve arterials and collectors so that Caldwell, Nampa and Middleton are building roads to the same specifications. He explained they worked to create incentives for infill projects with their red-carpet team and land use ordinances. They recently updated their comprehensive plan and are in the process of updating some of their land use tables and schedule. In response to a question from Commissioner Smith about a new urban renewal district planned near Notus, Mayor Nancolas said that it is called the North Revenue Allocation Area. It is similar to the one brought to the county a year ago, however, they are trying to accommodate Project Imagine and their selected location which has changed a couple of times. Site location is between Caldwell and another state and the only way they will be able to come to Caldwell is if the city is able to offer a tax increment financing situation for them; Project Imagine will pay for those costs upfront and after a period of years will be reimbursed by the city. They hope to have the revenue allocation area to the Commissioners by mid-November/early December. In response to a question from Commissioner Van Beek, Mayor Nancolas said it is crucial to the timeframe to have it implemented before December 31<sup>st</sup>. The Caldwell City Council has already approved the declaration of blighted or underserved areas (specific to water, sewer and transportation) – this includes the area previously proposed for the jail. Commissioner Van Beek asked about that property either being annexed into the city or it being a city/county partnership. Mayor Nancolas said that whenever they do a revenue allocation area it is all within the area of impact, they want to be able to serve it and annex as they can. They do believe there is a possible annexation path but it is all up to one property owner, whom he has visited with and believes they are creating that path. There are several properties in that area that do want to be annexed. Commissioner Van Beek said she appreciates Mayor Nancolas' tenure as mayor and the vision he's brought to Caldwell. She supported this last time and anticipates supporting it again this time. Commissioner Smith asked if the moratorium that was issued worked and what was learned from it. Mayor Nancolas said that it has already been lifted but they changed their ordinance to include an assessment of the ability of the new development to pay for services

that are required. They worked with the development community to come up with a process so when there are requests for annexation, especially residential, they evaluate how to provide services such as police, fire and even parks. House Bill 389 really changed the dynamic but not for the good. They had to pause to evaluate how to work with developers to bring development that will pay for itself. He explained that there are two large buildings coming in (a total of approximately 600,000 sq. ft.) which pushes the city to the brink of hitting the cap. Any residential growth in addition would push them over the cap placed by the legislature. They have learned with HB389 if new growth cannot pay for itself it makes for a very difficult situation, particularly in regard to police and fire.

Mayor Rule said that in the next couple of months they will have 1600-1800 lots in front of the city council and P&Z for consideration; several hundred were approved last month. They are also looking at approximately 6000 lots either annexing into the city or are right on the city border. He expressed his concerns about traffic around the high school and the negative affect HB389 has had on the City of Middleton. Middleton is at 95% residential and 5% commercial and because of that doesn't have a strong tax base but Mayor Rule said he is doing all he can to invite business to the city. He said they are creating a new urban renewal area going south toward Middleton Rd. and west toward Hwy 44 in an effort to open up and build infrastructure. They are working on roadway planning to develop a concept of a park/walkway/commercial area. Additionally, the extension of Cemetery Rd. to Middleton Rd. creates traffic relief around the downtown Middleton area and a developer on the east side will put in the same road to Hwy 44 and Duff Ln. In response to a question from Commissioner Smith regarding Middleton's infrastructure being able to handle the 6000 new lots, Mayor Rule said that industry is doing a good job of keeping up with the water, however, they do not have the capacity to keep up with waste water. They are preparing to run a judicial review confirmation for a new sewer plant addition that would be able to handle those numbers; currently, they are able to accommodate 2500. Commissioner Smith also asked about approving the new lots, Mayor Rule said that if those 1800 come forward at the beginning of the year they won't be able to commit to being able to service them unless they get the plant upgraded. Their hope is to have the plant done in two years and be able to handle another 1000 homes. Mayor Kling spoke about what the City of Nampa has experienced in receiving bids for the upgrade to their waste water treatment plant; they have found it costing more and taking longer than expected. Mayor Rule said they have several million saved to do the next upgrade by 2023 but in the meantime, they have to get ready for a larger upgrade. In response to a comment from Commissioner Van Beek about the issue of traveling Hwy 44, Mayor Rule gave further clarification of their transportation plan to eliminate some of the issues on that highway. He said they have identified 9<sup>th</sup> Street as a local collector and an additional commercial corridor.

Mayor Holton said the City of Greenleaf has similar issues to the City of Middleton; they are a bedroom community that runs over 97% occupancy. They are unique in their planning and zoning in that subdivisions are allowed up to 5 lots, anything above that moves to a planned unit development. With help from the developers they anticipate having a 20/80 mix of commercial and residential because for every major development they are going to have to supply information and work in partnership with the city as to what that commercial is going to be. The City of Greenleaf is at about 50% growth which has the potential to change the character of the city if

planning isn't done correctly. Greenleaf is in the middle of ag ground, they are rural Canyon County so they are sensitive to the crop and the farmer's needs. Their plan is to grow from the city out and not find themselves with "island developments". At this time, they have plenty of capacity for public services and the ability to accommodate some amount of growth. In the past they have worked with Wilder and Notus to make an economic corridor (for sewer service) between the three communities down Peckham, to Notus Rd., but it has yet to come to fruition. However, this week the plan has been brought back because it was realized that it would be more economical for Wilder to connect into Greenleaf than to build an individual system. In regard to water, the long-term plan was for Greenleaf to meet halfway with both Notus and Wilder. They are in a high nitrate priority area and just a short distance from city hall there are wells that are almost 80 times over the healthy limit for nitrates which causes concern as it is heavier water and it's going to go to the west and north. They want to make sure that to the south they put in quality wells, deliver good water and take care of it in a responsible way. Mayor Holton is concerned that long-term, septic tanks will have a cumulative effect and just due to gravity it will run thru the strata to cities as "island developments" are done out in the county.

Mayor Nanacolas asked about the high percentage of growth mentioned by Mayor Rule and Mayor Holton which would push them over the HB389 percentage cap and how that is being addressed. Additionally, he noted that it is not a matter of "if" septic tanks fail but "when" – the City of Caldwell has provided sewer service to numerous subdivisions on the edge of the city limits, some done under a state of emergency because wells were being contaminated. Mayor Rule said that when a subdivision in the county is approved it's not as dense as subdivisions approved by the city council so they're really not upset with what the county is doing. Mayor Rule said the Middleton city council tend to approve subdivisions at about 3 lots per acre and seem to favor a more rural feel. They've implemented a pre-annexation agreement in order to allow a pathway thru to a higher density development that might want to develop when Caldwell or Middleton is annexing. Mayor Holton said that the statements they changed their city ordinance to has been reviewed by 43 land use attorneys. The city council has to have the metrics placed before them that the proposed new growth is not impacting the existing citizenry for the new development, these metrics have to be measurable and discernable for the city council to be able to make that decision. If new growth places expense upon the existing populous or reduction of public services, they have the ability to decline. For the City of Greenleaf, just \$2M in building permits will exceed the 8% cap. Mayor Holton explained that Mayor Kling has tried to compel the Mayors of Canyon County to look at their books and see what the actual dollars are; Greenleaf is in the process of doing that as a collective communication to the legislature. The legislator that represents his area voted for the bill and even in conversations within the past two weeks doesn't feel it is a big deal, Mayor Holton feels they are very removed from even realizing what they've done to the cities and that the bill should be repealed in its entirety. Mr. Moyle has never replied to any of the certified mail requests that they tell them even one of the 197 municipalities that exceeded 8% increase in their budget that is not directly tied to a specific growth issue. His feeling is that the premise of HB389 is fabricated, it's trying to solve a problem that doesn't exist. Mayor Holton said they are fortunate in their cooperative agreements between Wilder, Greenleaf, Parma and Homedale but they have taken the lion's share of Canyon County's requests for police response in the county. It's worked for everyone, but as new growth comes and if HB389 is still in effect it's not only

impacting Greenleaf and Wilder it's also impacting the north western portion of Canyon County in an extremely negative way and he is very concerned about getting it dealt with. In order to handle HB389 the City of Greenleaf will get to \$2M in building permits and then they'll have to decline if it doesn't meet the metrics of "does it not impact the existing taxpayer?" If it does then no if it doesn't then you're welcome to build. In regard to the bond, they were in a consent order which is an agreement with either EPA or DEQ that both parties agree they're in violation, suspend and withdraw the day-to-day fines and agree to do "X" at a certain time. For the City of Greenleaf, it was to put in an entire collection system and a new sewer treatment plant. That facility is around \$10M and the revenue bonds provided by the state has extended the timeframe from 20 years to 30 years. The problem is that they were started off at an arbitrarily low interest rate and there are three tiers that will be coming forward in the years to come. They will be in the position of not being able to meet their bond payments because they don't have the autonomy to scale, even today they have the highest sewer rates per month of any municipality in the county because they have the newest system. It is autonomy to scale that had a plan to pay it off, but the State of Idaho has broken that and the City of Greenleaf is caught in the crosshairs.

Mayor Rule thinks the City of Middleton is 15-20 years behind on what the sewer rate charges should have been to catch up with where they should be today. He believes when they do move forward, the monthly processing rate will probably be 3 times what it is today. They have repaired about a 15% margin of treating clear surface water thru their sewer plant and got a lot of capacity back just by not treating ground water.

Commissioner Smith doesn't think that the policing levels have increased much in the past 20 years. If you look at the whole county's growth over the last 20 years and the level of officers on the ground in the community it does not even come close to matching the growth. However, with more officers making more arrests there is question about having a jail facility to accommodate. Commissioner Smith spoke about some of the numbers in regard to domestic violence and suicide, with domestic violence rates being unprecedented since COVID. She wondered with the growing communities if we are doing them a service? Can the level of safety they deserve be provided? Mayor Holton said they have that challenge, in regard to multi-family they don't have the police force to deal with it which is a consideration in approving those kinds of developments. The proper place for growth is within city limits and people are desperate for anything. The City of Greenleaf is not in a position to approve of multi-family dwellings being built. The transfer of development rights to keep prime agricultural ground almost requires municipalities to do the multi-family. They know where they want to go they just don't know how to get there.

Mayor Leigh spoke about their upgraded waste water treatment and the impact it's had to residents. It had to be done though because they were at capacity with no room for growth. With the anticipated completion of the system in the spring there is also a new subdivision in the works. Additionally, the trailer park sold and they'd now like to add on to it. If those two projects go thru they will be at capacity again. However, the way the system is build it offers options for expansion and additional capacity. They are working on a project with a subdivision developer who is replacing one big trump line that goes down to the sewer, in exchange for sewer connections for the subdivision. With that being done it will give them flow capacity to grow but not actual sewer

capacity. As far as policing goes, they work well with Wilder and recently starting contracting with Notus so they've responded to some of their calls. They've restructured their schedule to run with 4 full-time officers in order to pay a bit more and hopefully attract a better-quality officer. They also have a full-time administration person who assists with code enforcement and some of the officers' administrative type work.

Mayor Kling explained her priorities for growth include - grow wisely, growth needs to fund growth, preserve the quality of life and ag ground. For the City of Nampa growth has been funding growth thru impact fees and she encouraged everyone to implement them. Currently the city is considering implementing a utility impact fee - this would be a fee in addition to hook-up fees. She said her team would be more than willing to work with any other city even just to answer questions regarding public works issues. She noted that their greatest growth was from 2000-2010, when they grew by 30K people; they only grew by 18,600 in the past decade. In an effort to preserve ag ground she asked the county to not approve subdivisions in the middle of county ag ground, she thinks that is critical. If you want to grow wisely you have to grow in, not out. However, that creates more density in the city. Agriculture is key to the community and manufacturing related to ag is a great business. Ag ground needs to be preserved in order to preserve the businesses that are using it. She said she appreciates the cooperative effort between the City of Nampa and Canyon County regarding impact areas in south Nampa. Another big issue surrounding growth is transportation, there is not enough funding for the roads. She appreciates ITD and the work they've done in regard to improvements but it hits the citizens huge when you have to use tax dollars for road improvements. They've been doing a 1% increase in property taxes just to fund roads but they have a \$14M annual deficit just for roads. The City of Nampa did not have a building moratorium because they already have a process in place thru the fiscal impact study to evaluate the value that's coming from every development to make sure it's paying its way. They are also going to use the fiscal impact study to determine the business they have, the wages and the housing to support the wage range. Historically they have just taken what's come in instead of going after what they need and she would like to shift that, it goes back to determining who they really want to be. She would like to see that discussed among Canyon County leadership - who does Canyon County want to be from an industry standpoint? What is the right mix? Some of the challenges they face with policing include drug trafficking, sex trafficking and the changing culture. Right now, they have 132 police officers which is the number that was funded in 2009. There seems to be a more violent culture with a lot of unrest and you don't know what's coming; she thinks the funding of police is very important. She wonders, looking long-term, with the cap from HB389 how do you fund what you have to fund?

Commissioner Smith said the county wants input from the cities in regard to the comprehensive plan map, planning and growth, impact areas and who Canyon County wants to be. She feels that agriculture is Canyon County's most valuable resource and if it's not protected the businesses everyone has worked so hard for is begging for failure. She said the county would like to pull back the impact areas but need to know where the cities want residential, commercial, industrial and what needs to be protected for ag.

Director Fultz spoke briefly about the process of working thru the comprehensive map planning.



Another meeting was scheduled for October 15, 2021 at 11:30 a.m. for continued discussion.

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

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 4, 2021

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

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

- The Board approved the transfer of sick leave time to vacation time for A. Gallegos

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Bryce Martin

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for 3 Girls Catering LLC dba Three Girls Catering

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:42 a.m. for an office staff meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerks Jenen Ross and Monica Reeves. The Board reviewed this week's schedule with staff. The Board advised staff that Canyon County is giving up its seat on the behavioral health board so that a Washington County elected official can serve. (This topic was discussed at a recent Idaho Association of Counties meeting.) The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

## MONTHLY COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for the monthly community input meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Travis Hunter, Jim Hunter, Steven Sywick, Lamont Bostrom, Colleen George, Steve Burton, Mark Cron, Larry Olmsted, Delbert Chappell, Facilities Director Paul Navarro, Sr. Customer Service Specialist Becky Kearsley, other interested citizens, and Deputy Clerk Monica Reeves. The topics of discussion were as follows:

Travis Hunter and Jim Hunter, who are residential homebuilders, spoke about the Star Impact Area and the committee of nine discussions. Their company, Hunter Homes, is the second largest stakeholder in the discussed area and they said it makes no sense for half of their property to be in Star and the other half in Middleton. They presented the Board with information that highlighted some of their projects. Travis Hunter referenced the Leighton Lakes developer who is challenging their projects. Commissioner Smith said she loved the presentation and said Canyon County's stance does not have anything do with the Hunter Homes projects; it's about the County's interpretation of state law. Her concern deals with adding to the floodplain with fill and pushing water onto neighboring properties, she hopes the Hunters are doing what they can to have no adverse impacts to development. Jim Hunter finds it odd that one person with special interests paid for a legal opinion and gave it to a city who pushed it to another city. Mr. Hunter said he too has his own qualified legal opinion on this topic and he urged the Board to "keep it clinical."

Steven Siwek, who works for Hunter Homes, encouraged those with questions/concerns to visit the company's projects because they are impressive and will bring amazing value to the area.

Lamont Bostrom and Colleen George spoke to the Board about their request to use the public meeting room in the administration building. Mr. Bostrom is the District 12 chairman of the Canyon County Republican Party and the group has historically been allowed to reserve the public meeting, however, he was recently informed that only the chairman of the Canyon County Republican Party would be allowed to reserve the room for Republican party issues. He believes the meeting room should be available for public use, as long as it's available. Colleen George added that the use of the room seemed to become an issue when the group asked to hold both in-person meetings and virtual meetings. Commissioner Smith noted the amount of time/costs involved when staff has to set up the room after hours, conduct COVID cleaning protocols, etc., and said perhaps we need to look into charging a fee to help cover the costs for after-hours use. Commissioner Van Beek suggested the parties work it out internally within the Republican Party and speak to the committee chairperson. The Board will take the request into consideration.

Steve Burton asked whether the Board is considering an injunction regarding the Star Impact Area. Commissioner Smith said the Board will not disclose where it is with that. The Board is on the record negotiating with the City of Star for an impact area and has spoken with the City of Middleton to try to get them to pull back their impact areas, but that does not appear to be working. The Board does not agree with Category A annexations outside impact areas.

Mark Cron, who lives in the two-mile buffer area between Star and Middleton, spoke of his concerns with large-scale development being put in when there is no infrastructure to support it which causes safety issues.

Larry Olmsted asked about the status of planning for a new jail. He noted that back in May of 2019 citizens were told the jail was maxed out and the County was paying to house prisoners in other locations. He believes the DLR study has no validity and therefore we need a fresh start with a planning group and there needs to be a dedicated capital construction fund. He wants impact fees to be considered as well.

Delbert Chapel spoke of his concerns with the negative impacts of residential development that are impacting his way of life.

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

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

The Board met today at 10:11 a.m. with the City of Star/Canyon County Area of Impact committee regarding impact area negotiations. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, GIS Analyst Tony Almeida, Star Mayor Trevor Chadwick, Councilman Michael Keyes, Councilman Kevin Nielsen, Richard Edgar, Spencer Kofoed, Kevan Wheelock, City of Star Planner Shawn Nickel, Star City Attorney Chris Yorgason, Middleton Mayor Steve Rule, Other members of the public and Deputy Clerk Jenen Ross.

Commissioner Smith said she spoke with the City of Middleton about pulling back their area of impact but did not get a commitment from them to do that. She is going to continue moving forward in the plan to ask cities to pull back their impact areas to ½ mile. The county's vision is to have growth in areas identified for community. Additionally, she wants to see impact areas that are adjusted/evaluated every 3-5 years to account for growth so that there are controlled growth areas.

Councilman Keyes feels that in the last meeting the group neglected to include the legislative intent. There are 3 criteria to be considered – trade area, geographic factors and areas that can reasonably be expected to be annexed into the future. He spoke about what he feels the intent is and how the City of Star's plan fits that intent. If you were to time test it for 'reasonably expected to be annexed' within the 3-5-year timeframe it meets the legislative intent. Councilman Keyes feels that adjusting Star's request to only include areas north of the river is consistent with what the legislature intended and that it's much more consistent than the ½ mile boundary that has been proposed.

Commissioner Smith noted that there also needs to be discussion about the text and what is actually being agreed to.

Mayor Rule feels that the City of Middleton is under-represented and has not been invited to the table. Commissioner Smith explained the committee was set up based on state statute. There has to be a boundary created and no matter what it will overlap Middleton; at that point, per state statute, the two cities will have to negotiate. If there is no agreement reached it will then go back to the constituents for a vote. Commissioner Smith said that the role of this committee is to negotiate the area of impact agreement, today is not for discussion on annexations. Once discussions with the City of Star are completed Commissioner Smith anticipates sending a letter to the City of Middleton asking to negotiate because of the overlap. Once there is a recommendation from the committee of 9 it is her understanding that each respective Board is to consider adopting the recommendations. If both Boards adopt the recommendation, then there will be an overlapping boundary so the cities of Middleton and Star will have to negotiate. If negotiations end in a deadlock it will have to go to the constituents for a vote.

Mr. Yorgason clarified that state code says that if the areas of impact overlap the cities involved shall negotiate boundary adjustment recommended to their individual city councils. Then if the cities cannot reach an agreement either city can request the Board of County Commissioners recommend adjustments to the area of city impact; if the cities can't agree then one of those cities can ask the county to come up with a solution. If the cities, then don't agree with the county recommendation then it goes to the voters for a decision. If either city objects to the recommendation of the BOCC the county shall conduct an election of the qualified electors giving them the option of which area of impact they want to reside in. The election finalizes the situation, there are no more options for negotiation between the city and county.

Discussion ensued about potential boundary lines and certain properties that would be excluded. Copies of maps referenced are on file with this day's minutes. Both the cities of Star and Middleton have annexed to Kingsbury and there is testimony from both communities that they are able to service that area.

Kevan Wheelock suggested letting the developer decide which way they're going to and leave it open to their interpretation in regard to the pink square on map B.

Councilman Keyes made a motion to adopt the map based upon discussion of the boundary lines including areas to be included and excluded.

Additional discussion ensued regarding the expansion of impact areas and collection of impact fees. Mayor Chadwick addressed a question about the areas not currently within the impact area that are already established subdivisions stating that they would not be included in the City of Star unless they annex in, or they are force annexed in although parcels that are 5 acres or more cannot be force annexed. Sewer and water will not be provided unless their septic systems fail.

Commissioner Smith said the text portion needs to be determined to clearly outline exactly what is being agreed to by both the city and the county.

Following discussion regarding interpretation of the boundaries and clarification the motion was seconded by Councilman Nielson stating that this area of impact proposed takes into consideration land use applications that are currently before the City of Star, the geographic Boundaries that seem most reasonable surrounding that area and feels like it follows the statute that the committee is operating under.

A vote was taken on the motion as follows:

Commissioner Smith voted no stating this is a highly agricultural area, there are some vacant lands north of the area however, she thinks there is a really valid reason to control that growth and bring those areas back and have identified areas.

Commissioner Van Beek doesn't necessarily dislike the proposed plan but she can't vote on something when she doesn't understand what it looks like. She would need a little more information even though she fundamentally doesn't disagree with the lines that have been drawn.

Committee member Richard Edgar is in favor of the original proposal.

Committee member Spencer Kofoed voted no.

Committee member Kevan Wheelock said that with the exceptions that have been excluded, he votes yes.

Councilman Keyes believes this proposal is consistent with the statute that they have been directed to follow and voted yes.

Councilman Nielson likes Commissioner Van Beek's request for more information. He thinks that's needed and it will be most beneficial is in the text. His vote on the boundary is yes.

Mayor Chadwick voted yes.

A vote was taken on the motion with Mayor Chadwick, Councilman Keyes, Councilman Nielson, Mr. Wheelock and Mr. Edgar voting in favor of the motion. Commissioners Smith and Van Beek and Mr. Kofoed voted in opposition. The motion passed in a 5-to-3 split vote.

Tony Almeida will map the boundaries and another meeting will be scheduled to discuss the text.

The meeting concluded at 11:29 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – DISCUSS PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(B)

The Board met today at 1:24 p.m. to discuss a personnel matter. Commissioner Van Beek made a motion to go into Executive Session at 1:25 p.m. pursuant to Idaho Code, Section 74-206(1) (b). The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Trial Court Administrator Jamie Robb, Assistant TCA Benita Miller, Admin. Supervisor Tara Hill, and Deputy Clerk Monica Reeves. The Executive Session concluded at 1:35 p.m. While in open session the Board indicated its support to the TCA to allow for telecommuting for one of their employees.

PUBLIC HEARING – REQUEST BY CALLISTER, LLC, AND C4 SUBDIVISION FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0010 & SD2021-0008

The Board met today at 1:44 p.m. to conduct a public hearing in the matter of a request by Callister, LLC, and C4 Subdivision for a rezone and preliminary plat, Case Nos. RZ2021-0010 and SD2021-0008. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida, Alec Egurrola, John Carpenter, and Deputy Clerk Monica Reeves. Today's hearing was continued from September 23, 2021 where the Board sought additional information regarding fencing; adding lot numbers to the irrigation plan; a proposal for landscaping at the entrances; corrections to plat notes pertaining to irrigation; and why the development includes three road names. Jennifer Almeida reported that the GIS analyst consulted with EMS personnel about the road name requirements and they indicated they would be okay with two road names, but they prefer the development use three road names. The Board had questions of staff regarding road names and EMS addressing issues. Discussion ensued. Alec Eggurrola testified in support of the request and said the developer is adamant about not having fencing because it would not be in keeping with the character of the area and would create a visual barrier against the agricultural space and openness. He spoke about the amenities that will be provided for connectivity and pedestrian traffic to mesh with the area. Each homeowner will be required to plant and maintain trees, but not necessarily have a landscape buffer. The developer will provide an entryway and will clear up the irrigation issue regarding gravity irrigation going to the pond providing pressurized irrigation. No domestic wells will be used for irrigation. The developer wants to provide something that is good for the area, but wants to keep the development in conformance with the community. John Carpenter testified the developer is not opposed to a condition of approval that says every lot shall be hooked to pressurized irrigation and the lots owners agree not to water from the well. The developer prefers to keep the HOA responsibilities as small as possible, there will be CC&R's for the pond, pathway, entryway, and the pressurized irrigation. Commissioner Van Beek spoke about the developments in the area that have grand entryways and islands which represents a better class, higher quality development. Mr. Carpenter said the developer plans to make this project consistent with what exists out there and he is not opposed to the fencing, he thinks it does not fit with the area, but if the Board wants fencing on the perimeter, minus the pond, that's

fine. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek does not like the presentation, but she understands in an area of transition we have to find ways so maybe that's the best way to mitigate. Commissioner Smith would like to see larger lots for the buffer, however, that won't help in this situation. There is a huge demand for one-acre lots and this developer is willing to not add pressure to the aquifer by using private wells; they will have to put in pressurized irrigation systems and if it's in the CC&R's there is civil action that could happen. Commissioner Van Beek said the biggest lot in this development might be Lot No. 10 at 1.37 acres, so if they have a house that takes up a 1/2 acre of that they would technically be a little over on their private well, but the rest will follow state code. Commissioner Smith said in looking conclusion of law no. 5 for providing adequate facilities and services, our finding is that the developer is proposing pressurized irrigation and that will serve all landscaping needs including residential lawns and landscaping, and we are not adding to the pressure of the aquifer to use to draw from that water source. She wants to modify no. 5 to state that pressurized irrigation is proposed and will be required to serve all the lots. Commissioner Van Beek said there should be some coordinated effort on the part of the developer if they are going into a transition zone to represent that blend and to make it aesthetically pleasing for agriculture and residential use. Commissioner Smith said the request is in compliance with the map as well as the identified text. When considering the surrounding land uses the conclusion is that it is more appropriate than the current zone, but it hurts her heart because it is prime farm ground and land use decisions have changed this area. It's not being plopped down in the middle of agricultural ground – there are residential subdivisions to the south, rezones to the east/west and north. It's a transition area and so that being said R-1 is probably more appropriate. Commissioner Van Beek said because of the developments within a mile radius of this property, it should be similar to other quality projects that have coordinated planning including fencing and landscaping. Commissioner Smith doesn't want to set the precedent and keep approving requests just because they are adjacent to other R-1 zones. She asked staff to reference as much as they can even the rural residential zoning changes, and mention specifically the agricultural zone to the north is buffered by the pond so there is a natural buffer, that's important because we have required some setbacks on other subdivisions from agriculture and because of that buffer she doesn't think it's applicable to require an additional setback. What we've done on a couple of those is a 100-foot setback and it helps with aerial spraying. If there's any structure within the 100 feet of a property line, aerial sprayers cannot spray it any longer. Perhaps they can agree to agricultural disclosures in the CC&R's. Commissioner Van Beek said there is an enhanced agricultural disclosure that Mr. Wilke submitted for a land use hearing last week that is more restrictive than the right-to-farm act so maybe we can look at incorporating that language. Commissioner Smith said typically she would be recommending denial until we had a development agreement but since they applied for the subdivision she wants a finding that we want an agricultural disclosure and that's how we will make it compatible with the surrounding land uses. Ms. Almeida said there can be a reference that this is an application that also includes a subdivision plat and as part of the conditions of approval for that subdivision plat, an agricultural disclosure was required which will help with the compatibility issues. Commissioner Smith wants to change no. 3 for the ag disclosure and compliance with normal setbacks. On finding no. 4 the only change she has is to reference the City of Star annexations in the area. She asked staff to modify the finding to tie back to the

subdivision as well and what we will condition as discussed on the record, and also City of Star. Identify that both communities have annexed within one mile of the property and that changed the character of the area. The County is not contributing to it. Commissioner Smith wants a reference that it's in platting. Commissioner Van Beek made a motion to approve the rezone with the articulated conditions of approval attached to the subdivision portion for the rezone for Case No. RZ2021-0011, which includes the recommended changes to findings of fact and conclusions of law as stated during deliberation. Staff is directed to make changes to the findings of fact, conclusions of law and order that will be signed at a later date. The motion was seconded by Commissioner Smith and carried unanimously. The Board's deliberation on the subdivision request was as follows: Commissioner Smith wants the FCO's to specifically note that pressurized irrigation shall be utilized for the common lot as well as for all homes including lawns and landscaping and that it be included for management in the CC&R's. Commissioner Van Beek would like a landscaped entryway and for the developer to work with the City of Middleton to make that subdivision commensurate with what's going on in the development in the direct area of impact. She also wants there to be consistent fencing and landscaping. Ms. Almeida said we have to figure out how that would be enforced and what kind of evidence we would require before the plat comes to the Board. Commissioner Smith said we should require a pre-annexation agreement be submitted before the final plat. Commissioner Van Beek said the City of Middleton removed their objection with the pre-annexation agreement; it means they are staging it to mirror, at some point in time, what the city requires. Commissioner Smith offered to assist staff with writing that condition. She suggested a condition of approval that they submit a pre-annexation agreement with the City of Middleton with their final plat application. If they cannot negotiate that they will come back and tell us why and amend the condition. There shall be a condition of approval that each homeowner will sign an agricultural disclosure acknowledging there are agricultural uses in the area and that it stays with each lot and is passed to each owner. Commissioner Van Beek made a motion to approve the subdivision for Case No. SD2021-0008 with two conditions of approval:

- The pre-annexation agreement with the City of Middleton for approval at the final plat stage, and a condition of approval for the agricultural disclosure that stays with each lot as per the Board's discussion.
- The change to the pressurized irrigation condition to require the system be used for all landscaping and lawns.

The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 2:58 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS TEMPORARY OFFICE SOLUTIONS FOR THE PUBLIC DEFENDER'S OFFICE

The Board met today at 3:00 p.m. to discuss temporary office solutions for the Public Defender's office. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Public Defender Aaron Bazzoli, Controller Zach Wagoner, Facilities Director Paul Navarro, Assistant Director of Facilities



Rick Britton, IT Director Greg Rast, Assistant IT Director Eric Jensen, Assessor Brian Stender and Deputy Clerk Jenen Ross.

Director Navarro spoke about how the Public Defender's office is out of space. One option they've been exploring is to lease a 10x44 temporary classroom structure to be placed in the parking lot near the juvenile justice building. It will not have water or sewer but will have electricity and point-to-point data. The total initial cost is \$11,335.00 and \$583.00 on a monthly basis. A detailed breakdown of costs is on file with this day's minutes. The office would provide space for 4 attorneys handling juvenile justice cases. Commissioner Smith said she is not a big plan of this plan. She doesn't feel it's leading the community in a direction she likes. Mr. Bazzoli said he does still have space for the 3 attorneys that will be starting next month. Commissioner Smith spoke more about her concerns with this plan and Commissioner Van Beek expressed her desire for establishment of an improvement plan with funding. The Board would like to see options to lease space in Caldwell explored. The meeting concluded at 3:14 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS BOCC MEETING ROOM RENOVATION

The Board met today at 3:16 p.m. to discuss the BOCC meeting room renovation. Present were: Commissioners Keri Smith and Leslie Van Beek, Facilities Director Paul Navarro, Assistant Director of Facilities Rick Britton, IT Director Greg Rast, Assistant IT Director Eric Jensen, Assessor Brian Stender and Deputy Clerk Jenen Ross.

Commissioner Smith said the Board has budgeted to make changes to the meeting room. Some of the requests include a smartboard and better sound for both recording and audience members. Based on a comment from Commissioner Van Beek, Director Navarro requested specifics on what the Board would like to see to enhance the esthetics of the room. Commissioner Van Beek would like to have two additional tables that can be moved around the room with a pop-up feature. Director Rast spoke about the possibility of wired mics for the Commissioners' desk and wireless for the participant desks. He said at a very minimum there needs to be power and network cable to the floor boxes. Director Rast suggested 24" monitors within the desk in front of each Commissioner. Directors Rast and Navarro feel there would need to be approximately 4 floor boxes installed however, that will require cutting of the concrete floor and the meeting room will be unusable for 2-4 weeks during the construction. Commissioner Smith would also like to have a QR code for the public to access land use documents and to be able to sign up to testify; Director Rast said that is mostly time and programming but would take it into consideration. The IT department will be meeting with the vendor next week to discuss availability of the equipment – most of the equipment currently being used will be replaced. Other possibilities being considered include a document scanner for display on the monitors, a monitor behind the Board, rearrangement of the monitors on each wall and an additional one toward the back of the room, reconfiguration of the desk so that there are options for standing or sitting – possibly a 6-8" dais, chair-rail molding, paint, the recording lights will remain, phone integration and possible drop mics

vs. wireless mics. Discussion ensued regarding the dais, Commissioner Smith envisions just the desk being raised and the use of taller chairs so that there can be a stand or sit option and the Board will remain at the same height. Commissioner Van Beek is more in favor of a raised platform for the Board as opposed to Commissioner Smith's suggestion. Additionally, the Board would like the ability to stream meetings but further discussion may be necessary to make a final decision and accommodate the cost in the budget. The meeting concluded at 3:45 p.m. An audio recording is on file in the Commissioners' Office.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 5, 2021

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

#### APPROVED CLAIMS ORDER NO. 2201

- The Board of Commissioners approved payment of County claims in the amount of \$1,802,645.07 for a County payroll

#### APPROVED CLAIMS

- The Board has approved claims 578115 to 578155 in the amount of \$50,184.45
- The Board has approved claims 578035 to 578035 in the amount of \$50.70
- The Board has approved claims 578034 to 578034 in the amount of \$225.00

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

- The Board approved the transfer of sick leave time to vacation time for H. Hibbert

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

The Board met today at 8:44 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioner Leslie Van Beek, Commissioner Smith participated via teleconference, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross.

The following topics were discussed:

- Remodel of courtroom no. 6 was completed in September; they are now just waiting for the Supreme Court audio/visual contractor to complete their portion.
- Some FY2022 projects have been started and are nearly complete including a remodel of a vault in IT for office space, exterior painting of the Weed and Pest office and shop and remodel of the Coroner's Office. The Facilities department will also be working on upgrading courtrooms 1-5 but are waiting on delayed materials. Upgrades to some of the sidewalk and planter concrete at the DMV has been done.
- Purchase orders will be coming in for removal of a tree in the courtyard, re-roof the Extension office, fire alarm upgrades and architectural glass for entry doors and the BOCC private entrance.
- There is a leak in a waterline in front of the courthouse which they have been working on but have been struggling to find competitive bids or contractors. However, there is a staff member who has experience with excavation and may be able to help. At some point water to the building will need to be shut off so there will be afterhours and weekend work. Sprinkler lines were damaged during the sidewalk replacement so they are also working to repair/replace those.
- Fair Expo building project is moving along well. The concrete contractor is about 2 weeks behind and they are concerned about the weather changing not giving an opportunity for the concrete to cure properly. Director Navarro addressed questions posed by Commissioner Van Beek regarding timeframes and the contractor's bond.
- Director Navarro has been working with the City of Caldwell on the pedestrian bridges that URA funds will be used for. They have located some prefabricated bridges and are working with legal on how those can be procured. Three manufacturers have been identified, one of which may be part of the intergovernmental cooperative agreement which the county could join. They have reached out to T-O Engineering to see about assisting in the engineering of the abutments, once they are designed they can either be put out for bid or ask if HC Company would like to build them. Mr. Navarro briefly addressed some of the projects the URA money has already been used for and upcoming projects.
- After the meeting regarding the BOCC meeting room yesterday, Director Navarro has thought of some other renovations that room could probably use such as paint and other options for the dais and the floor boxes.

- Commissioner Van Beek asked if the words “In God We Trust” can be added over the County seal. Director Navarro said it could be done and Commissioner Smith asked to see a mock-up.

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

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

The Board met today at 9:08 a.m. with county attorneys for a legal staff update and to consider agenda items. Present were: Commissioner Keri Smith and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, EOM Christine Wendelsdorf (left at 9:10 a.m.), Facilities Director Paul Navarro (left at 9:12 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Consider ratification of Idaho Office of Emergency Management 2019 EMPG:*** Ms. Wendelsdorf explained this is a matching grant that pays a portion of her salary and benefits and pays for the Motorola radio contract. The county overmatched the grant and in order to get a refund the paperwork needed to be submitted by the end of September. Due to a lack of quorum in the office the Board provided authorization via email so the paperwork could be submitted by September 30<sup>th</sup>. Commissioner Van Beek made a motion to ratify the Idaho Office of Emergency Management 2019 EMPG. The motion was seconded by Commissioner Smith and carried unanimously. A copy of the document is on file with this day’s minutes.

***Consider signing solicitation of bids for fall 2021 polished concrete floors at the Fair Expo Building:*** Director Navarro said 3 contractors he’s previously worked with have been identified for this solicitation of bids. He is anticipating the cost to be approximately \$100,000 to \$140,000. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the solicitation of bids for fall 2021 polished concrete floors at the Fair Expo Building. A copy of the solicitation of bids is on file with this day’s minutes.

*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 9:13 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 9:41 a.m. with no decision being called for in open session.

At the conclusion of the executive session the following action item was considered:

***Consider signing engagement letter with Givens Pursley LLC and joint representation, joint prosecution, privilege and confidentiality agreement between Canyon County, the City of Middleton and Givens Pursley:*** Mr. Laugheed said that getting outside counsel is not something the Board or PA's Office takes lightly so these documents were closely scrutinized for conflict or appearance of conflict. In this case the Prosecutor's Office is entering a contract to provide misdemeanor prosecution services for the part of Star that expands into Canyon County so they will be business partners to a limited extent. In light of that it was agreed that it would be best to have the PA's Office step aside in this representation. Commissioner Van Beek made a motion to sign both the engagement letter with Givens Pursley LLC (see agreement no. 21-077) and the Joint Representation, Joint Prosecution, Privilege and Confidentiality agreement between Canyon County, the City of Middleton and Givens Pursley (see agreement no. 21-078)

The meeting concluded at 9:44 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REZONE HEARING FOR ESSEX HOLDINGS VI, LLC, AND PRELIMINARY PLAT FOR GENEVA ESTATES SUBDIVISION, CASE NOS. RZ2020-0023 AND SD2020-0042

The Board met today at 9:53 a.m. to conduct a public hearing in the matter of a request by Mason & Associates representing Essex Holdings VI LLC, for a rezone of Parcels R32989 and R32989010 from an "A" Zone (Agricultural) to an "R-1" Zone (Single Family Residential). The request also includes a preliminary plat with irrigation and drainage plan for Geneva Estates Subdivision, a 28-lot residential subdivision. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, Will Mason, Angie Cuellar, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. Through a re-noticed hearing the request is coming back for consideration after the Board denied the rezone on July 28, 2021 based on the following:

1. The area is still predominately agriculture and consists of viable farm ground. The soil classification is 1 and 2; the surrounding lots are still in agricultural production.
2. The City of Nampa previously stated the request was inconsistent with their plan, but they have submitted a new letter stating they oppose it because it impacts their planned growth for that area which promotes medium-density residential. This is just outside the impact area, which they are working on to extend the impact area past the park, this property would be part of that impact area change. The property is adjacent to a city park to the

north and it's close to two future sites for the Nampa School District. With the property being so close to the park and future school sites it would be better served with higher density rather than a low density.

3. The request does not promote orderly growth and promotes sprawl into agricultural zones without extension of infrastructure or services and the result ultimately creates an enclave lot as the city grows into this area.

Staff is recommending denial of both requests. Commissioner Smith said at the last hearing the development needed to touch at least two sides of the development, and she would still like that included in the findings if the Board ends up denying this. Will Mason testified in favor of the request. In the 2020 comprehensive plan the property is shown as a residential area and that's why they came forward with the idea that it is against a city park and Nampa school district parcel to the west, and also the impact area is on the east side. After the last hearing there was some indication the Board wanted to see if there was a way to make this a higher density. He spoke with the city about potentially extending sewer and water to the project and they said they would consider it with the condition that the project would be annexed when it was available to touch the city, and that they would pay the impact fees at the time of the building permit. The city requested the sidewalk and landscaping along Lonestar Road and Midway Road and the developer has no issues with that. The highway district is okay with the interior roads. The health district does not allow anything less than one acre without one of the two services so they could go down to a ½ acre lot with city water and then they would have a little less than two acres. If they brought in water/sewer he proposes an agreement to allow a higher density if the Board will consider it. Commissioner Smith said if it has central sewer and/or water they would be able to reduce to 12,000 square feet; she would support ½ acre density with sewer OR water. Mr. Mason will do a pre-annexation agreement with the city, and a development agreement with the County. He also said this could be a moot point if the city says its not ready to extend water or sewer. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to table Case Nos. RZ2020-0023 and SD2020-0042 indefinitely to allow the applicant time to work on a pre-annexation agreement and some of the details regarding services to that area, including a development agreement with the County. The hearing concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:46 p.m. for the monthly elected officials' meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Controller Zach Wagoner, HR Director Kim Foster, and Deputy Clerk Monica Reeves. The following topics were discussed:

**Observance of Juneteenth** – Initially when the Board considered the observance of Juneteenth it was told courts and banks were going to be open that day, but it's come to their attention that is not true and so they would like feedback from the elected officials on whether they want the

Board to reconsider that date. Treasurer Lloyd is concerned about the due date for taxes in June since and she needs clarification so she can set up billing/due dates. June 19, 2022 falls on a Sunday and if we observe it as a holiday, as the state and federal governments do, Monday the 20<sup>th</sup> would be a holiday so taxes would be due on June 21<sup>st</sup>. She wants consistency and fairness to all taxpayers. She will contact the state tax commission and ask for a formal opinion. Assessor Stender said ITD will be closed and if DMV is open his staff will have no state support to allow transactions. Clerk Yamamoto is opposed to new holidays; however, if the federal and state governments are closed it creates issues for almost everything his offices do. Commissioner Smith prefers not to issue a formal decision yet, but she does want to retract the formal decision on whether it will be a day off.

**Introduction of HR Director Kim Foster** – The Board introduced Ms. Foster to the group and asked for comments from the elected officials. Treasurer Lloyd said we need a policy relating to the equipment that was handed out during the pandemic. She feels like the County doesn't have any teeth to get the equipment back if the person did not return to work. Clerk Yamamoto said Ms. Foster will want to meet with Audit staff. Commissioner Smith said when the Board changed the resolution for salaries it eliminated the compensation committee and it gave Director Foster direction on learning about that so she is hoping Zach Wagoner will help her learn what that system looks like and have more conversations moving forward. There has also been a change to the blue sheet/employee salary rate process. She noted it will be interesting to see what happens with employee turnover. Clerk Yamamoto and Assessor Stender both reported their employees are grateful for the compensation. The Board advised that it will give one (1) day off this year for employee appreciation - Friday, November 26, 2021. The meeting concluded at 2:05 p.m. An audio recording is on file in the Commissioners' Office.

#### TALENT DEPOT PRESENTATION FOR ARPA FUNDS

The Board met today at 2:36 p.m. for a presentation from Talent Depot, a company who is seeking ARPA funds. Present were: Commissioners Keri Smith and Leslie Van Beek; Shae Taylor; Darin Taylor; HR Director Kim Foster; HR Staff Ellen Cahalan, Demi Etheridge, Cindy Lorta, Bailey Allen, and Jennifer Allen; Controller Zach Wagoner; Treasurer Tracie Lloyd; and Deputy Clerk Monica Reeves. Darin Taylor said Talent Depot helps people understand who they are and what they want and then direct them to people who can help them get it. They target the unemployed who are looking for work, and those who are in college and high school. Shae Taylor is the CEO and founder of Talent Depot which helps people find jobs by gathering information and mobilizing it so everyone can use it. They help residents answer three critical questions:

- In what roles do people like me succeed?
- Who are they?
- How can I learn directly from them?

#### Worker Benefits:

Increase self-awareness and motivation to get back to work

Improve confidence, hope and mental health

Network more effectively into jobs and careers

Help low-income families and struggling household providers get discovered for opportunities that are a good fit based on their interests and natural abilities

#### Small Businesses Benefits:

Establish an open-source collaborative community pipeline to find, develop, and retain talent

Introduce a new way to encourage the workforce to come back to work

Redirect unsuccessful candidates to the talent pool

Find and establish channel partners for business expansion (i.e., learn the cues to build better rapport)

Support talent development for internal teams

**Proposal A:** Apply for \$1.47M (Year 1: \$790,000 and Year 2: \$680,000) of Coronavirus state and local fiscal recovery funds. Their solutions fit the criteria by helping communities meet pandemic response needs and rebuild a stronger, and more equitable economy as the country recovers. They will use recovery funds to build and launch an online Talent Depot directory and Hero Center for the City of Caldwell. Their solutions directly address negative economic impacts caused by the public health emergency, including economic harms to workers and small businesses.

**Proposal B:** Apply for \$3.98M (Year 1: \$2,096,500 and Year 2: \$1,884,000) of Coronavirus state and local fiscal recovery funds. Their solutions fit the criteria by helping communities meet pandemic response needs and rebuild a stronger, and more equitable economy as the country recovers. They will use recovery funds to build and launch an online Talent Depot directory for each city in Canyon County, and a statewide Hero Center.

Commissioner Smith said at a recent conference there was discussion about 1) building a program for everyone to compete for the funds, and 2) if we take funds and give them to other organizations there is a lot of reporting and risk involved. There has to be accountability of those funds. Commissioner Van Beek said we don't have the rubric for applying/receiving but we need something firm in place. Controller Wagoner said the County has agreed to the acceptance of \$44M under the American Rescue Plan Act and the responsibility and the risk for ensuring the funds are used in accordance with guidelines falls on the County. Darin Taylor said this program meets allowable expenses guidelines and they can report expenses in a way that will be easily tracked. Commissioner Smith said the Board will visit with Controller Wagoner and Treasurer Lloyd and see if we can come up with a plan to solicit some ideas or types of proposals and what



that looks like. Darin Taylor said what he sees this unfolding is for the County to identify a program so that anybody can apply. In the meantime, instead of saying we'll wait for \$1.47 million we can be taking steps for \$100,000 or \$200,000, or smaller amounts. No Board action was required or taken today. The meeting concluded at 3:38 p.m. An audio recording is on file in the Commissioners' Office.

## OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 6, 2021

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

### PUBLIC HEARING – REQUEST BY CRAIG BEAN FOR A REZONE, CASE NO. RZ2021-0037

The Board met today at 9:32 a.m. to consider a request by Craig Bean for a rezone of Parcel R29320 from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, Case No. RZ2021-0037. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Craig Bean, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The 7.83-acre property is located at 11690 Lewis Lane in Nampa, and is an original parcel. Last year the applicant submitted a land division application to divide the property and then decided he wanted to rezone it to add one more split. The conceptual plan shows it would split the house away, which is just over one acre, and two parcels would be available resulting in a total of three parcels within a rural residential zone. The lots will share an access off Lewis Lane. The property has surface irrigation water rights and future owners will have to observe the 50-foot irrigation easement. The future land use map designates the area as residential. Mr. Lister reviewed the agency comments that were received. On August 19, 2021, the Hearing Examiner recommended approval of the request. Staff is also recommending approval. Following his report, Mr. Lister responded to questions from the Board. Craig Bean testified he inherited the property from his parents' estate and he does not farm or have cattle nor does he have the equipment to maintain it. He is continually spraying the property to maintain a weed-free fire break between his property and the neighbors' property because there was an act of arson in July of 2018 before he took possession. In order to maximize the potential benefit from the property he wants to divide it into three parcels and retain for himself the portion with the home west of the canal and north of Lewis Lane, and then divide the other portion into two parcels with the intent of selling them. He has talked with the adjoining property owners and they do not object to his request. Commissioner Smith asked Mr. Bean to expand on the criteria/questions that must be answered in the findings of fact such as whether the use is consistent with the comprehensive plan, and

whether rural residential is more appropriate than the current agricultural designation and whether it's compatible with surrounding land uses, etc. Mr. Bean noted the development that's occurred in the area and how it's not feasible to farm the property. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek said this is a transition area heavily dominated by agriculture, but there have been decisions made that have created a checkerboard of development. There are also water issues and so in this case if it were by itself and not bordered that would be different for her in evaluating a decision. Mr. Bean could get an administrative land division creating one more parcel but then there is the issue where he is saying he cannot maintain it and the ability of another person buying six acres might be in the same boat. There was no objection about water, there is access, and there are no objections from neighbors, and the configuration of the parcel creates a piece of ground that someone may not know what to do with. Even though it's not ideal and it creates one more area of development at least it's a rural residential request, but that doesn't mean he couldn't come back in the future and divide it again. Commissioner Smith believes the rezone will create a precedent for farm ground to be developed. There was discussion with staff regarding the ordinance amendments the Board will consider next week which will include a provision for the division of nonviable parcels in an agricultural zone. Mr. Lister said staff doesn't think this sets a precedent given the characteristics of the subject property. Commissioner Smith said it goes back to the argument for nonviable. There are huge farming operations to the west and south of the subject property and she would prefer to table this case and get through next week's ordinance amendment hearing and then make a decision. Mr. Lister said staff is showing that this is still in the current comprehensive plan and the future designation is residential and recent decisions have allowed rural residential in close proximity of this property. We have a new comprehensive plan coming out which would change this area and decisions on that. Commissioner Van Beek said staff has a good argument and it places the Board in a difficult position where today there are more informed users of information and the ordinance that is driving some of the development we historically haven't seen. She likes staff's analysis but this case would probably go to a split decision which could cause it to be reheard, or we could table the case after the ordinance amendment goes into effect and allow Mr. Bean the opportunity to get a copy of the staff report and provide information and make a persuasive argument if he wants to move forward with a conditional rezone or under the ordinance provision. Mr. Lister said the application fee is \$550 for the nonviable split and so it would have to go through that process which will take 20-30 days because of the noticing requirements. Commissioner Smith said we are not guaranteeing approval, we are just saying we want to see if the ordinance amendment passes and if it gives Mr. Bean enough time to decide if that's an option for him. If there are changes to the ordinance this application will be pushed out for another hearing. If the case were denied today it would get the applicant to a final decision. Commissioner Smith wants to table this request and see what happens with the hearing next week on the ordinance amendments to the zoning regulations, also, it may be in his favor to have the full Board present to hear Mr. Bean's request. Commissioner Van Beek made a motion to table the hearing to October 20, 2021 at 9:30 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:22 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:35 a.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross.

Commission Smith noted that she is sensitive to changes to the County seal and does not want to see alterations to it as is currently being used in the Public Defender's department. Her intention is to put restrictions on it so that it can't be altered and establish how it can be used by Offices and departments. She is supportive of a seal being created specifically for the Public Defender's department. The Board provided permission to Mr. Bazzoli to use the standard county seal with Public Defender beneath it for shirts they are planning to order.

Mr. Bazzoli updated the Board on the following:

- FY2021 case count year in review and comparison to FY2020 and FY2019.
- Spreadsheet indicating FY2021 case load counts by attorney.
- The majority of employee evaluations are complete; he will be meeting with supervisors regarding feedback received from staff.
- Budget was at 99% overall. Commissioner Van Beek asked about the 'doctors' budget line item, adjustment of funds from FY2021 to 2022, bar dues fees and interpreter fees.

The meeting concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:12 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

Director Sinner updated the Board on the following:

### **2021 Post Fair report:**

- Record numbers were set for attendance and revenue
- 339 head were sold at the market livestock sale
  - Discussion ensued regarding the possibility of selling wristbands as a multi-day pass
- A review of operating revenue & expenses and budget vs. actual was provided

### **Building Rental/non-fair events:**

- The facility is booked every weekend thru March and continuing to fill thru April and May
- An updated rental process, application, agreement and fee structure will be presented to the Fair Advisory Board next week and the BOCC at the next monthly meeting
- Event calendar for the website is scheduled to be live in mid-October

**Fair/Extension MOU:**

- The MOU is still being reviewed by the university; the Board asked Diana to follow up with Carrie Clarich with the Extension office and for it to be done within 5 working days

**Other discussion items included:**

- Agricultural Programs Coordinator
- Lease agreement with city is scheduled for next week
- Employee evaluations have been completed

The meeting concluded at 11:30 a.m. An audio recording is on file in the Commissioners' Office.

**OCTOBER 2021 TERM**

CALDWELL, IDAHO    OCTOBER 7, 2021

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

**APPROVED CLAIMS**

- The Board has approved claims 578156 to 578192 in the amount of \$20,364.16
- The Board has approved claims 578236 to 578252 in the amount of \$8,126.34
- The Board has approved claims 578036 to 578069 in the amount of \$92,495.18
- The Board has approved claims 578291 to 578306 in the amount of \$16,600.69
- The Board has approved claims 578362 to 578404 & 577949, 577558, 578070 in the amount of \$74,722.84

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

- The Board approved the transfer of sick leave time to vacation time for S. Gatewood; A. Hartley

**APPROVED EMPLOYEE STATUS CHANGE FORM**

- The Board approved an employee status change form for Lily Brown, Interpretive Specialist-part-time; Kim Foster, Human Resources Director

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Command Sourcing, INC in the amount of \$16,128.00 for Canyon County Sheriff
- Tree Maintenance in the amount of \$2,000.00 for Facilities Department
- RBA Architects in the amount of \$75,600.00 for Facilities Department
- JB's Roofing in the amount of \$49,138.00 for Facilities Department
- Johnson Controls in the amount of \$6,325.00 for Facilities Department
- Architectural Glass & Glazing in the amount of \$18,527.00 for Facilities Department

### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:50 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days. The cases nos. are as follows: 2021-983, 2021-984, 2021-970 and 2021-985.

Director Baker presented a subordination agreement for case no. 2018-1573 which was approved in 2019. The total amount paid out by the County and the CAT Board is \$29,484.15. The applicant is attempting to secure a refinance of mortgage where funds will be received at closing for home repairs. Ms. Baker noted that the applicant has consistently made their \$25 monthly payment since their case was approved. The Board took no action today but requested additional information regarding the repairs to be completed, the value of the home/land and other financial commitments. The Board has asked if the applicant can make a 10-15% payment as part of the subordination agreement.

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

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

The Board met today at 9:04 a.m. to conduct a medical indigency hearing for case no. 2021-481. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Attorney Mark Peterson on behalf of St. Luke's, Tara Roberts on behalf of St. Luke's and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker, Mr. Peterson and Ms. Roberts and Board discussion Commissioner Van Beek made a motion to issue a denial on case no. 2021-481. The

motion was seconded by Commissioner White and a request for discussion was made by Commissioner Smith. After the discussion a vote was taken on the motion with Commissioner Van Beek voting in favor and Commissioners White and Smith voting in opposition. The motion failed in a 2-to-1 split vote. Commissioner White made a subsequent motion to continue the case to November 4, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:55 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to issue final denials with written decisions within 30 days on case nos. 2021-394 and 2021-375. The motion was seconded by Commissioner White and carried unanimously.

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

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

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Chief Deputy Sheriff Marv Dashiell (left at 10:10 a.m.), Director of Juvenile Detention Sean Brown (left at 10:21 a.m.), HR Generalist Jennifer Allen (left at 10:21 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

##### ***Consider signing resolutions to accept the donation of K9s from Bryce Moore and a K9 for Ashley Moore:***

Chief Dashiell explained they've recently retired two K9s and have been granted the opportunity to adopt two new K9s with a retail value of \$4500 to \$6500 for each dog. The Sheriff's Office has worked with legal in preparing the adoption paperwork. The County will become the owner of the property but if for whatever reason the K9s don't work out with the County it is likely Mr. Moore and/or Ms. Moore would request the dog(s) be donated back to them. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign resolution accepting the donation of K9s from Bryce Moore (see resolution no. 21-206) and Ashley Moore (see resolution no. 21-205).

***Consider signing resolution authorizing the destruction of files of former employees with employment end dates prior to October 1, 2011 maintained by the Human Resources Department:*** Ms. Klempel said the list has been reviewed and a couple files were removed but HR has been instructed to review the list once signed by the Board. Commissioner Smith identified one name on the list she would like removed from destruction, the Board agreed it will be struck from the list. The name is on page 1 of attachment A (Commissioners' Office). Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution authorizing the destruction of files of former employees with employment end dates prior to October 1, 2011 maintained by the Human Resources Department (see resolution no. 21-209. Ms. Klempel said a revised replacement page removing the noted employee will be sent by legal.

***Consider signing resolution authorizing the destruction of files of former employees of the Canyon County Juvenile Detention Department with employment end dates prior to October 1, 2011:*** These records were stored at Juvenile Detention but destruction will help both HR and Juvenile Detention with clean-up of records. The "newest" records being destroyed are dated 2006 but the 2011 date is used to comply with the statute. Juvenile Detention doesn't generally keep these files and it is believed they were inadvertently stored there. Commissioner Smith would like to find out what happened to the 2006-2011 employment records. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing the destruction of files of former employees of the Canyon County Juvenile Detention Department with employment end dates prior to October 1, 2011 (see resolution no. 21-208).

Commissioner Smith said in the Board's daily folder there is a cooperative agreement with the University of Idaho for extension programs which is scheduled for discussion at 11:00 a.m. today. It is her understanding that the Agent's office has not successfully signed the Fair agreement, which has been a year in the works. She would like to fully understand this agreement and be able to negotiate with them on roles, expectations and accountability. Mr. Wesley said there are some outstanding items that go along with this agreement. The agreement in place was prepared by the university and primarily designed to document their budget appropriation and to control how the shared employees are treated. There are three documents for those shared employees that go along with this agreement that are outstanding/waiting on university signatures. This particular agreement could be held until the others are received back. The outstanding items are the 4H/Fair MOU, and the 3 loaned employee agreements which are county employees who function as the administrative assistants for the Extension office. Mr. Wesley responded to Commissioner Smith's question regarding the Extension office's spending authority without this agreement being signed stating that the agreement is to document roles and appropriation. The appropriation was already made within the budget and he doesn't believe this MOU puts any restraints on the allocations. Commissioner Smith is concerned about funds being handed over without any purview, she feels like the Board has the authority to request information on how funds are being managed as they are taxpayer dollars and it is the Board's responsibility to make sure those monies are used appropriately. Mr. Wesley said those parameters could be set but may have been a better conversation prior to the budget being adopted. Mr. Laugheed concurred with what Mr. Wesley said but noted that since it is now past the point the money has been appropriated the question before the court would be whether their expenditures are lawful charges against the county. It

would be hard to argue that they aren't since they were appropriated without conditions. Commissioner Van Beek feels that due diligence has been done in meetings with the Agent's office letting them know that the county needs a signed agreement. Mr. Laugheed said that the closest the county could come to specific authority would just be the general principle that even after the Board has appropriated monies the Board still has to sign off on expenditures. Commissioner Smith said these expenditures don't come thru the Board for approval, the Board is only aware of them after they're completed. Mr. Wesley said that some of the terms could be incorporated into the MOU. The Board is supportive of Commissioner Smith asking these things of the Extension office. Commissioner Smith wants to make sure there is a clear expectation. Mr. Laugheed suggested that an audit of the monies provided by the county would be appropriate and could be beneficial.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:38 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 11:30 a.m. with no decision being called for in open session.

The meeting concluded at 11:31 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING WITH THE COUNTY AGENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND ACTION ITEM

The Board met today at 11:33 a.m. with the County Agent to discuss general issues, set policy and give direction and consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, County Agent Jerry Neufeld, Debbie Lowber, Carrie Clarich and Nic Usabel with the Extension office and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing agreement between University of Idaho Extension Office and Canyon County for University of Idaho Extension Programs:*** Mr. Neufeld provided a history of this agreement. Several years ago, a couple of counties requested a more comprehensive agreement vs. just budgetary paperwork which is what was previously provided. His understanding is that the agreement has been reviewed by both county legal and university legal. Mr. Wesley confirmed that and provided some additional information. Commissioner Smith said the county has been waiting over a year



for the 4H/Fair MOU to be signed and it's important to her to have the agreements on the loaned employees signed. She would like an opportunity for the Board to review this agreement and coming up with some parameters and deliverables. Commissioner Smith doesn't feel comfortable moving forward until there is some kind of accountability and the expectation that the MOUs are addressed in a timely manner. She would like to see all the documents reviewed at the same time, to make sure everyone is working together. Mr. Wesley provided options on ways these documents could be handled and addressed. The Board spoke about items they would like to see included in the MOU including an annual review and an audit of previously used funds. Once the Board has had an opportunity to review, any comments can be forwarded to Mr. Wesley to be compiled and sent to the university.

Ms. Clarich spoke about the 4H/Fair MOU, she said it first goes to the State 4H office then to the University of Idaho Grants and Contracts office, both offices submitted questions which Ms. Clarich has answered so she is not sure what the hold up is.

Mr. Neufeld said roofing of the building should start this month.

The meeting concluded at 11:53 a.m. An audio recording is on file in the Commissioners' Office.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 8, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 578307 to 578361 & 578223 to 578229 in the amount of \$18,163.62
- The Board has approved claims 578253 to 578290 in the amount of \$61,024.75
- The Board has approved claims 578193 to 578235 (not including claims 578223, 578228, 578229) in the amount of \$94,217.19

There were no meetings held this day.

OCTOBER 2021 TERM

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 578070 to 578114 in the amount of \$42,817.61

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Jenniffer Odom, Permit Tech I

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mtn. Home Auto Ranch in the amount of \$143,424.00 for Fleet Department
- Dell in the amount of \$28,640.70 for Canyon County Sheriff
- Dell in the amount of \$2,891.38 for Canyon County Sheriff
- Dell in the amount of \$20,978.40 for Canyon County Sheriff
- ESRI Ince in the amount of \$45,800.00 for Information Technology Department

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND ACTION ITEMS

The Board met today at 8:48 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Fair Director Diana Sinner (left at 8:59 a.m.), Lt. Ray Talbot, Prosecutor Bryan Taylor (arrived at 8:58 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution granting a transfer alcoholic beverage license to Swirl Wine Shop and Lounge LLC dba Swirl Wine Shop and Lounge:*** Commissioner Smith stated this is just a name/location transfer. A DUI was noted in the application but it is outside the applicable timeframe. Commissioner White has concerns about why they are just moving next door but changing the name of their business but that question doesn't fall under the standards of approval. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a transfer alcoholic beverage license to Swirl Wine Shop and Lounge (see resolution no. 21-207).

***Consider signing real estate lease agreement for the Caldwell Events Center and/or Canyon County Fairgrounds with the City of Caldwell:*** Mr. Wesley said this is renewal of a lease agreement with the City of Caldwell for a term of 5 years. The lease allows for use of the entire fairgrounds during the week of fair and the time for set-up and take-down. Mr. Wesley understands this agreement has been approved by the city and is scheduled to be signed this week. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the real estate lease agreement for the Caldwell Events Center and/or Canyon County Fairgrounds with the City of Caldwell (see agreement no. 21-079)

***Consider signing FY22 ITD Traffic Enforcement Grant Project Agreement (TEGPA):*** Lt. Talbot explained this a reimbursement grant for hours worked for specific traffic enforcement campaigns. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the FY22 ITD Traffic Enforcement Grant Project Agreement (TEGPA) (see agreement no. 21-080).

Prosecutor Taylor spoke about an agreement with the City of Star that is scheduled for consideration later this week. The City of Star has reached out to his office to handle any prosecution cases within the Canyon County portion of the city. Ada County handles everything for their county but does not want to handle Canyon County cases. An overview was provided of how he and the Controller arrived at the fee for this year and noted that it will be evaluated next year.

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

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

Commissioner White made a motion to go into Executive Session at 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, 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, Prosecutor Bryan Taylor, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Christopher Meyer and Melodie McQuate with Givens-Pursley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:58 a.m. with commissioner Van Beek making a motion to continue the legal staff update to 1:00 p.m. today. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 9:59 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY TODD CAMPBELL FOR A DEVELOPMENT AGREEMENT MODIFICATION, CASE NO. DA2021-0002

The Board met today at 10:06 a.m. to conduct a public hearing in the matter of a request by Jay Walker representing Todd Campbell for a development agreement modification to agreement #20-168, which was approved as part of Case No. CR2020-0005. (Today's case number is DA2021-0002.) The modification removes the restriction for development to not exceed 48 residential lots. The properties, consisting of approximately 108 acres, are located at 19618, 19611, 19503 and 19595 Northside Boulevard in Caldwell, also known as Parcels R34252, R34263012, R34263010, R34263 and R34263011. On August 19, 2021, the P&Z Commission recommended approval of the request. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Jay Walker, Todd Campbell, Jerome Mapp, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek noted for the record that the subject property is located close to where she lives. Dan Lister gave the oral staff report. The request is to modify a development agreement associated with a conditional rezone that was approved in 2020, and it seeks to remove the restriction for development. There was an agreement that 98 acres within the R-1 zone would not exceed 48 lots. The property totals 108 acres. With the 98-acre lot to be zoned R-1 it shall not exceed 48 residential lots. There is a 10-acre portion that will remain R-R and is not being affected by this request. The average lot size is 1.8 acres. It was decided this was a transitional area between Nampa and Caldwell, and Caldwell services were pretty far away at that point and felt that this was a good transitional area from Caldwell's planned density of a higher density/highway corridor area. Nampa is showing a community mixed use and some medium density. The applicant believes this is still consistent with the FCO's in 2020, and they found that 1) the lot sizes approved was based off an initial NP study, as well as not wanting to do a traffic impact study so if they keep it under 50 they wouldn't have to do that. The applicant is saying they have done a preliminary NP study that supports the modification and they are not opposed to completing a TIS. The modification still provides diverse housing options and supports a higher end product. Nampa Fire does not oppose subject to their standards. Canyon Highway District provided an amended letter acknowledging this will require a TIS. Staff is recommending approval which is consistent with the P&Z Commission's recommendation. Following his report, Mr. Lister responded to questions from the Board. Jay Walker testified in favor of the request. Todd Campbell has secured the 10-acre parcel which was not the case when Todd Lakey previously presented the case. He is now the sole owner of the 98 acres and the 10 acres. At the time the Board approved the zoning there was limited information and he wants to demonstrate what additional property studies have been done since then that demonstrate their presentation of the layout is appropriate. Their study in 2020 was a preliminary study by AllWest and it was solely done on web-based information, there was no onsite investigation to arrive at the density of 48 lots. Mr. Campbell has brought in Atlas MTI, a local geo-technical engineering firm and hired them to evaluate conditions. They did 9 test holes and sampling was done on three approved perimeter wells adjacent to/within the property boundary. An updated NP study is ongoing contingent on this approval. The nitrate results came back in the 1.3 to 6.0 milligrams per liter range which is well below what was indicated by their web-based

analysis and with this they are well under the maximum contaminant level of 10 milligrams per liter. Based on this detailed analysis, they arrived at the conceptual plan of 75-80 lots. A neighborhood meeting was held, and people are supportive of the estate lots Mr. Campbell will bring. They are working with highway district on the traffic impact study process and on the improvements to Skyward Road, and they will meet the fire district's requirements. There are no flood zones associated with this property; they will meet the irrigation district's design requirements and setbacks for their easements. Mr. Walker said it was clear the City of Caldwell was seeking a higher density and felt the product and the transitional component of this property would do better with more density. The layout is consistent and will result in high-end estate lots that will benefit the area. Following Mr. Walker's testimony, he responded to questions from the Board. He thinks the previous owners were solely looking to sell and they didn't pay much attention to the layout of the nitrate levels or the traffic conditions and that is why Mr. Campbell has continued that to more detail by local experts and have discovered they do not have to cap it at 48-lot threshold. Commissioner Smith said at the time they evaluated the land use with the development agreement with the surrounding uses, they did not make a decision based off the full potential of those. She asked if the applicant has considered a community system. Mr. Walker said in their review of the notes it was based on nitrate levels from a web-based analysis that was erroneous and they were trying to avoid any additional expenses prior to selling the property. He said the applicant is not interested in a community well and/or sewer system because of the hardship and the distance from the property to sewer/water. The timeline would not be agreeable to moving forward with the project. Commissioner Smith said the minutes from the underlying hearing state that Mr. Lakey talked about the character of the area and that the larger lots is what the Board was considering because it fits better than the city density. There was a reason for the larger lots. Jerome Mapp testified how he spoke in opposition to last year's request because the City of Caldwell believed the property should be annexed into the city and they recognized the distance between city boundaries. At that hearing, Mr. Lakey testified that the city's comprehensive plan was identified as a highway corridor and that the guidelines stated that residential units could be built up to four units per acre. Mr. Mapp said he tried to explain that that was just a guideline, and it didn't really mean the city would endorse four units per acre. The Board didn't agree, but what Mr. Lakey said was would you rather have 48 lots or four units per acre and the Board agreed that 48 lots was preferred to having high density development in this area. Mr. Mapp did not agree with the decision. The applicant is seeking an 80% to 90% increase of residential development with no sewer or water or public services of that sort. The applicant states they had limited information at the time but the decision was made on that information. Today the city has been looking at utility increases in that area. If the applicant is proposing to increase 80%-90% in development units that's a substantial change to their original request and it should be heard at a separate hearing. Mr. Mapp said the city has more information to share and he requests the matter be denied. Following his testimony, Mr. Mapp responded to questions from the Board. Commissioner Smith said she's heard the City of Nampa has a system that works well where the developer builds a community system that can be taken over by the city once annexation is adjacent, but the applicant said that is typically discouraged. Mr. Mapp said the city has been discussing services in the area because they've had more requests for development out there. Jay Walker offered rebuttal testimony and said they are planning a transitional product and they understand there will be public services and developments that are popping up all over that

area. This is an area that's at the cusp of Nampa and Caldwell and is in Caldwell's impact area and they plan to have their input on the infrastructure that's created there. There was discouragement of drylines and understanding where the public services were existing today, it's not customary for them to have standalone independent systems for sewer and water, they like them to incorporate into their trunk mains and extend. The utilities and main trunks that would be viable for this area are in Nampa, but this is in the Caldwell impact area. They are agreeable to doing a TIS. This will be a nice development by having few more lots to do the infrastructure improvements and make a beautiful product that's different than the density that exists. The decision for 48 lots in an R-1 zone was based on a nitrate level that has been proven incorrect through sampling tests so that necessitated them to present a better product, something that is more marketable and allows the new owner to have some input. The cost is wholly based on frontage of lot length, and a two-acre lot is twice as expensive in development costs as a one-acre lot and yet that doesn't translate for the revenue brought in. Costs are extremely high, and the supply is down. Mr. Lister said staff recommended denial twice because it was premature for this area. It's prime agricultural ground and Caldwell opposed it because of the developments they are working on to get services to that location. It was determined this is a transition area, close to other schools near Nampa's area. Mr. Mapp made a point of order and said Mr. Walker added additional evidence as part of his rebuttal, but it was not in relationship to Mr. Mapp's comments, and he continued with new information such as he was speaking for the city engineer, city requirements, and lot size in relationship to the type of buildings, two acres vs. one acre. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said it was Mr. Mapp's testimony that this represents a substantive change from what was presented, and it deserves a different hearing. We can find support for a new hearing based on whether the conditional rezone is more appropriate than the current zoning designation if it's compatible with the surrounding land use if it changes the nature and character of the area. At the previous hearing Todd Lakey made a passionate plea which sold the Board on a development that was in a transition area which superseded Mr. Mapp's statement that the City of Caldwell had plans for annexing this. If the current owner cooperated with the Holtons and there was an intent to sell this ground and request a higher zoning designation that is a substantive change. She has not been able to support the argument that there was necessity in this. Commissioner Smith said the ordinance says it must be accompanied by a statement demonstrating the necessity for the requested modification, but she did not find evidence that matches. Mr. Walker said the necessity was based on a lack of information, but the record doesn't talk about that evidence. Because of the two cases not matching it doesn't demonstrate a need, and it is a substantial change. She supports a denial. Changing the site to protect the rural agricultural area is something that could happen through a new conditional rezone with something very similar to what's being requested, but one of the things we have been doing in agricultural areas is asking for agricultural disclosure agreements. Having a conversation with how much Nampa and Caldwell have grown in the last year, and hearing from the city engineers about community systems, we cannot look at those things today, but if we were able to look at those through another process we could come to a new decision. Commissioner Van Beek said this area was conditioned on the argument Todd Lakey made and it did not encompass the things the Board is being asked to make today. She made a motion to deny the request for a development agreement modification in Case No. DA2021-0002. Her preference

would be that a new hearing be pursued. The motion was seconded by Commissioner Smith. Commissioner White said sometimes you come back and look at a higher density, and more homes will cause this subdivision to be equitable for the impact area and it will not have to be subsidized by current homeowners. If it's not efficient for a developer or homeowner, then it's not going to be beneficial to the city either. Commissioner Smith said it's in Caldwell's impact area and part of our agreement with them, and the purpose identified, is to promote public health, safety, general welfare, peace, good order, comfort, and convenience of Canyon County and the inhabitants. It goes on to look at the economical and compatible infrastructure and to identify an urban fringe in the unincorporated areas surrounding the City of Caldwell and the potential for development changes in land use that are planned, designed, and constructed for orderly manner compatible with the City of Caldwell. Every report you read about growth is northeast and west of Middleton and it's in this gap between Caldwell and Nampa. Of all the places we should be promoting sewer and water and connectivity this is one of those areas but the development agreement circumvents that process. She stands by the proposal to deny the request. Commissioner Van Beek said she does not necessarily object to the proposed size, she objects to the process because it feels like what was argued for, that there was a clear process for the argument being made to make this an R-2 zone so when presented with those two sides, this is what Commissioners chose was a rural lower density. Had they made an argument for R-1 with the Holtons at that time maybe they could have sold it on that. The product they asked for was not a Corey Barton product; they said what they were lacking in the inventory was a place for white collar professional workers to land in between those who are leaving Canyon County to work in Ada County. She believes there is still a reason to build custom homes on one-acre lots but to have this much of a change is difficult with some of the issues that have presented themselves in the testimony from Mr. Walker. Commissioner Smith directed staff to modify the FCO's to meet that decision. Commissioner White was opposed to the denial. The motion carried by a two-to-one split vote with Commissioner White casting the dissenting vote. The signing of the written decision will be scheduled at a later date. The hearing concluded at 11:40 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED LEGAL STAFF UPDATE - EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS  
EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

*\*This morning's legal staff update was continued to this afternoon.*

Commissioner Van Beek made a motion to go into Executive Session at 1:07 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss a personnel matter and records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek, and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Deputy PA Alex Klempel, and Deputy Clerk Monica Reeves. The Executive Session concluded at 1:32 p.m. with no decision being called for in open session.



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

The Board met today at 2:32 p.m. with the Administrative District Judge and TCA to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, ADJ Davis VanderVelde, TCA Jamie Robb and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Eviction Court Coordinator position closed yesterday so they are now going thru applications and hope to have someone hired soon.
- A new Judicial Assistant position is open; Ms. Robb worked with the new HR Director to rework the job description and it will be coming before the Board prior to being posted.
- New emergency order from the Idaho Supreme Court regarding suspension of juries until December; the new order states that felony sentencing does not have to be person, only if there is a potential life sentence and even those can be held remotely if stipulated; treatment courts can be held in person at the discretion of judges as well as civil protection order hearings. There are still no juries, however, all other court operations are continuing. At this time jury trials are suspended until December 6<sup>th</sup>; Canyon County is at a 91% incident rate and the Supreme Court cut off rate is a 25% incident rate. Discussion ensued regarding how the courts will get caught up and actions that are being taken in the meantime.
- Number of contacts with the Court Assistance office were provided.
- Commissioner Smith asked about the SILD program.
- Commissioner Van Beek noted that Owyhee County would like to start a guardianship/conservatorship program and asked if Ms. Robb could reach out to them with her experience with the program.

The meeting concluded at 2:53 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:03 p.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Parks Director Nicki Schwend, Assistant Parks Director Laura Barbour, Outdoor Recreation Planner Juli McCoy, Programs Manager Eric Savadow and Deputy Clerk Jenen Ross. The following updates were provided:



- Working on getting FY2022 projects started including the master plan, HPC letters will go out soon letting them know of their award, RFP for National Registry for Map Rock and the rural landscape study. Discussion ensued regarding the historic buildings on the Franz Witte property.
- Employee evaluations have been completed for those where it applied; most of the staff have been in their positions for less than a year but she is very proud of the way they have handled issues that have arisen this year.
- 4 staff members are headed to the Great Basin conference in Las Vegas tomorrow.
- Discussion ensued regarding the agreement with Idaho Fish and Game for Martin Landing and Wilson Ponds. The agreement for Martin Landing has been beneficial in maintaining the camping areas. However, the agreement for Wilson Ponds has not been as beneficial in recent years. Originally the advantage to the agreement was to be able to conduct educational programs and help maintain the area for Canyon County citizens but in recent years the Facilities department has felt the majority of the maintenance has fallen to them. Additionally, she doesn't feel that her department will have the capacity to conduct the educational programs there and would like to focus on other areas. Currently, both Martin Landing and Wilson Ponds are in the same agreement so Director Schwend will work with legal to revise and separate the agreements.
- Commissioner Van Beek let Director Schwend know that her meetings will be moving to quarterly.

The meeting concluded at 3:30 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:40 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing FCOs and ordinance for Callister LLC & C4 Subdivision; Case nos.: RZ2021-0010/ SD2021-0008:*** Commissioner Smith said this was a rezone to R1 and was adjacent to C3 Subdivision. It is in the Middleton impact area and they have agreed to a pre-annexation agreement with the City of Middleton as well as an ag disclosure to be signed by all lot owners within the subdivision. Additionally, pressurized irrigation will be used for all landscaping. Commissioner Smith noted that Planner Jennifer Almeida made all the requested changes and the findings are in accordance with an approval. Commissioner Van Beek made a motion to approve the FCOs and ordinance for Callister LLC & C4 Subdivision; Case nos.: RZ2021-0010/ SD2021-0008. Commissioner Smith added to the motion to authorize the signing of the ordinance amendments to the Canyon County zoning map. The motion was seconded by Commissioner Smith. A vote was

taken on the motion with Commissioners Van Beek and Smith voting in favor and Commissioner White abstaining from voting due to lack of participation in the hearing. The motion carried unanimously. See ordinance no. 21-027.

Director Fultz updated the Board on the following:

- Staffing remains shorthanded although 3 offers were recently made and accepted; a Permit Tech will be starting Monday, a Code Enforcement Officer will be starting in two weeks, and a Planner II will also be starting in two weeks. Further discussion ensued about additional personnel matters.
- They are working with a couple of entities on potential projects in regard to economic development.
- The first round of workshops for the comprehensive plan just concluded. A considerable amount of comments were received so they are working to evaluate those and potentially apply them. In November they hope to schedule a meeting with the ag community for their input on the plan. A joint meeting is planned for December with additional workshops taking place in January and finalization in February or March. Commissioner Smith suggested an insert could be added to tax notices which would be a good opportunity for transparency and collection of input. The coordination of dates and locations for ag meetings is still being worked thru.
- Director Fultz will be meeting soon with Director Rast regarding a potential project management position to discuss the benefits.
- A general job description has been drafted for an in-house engineer position which Director Fultz would like to send to the Board for review and comment. He thinks perhaps the position could also be utilized by other departments and/or Offices.
- The FEMA issue continues to move toward resolution.

The meeting concluded at 4:07 p.m. An audio recording is on file in the Commissioners' Office.

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

#### APPROVED CLAIMS

- The Board has approved claims 578405 to 578425 in the amount of \$754,124.56

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Samuel Murray, Deputy Public Defender

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Salt Lake Wholesale Sports in the amount of \$35,424.00 for Canyon County Sheriff
- Global Tractor Company in the amount of \$43,626.00 for Fleet Department

#### MEETING TO CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR SEPTEMBER 2021

The Board met today at 9:09 a.m. to consider signing the Treasurer's tax charge adjustments by PIN for September 2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Smith noted there are 5 adjustments being made for September and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for September 2021. The meeting concluded at 9:10 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING FCO'S, ORDINANCE, AND DEVELOPMENT AGREEMENT FOR CALVIN AND REBECCA GORDON'S CONDITIONAL REZONE, CASE NO. CR2020-0015

The Board met today at 9:32 a.m. to consider the Findings of Fact, Conclusions of Law, and Order (FCO's), an ordinance, and a development agreement in regards to Calvin and Rebecca Gordon's conditional rezone request, Case No. CR2020-0015. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner III Kate Dahl, TJ Wellard, and Deputy Clerk Monica Reeves. The Board previously heard this request on August 31, 2021 at a public hearing and subsequently decided to approve the request with some modifications. Kate Dahl said this was a

parcel that had a couple illegal divisions and didn't gave a building permit and there was some confusion with parcel research about whether they needed an administrative land division for platting. Once that was cleared up staff added to the FCO's that the first two parcels are eligible for an administrative land division and the subsequent two parcels would need to go through the subdivision process after the conditional rezone is approved. The second condition that was cleared up was the water users' maintenance agreement that needed to add some clarity for the irrigation delivery identifying a water master and doing some water allotment and maintenance solutions. Those were the two big conditions that were clarified. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve and sign the FCO's, ordinance and development agreement for Case No. CR2020-0015. The motion was seconded by Commissioner White and carried unanimously. (Ordinance No. 21-028 and Agreement No. 21-081.) The meeting concluded at 9:38 a.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION PURSUANT TO IC 74-206(1)(B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 10:37 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster, Deputy P.A. Doug Robertson and Landfill Director David Loper. The Executive Session concluded at 11:00 a.m. with no decision being called for in open session.

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

The Board met today at 11:36 a.m. with the HR Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster and Deputy Clerk Jenen Ross.

- Director Foster said she has been getting out to meet all the department heads.
- Discussion ensued regarding the salary rate request forms (aka blue sheets) process.
  - The Board has requested the following of Director Foster:
    - Verification that information on the blue sheets is accurate.
    - Revision of the form so that signatures flow in the correct order.

- Draft a memo that can be forwarded to the other elected officials reinforcing the new process and that the Board will be the final signatures on all blue sheets.
  - Work with Controller Wagoner and/or Chief Dashiell and Director Rast to learn more about the compensation spreadsheet, how the job classifications work and how the salary information was generated.
- Further discussion followed regarding the compensation plan and how the previous study was conducted. Commissioner Van Beek doesn't like that the compensation plan is so heavily front loaded. She suggested possibly having two plans in place, one for the Sheriff's Office and one for the rest of the employee base.
- Director Foster spoke about her philosophy on hiring and retaining employees. She feels there has already been a lot of work done in regard to the compensation plan and there is no need to start over, however, the Board would like to see her recommendations.
- Commissioner Smith asked that compensation for the part-time and seasonal employees be evaluated as soon as possible as they were not included in the COLA. She also requested that Ms. Foster verify with PERSI the allowable number of part-time hours.
- Commissioner Smith noted there is some history and confusion on how Director salaries were established and requested Director Foster review all Board Directors to ensure salaries are in-line with the surrounding communities and that the job responsibilities are comparable.
- Director Foster said she has received a copy of the proposed personnel manual. The Board is open to any suggestions she may have and asked for updates at future meetings.
- The Fleet and IT departments have individual policies outside of the county personnel manual. Commissioner Smith suggested Director Foster meet with Directors Tolman and Rast for additional information and to determine if there are policies that should be county-wide. Director Foster spoke about policy acknowledgement forms and her understanding of them. Commissioner Van Beek expressed her support of employees signing acknowledgement of policies.
- Commissioner Smith feels there may be a need for training on the drug and alcohol policy. Director Foster believes there are large discounts available for having safety programs and drug-free programs in place; she will find out if the county is receiving those discounts.
- At the direction of Director Foster an employee in HR recently completed the Talent Depot program as a test run. There were many concerns including lack of interface between the assessment portion and the database, it was very time consuming, felt high-pressure when communicating with the organization, however, the employee did like the assessment portion. Commissioner Smith explained the premise behind the program. Commissioner Van Beek feels that it's an under-developed idea and the county should not be funding free-enterprise.
- Commissioner Van Beek requested Director Foster to ask Director Rast about records retention.

The meeting concluded at 12:24 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY TANNER VERHOEKS FOR A REZONE WITH A DEVELOPMENT AGREEMENT, CASE NO. RZ2021-0019

The Board met today at 1:38 p.m. to conduct a public hearing in the matter of a request by Tanner Verhoeks for a rezone with a development agreement, Case No. RZ2021-0019. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Tanner Verhoeks, other interested citizens, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The applicant is requesting a rezone of Parcels R20800, R20801 and R20803 from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. The request includes three original parcels that were created by a subdivision in 1972, and the applicant is seeking to divide the property into a total of 12 lots for an average lot size of 1.5 acres. The request includes a development agreement that includes the following restrictions:

1. The maximum number of future parcels created from the three existing parcels shall not exceed 12.
2. Quail Run shall be improved to paved road standards substantially consistent with the conceptual plan prior to the occupancy of the sixth house on the subject parcels, or within 12 months of approval, whichever comes first.
3. The right to farm shall be disclosed to all future parcel owners and existing public nuisance issues as defined by County code regarding existing abandoned items, derelict vehicles, feral animals, trash piles, and accumulated belongings shall be removed from the subject parcel prior to land division approval.

The P&Z Commission considered the full rezone on July 15, 2021, and on September 16, 2021, it came before the Board of Commissioners and after considering the area the Board tabled the hearing to allow the applicant to submit a development agreement considering the paving of roads, limiting residential lots to 12, and to disclose that the owners are in an agricultural area and are in a right-to-farm state. Mr. Lister described the surrounding area and reviewed agency comments. The property is within a residential designation in the comprehensive plan, it's also in a nitrate priority area. It is not prime farmland. The neighbors support the request. Staff is recommending approval of the conditional rezone. Tanner Verhoeks testified in favor of his request and said he appreciates the need for a development agreement. The project will consist of 12 lots and the roadway plans will be submitted to the highway district this month. He said Haven is taking three existing parcels, one of them had an abandoned house that was falling apart and another had an old trailer house with decades of accumulation on it. He lives at the end of the lane and purchased the two parcels next to him. He said the neighbors, the Taylors and the Lakes, are excited for the project. He plans to keep it an acreage, rural neighborhood with a walking path around the perimeter of the project. Since acquiring the property, he has cleared 95% of the nuisance items and sent timeline photos to staff showing the progress that has been

made. The rehab on the existing blue house is underway and will be completed the end of November. They have focused on irrigation supply and have talked with the highway district and a tree farmer to transplant some mature trees off his property onto the new property. Irrigation will be provided to each lot and they have plans to do some monument signs at the entrance of Quail Run at Emmett Road. He will do fencing and will gravel ditches to minimize weeds. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek likes the project as it's creating a community that is commensurate with the agricultural climate around him. She appreciates his diligence in pursuing the code enforcement issues. She is in favor of the project. Commissioner Smith asked about having a sample of an actual agricultural disclosures, and whether the other divisions will be allowed by an administrative land division with no platting required. Mr. Lister said as part of the land division application we already have a condition about the right-to-farm act, in this case, disclosure would probably be at the time of sale; however, this requires the applicant prior to land division to show how they are going to disclose that. Commissioner Smith said it's a conditional rezone with a development agreement and if those conditions are not met the Board can rescind the rezone. They have to apply for the administrative land division within two years. Commissioner Van Beek made a motion to approve the FCO's, the development agreement, and the ordinance (to be signed by the applicant at a later date) for Case No. RZ2021-0019. The motion was seconded by Commissioner White and carried unanimously. (Ordinance No. 21-029 and Agreement No. 21-082.) The hearing concluded at 1:56 p.m. An audio recording is on file in the Commissioners' Office.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 14, 2021

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

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:47 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to

issue initial denials with written decisions within 30 days on the following cases: 2021-995; 2021-1005; 2021-992 and 2021-1002

Case no. 2021-1004 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Director of Indigent Services Yvonne Baker presented a subordination request on case no. 2018-1573. Discussion ensued regarding the applicant's request for subordination of the lien. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to grant the subordination request.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:51 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 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Assessor Brian Stender (left at 9:23 a.m.), Chief Deputy Assessor Joe Cox, Assistant Facilities Director Rick Britton, Beth Ineck with BVEP and Robyn Sellers with the City of Nampa (left at 9:23 a.m.), Jose Chavez with Consurco (left at 9:05 a.m.), Brooklin Salemi and Randy Tallman on behalf of The Stow Company via Webex and Deputy Clerk Jenen Ross. The action items were considered as follows:

#### ***Open bids for solicitation of bids for Fall 2021 polished concrete floors at the Fair Expo Building:***

Three bids were received as follows:

##### **Consurco**

Bid amount: \$138,692.46

Received: October 13, 2021 at 4:42 p.m.

##### **Wall 2 Wall Flooring**

Bid amount: \$166,100.00

Received: October 13, 2021 at 6:41 a.m.



### **The Concrete Cure**

Bid amount: \$150,395.00

Received: October 14, 2021 at 8:24 a.m.

Bids will be reviewed by legal and Director Navarro with a recommendation being made to the Board at a later date

The Board took a brief break from 9:05 a.m. to 9:08 a.m. Once back on the record the Board took up the action items as follows:

***Consider signing prosecution services term agreement between Canyon County, Canyon County Prosecuting Attorney and City of Star:*** Prosecutor Taylor provided an explanation of this contract at the legal staff meeting Tuesday stating that this contract will allow for the Prosecutor's Office to handle prosecution services for the Canyon County portion of the City of Star. An explanation of how the fees were determined for this year was given during the meeting and Mr. Taylor noted that they will be evaluated next year. The Board has some additional questions and concerns regarding the fee and would like to wait on this contract until Prosecutor Taylor is available. No action was taken today.

***Consider signing resolution granting The Stow Company a property tax exemption pursuant to Idaho Code 63-602NN:*** Ms. Ineck spoke about the project and her involvement with The Stow Company in their site selection process. They considered multiple sites in different states and have identified a location in north Nampa within the north Nampa industrial area. The company will provide approximately 219 new positions to Canyon County, the average wage is over \$49,000 and they are looking to invest over \$100M into a new large manufacturing facility. They are in the final stages of consideration and she is hopeful Nampa will become their new home. All of the property has been entitled, they have worked with Ms. Sellers to go thru the Nampa Development Corporation, which is also very supportive of the project. The project is completely within the urban renewal district. There is an agreement in place with Adler Industrial for the entire 194-acres to help offset the cost of infrastructure with new increment that comes in from the 194-acres. Ms. Sellers noted that the city is very excited and supportive of this project. Questions were addressed regarding space, esthetics and landscaping. Mr. Tallman said they hope to get the project started by the end of the year or early in 2022 with completion of the building in early 2023 and equipment arriving immediately thereafter. They hope to start production in the fall of 2023. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign a resolution granting The Stow Company a property tax exemption pursuant to Idaho Code 63-602NN (see resolution no. 21-210).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:23 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Doug Robertson. The Executive Session concluded at 9:47 a.m. with no decision being called for in open session.

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

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

The Board met today at 9:52 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, IT Director Greg Rast, Assistant IT Director Eric Jensen, Project Manager Shawn Adamson, ECM Administrator Teresa Urvina, Development Manager Rick Fisher and Deputy Clerk Jenen Ross. Director Rast updated the Board on the following:

- The MOU with the Canyon County Mosquito Abatement District has been thru legal and will be in front of their trustees soon and then back before the Board for consideration within the month.
- The .Gov email changeover has gone fairly smoothly; there have been just a few issues they've had to work thru.
- A meeting took place yesterday with the AV vendor regarding the Board's meeting room.
- Discussion ensued regarding the claim and PO process and options for moving to electronic processing. Director Rast is looking for input from the Board on their requests for the process. Discussion points were as follows:
  - Flow and timeframe for approval of purchase order: Board would like to see the PO come to all three members at the same time. Once the PO has 2 signatures and met a certain time requirement it will be forwarded for processing. Timeframe for approval will be 2 business days or if there is a deadline, that will supersede the 2 business days.

- Purchase order template: The current format will be used as a base to build the electronic version. Other lines to be added include budgeted or not-budgeted, explanation of purchase, ability to attach supporting documentation, checkbox indicating a change to the budget. Director Rast will create a mock-up for Board review/approval.

The Board took a brief break from 10:20 a.m. to 10:21 a.m. Once back on the record there was continued discussion regarding the claim process.

- The Board would like to simplify the claim approval process by possibly bundling the claims by office or department.
- Other issues the Board would like to see addressed is the ability to open claims on mobile devices, having Board member questions addressed, ability to bookmark a section within the claim batch.
- Board agreed there needs to be a deadline in place, if there are two approvals once the timeframe has expired the claim will move forward. The Board will discuss a cutoff deadline with the Auditor's Office tomorrow.
- Director Rast and Shawn Adamson will be meeting with Director Fultz later this week regarding project management.
- Board requested more information on using One Note.

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

#### MEETING TO CONTINUE THE PUBLIC HEARING OF A REZONE REQUEST BY TROOST FAMILY LIVING TRUST & BEST INVESTMENTS, LLC, CASE NO. RZ2020-0029

The Board met today at 10:57 a.m. to continue the public hearing of a rezone request By Troost Family Living Trust & Best Investments, LLC, case no. RZ2020-0029. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner White made a motion to continue the hearing to Monday, November 8, 2021 at 9:00 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS HOMEOWNER EXEMPTIONS

The Board met today at 11:04 a.m. to discuss homeowner exemptions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Chief Deputy Treasurer Jennifer Mercado, Assessor Brian Stender, Chief Deputy Assessor Joe Cox,

Administrative Property Manager Greg Himes and Deputy Clerk Jenen Ross. Assessor Stender explained that HB562 was recently passed which removes the deadline to apply for a homeowner's exemption. Mr. Stender and Mr. Cox explained how their office will be handling the exemptions between a new homeowner and the previous homeowner and their interpretation of the law. A handout was provided to the Board showing an example of how the exemption would be applied based on their interpretation under this new law. Treasurer Lloyd spoke about how this change will affect the taxing districts. The Board agrees with the Assessor's Office interpretation when they read the bill, although would like confirmation from the Prosecutor's Office that it's defensible. Commissioner Smith asked Assessor Stender to work with the PAs Office about making this part of the legal staff discussion next week. A copy of HB562 and the example of the exemption are on file with this day's minutes. The meeting concluded at 11:26 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:46 p.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. Mr. Arthur reported there are currently over 130 active cases for 2021: 76 public nuisance cases; 49 zoning violations; and 8 building permit violations. Of the nuisance cases, 27 were for weeds only and 14 were for weeds and other violations. The department has onboarded a new employee and they will try to get caught up; they also have some part-time administrative help to assist with the caseload. According to Mr. Arthur, Director Mondor feels he would need to be code enforcement in order to enforce weed cases. Deputy PA Wesley said the Board could designate him as code enforcement for that narrow area. Commissioner Smith said at one of his director meetings the Board told Director Mondor to take on weed control so they will reaffirm that with him. Commissioner Van Beek asked for an update on an ongoing public nuisance case involving a nursery on a property. Director Fultz said they are doing more site visits, and because it involves a specific case the discussion needs to take place in Executive Session, which was held as follows:

#### EXECUTIVE SESSION – 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 1:56 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) discuss 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, Deputy PA Zach Wesley, DSD Director Steve Fultz, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. The Executive Session concluded at 2:36 p.m. While in open session discussion resumed about an active case that has become a public nuisance and an attractive nuisance. The property is open and vacant and there is a burned down RV as a result of faulty wiring in the house. The property has been vacated and is a danger and has been posted and we are 12 days out for the abatement window to expire. Commissioner Smith said if they haven't cleaned the property by then and this is a public health concern we should move forward with abatement. Commissioner Van Beek agrees.

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

#### PUBLIC HEARING – CONSIDER ORDINANCE AMENDMENTS, CASE NOS. OR2021-0022 AND OR2021-0024

The Board met today at 2:48 p.m. to conduct a public hearing to consider ordinance amendments for Case Nos. OR2021-0022 and OR2021-0024. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Todd Lakey, Alan Mills, David Ferdinand, Darin Taylor, Sean Conner, John Cotner, Jose Saucedo, Christy DeVinaspe, Shawn Harman, Laurie Harman, Tyler Bogier, Greg Hathaway, Cody Lords, Dustin Lopez, other interested citizens, and Deputy Clerk Monica Reeves. The hearings were heard separately as follows:

**Case No. OR2021-0024:** *An Ordinance amending Chapters 1, 2, 6 and 7 of Canyon County Code of Ordinances; An Ordinance designating an infraction penalty for land use ordinance violations. Amends canyon county ordinances to establish a fixed infraction penalty for public nuisance, building code, and zoning ordinance violations. Authorizes an escalating infraction penalty for first 3 violations and misdemeanor penalties, thereafter, provides updated misdemeanor penalties and designates persons empowered to enforce the ordinance by citation.* On September 16, 2021, the Planning and Zoning Commission recommended the Board of approve the request.

Zach Wesley said they have been working on an amendment to the code enforcement ordinance for a few months, and the model adopted was used in the City of Middleton where we would have infractions in place before misdemeanor offenses for various code enforcement violations. The general penalty section in the ordinance has been amended to provide for three levels of infraction: \$50, \$100, and \$200. Subsequent to that everything would be a misdemeanor. The ordinance changes would be in the nuisance section, building permit section, and zoning section.

#### Public comments were offered as follows:

Darin Taylor said in 2017, to minimize the number of cases that go to court, the legislature invited cities and counties to change as many violations to infractions as possible. It's an effort to keep

the demand on court facilities less. This is a good move to change the penalties for the first three violations to infractions; the fourth one is a misdemeanor.

Commissioner Smith said this is a great solution that shows the County is diligent in gaining compliance and she supports the ordinance. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the ordinance amendments and sign the ordinance and summary for Case No. OR2021-0024 with the noted changes. The Board signed the FCO's, the ordinance and the summary (No. 21-030.)

**Case No. OR2021-0022:** *An Ordinance amending Chapter 7, articles 3, 17, and 18, zoning regulations, of the Canyon County Code of Ordinances; and severability clauses; and effective dates. Chapter 7, articles 3, section 1, subsection (1): planning and zoning commission; membership and duties: amend the set number of members to comply with Idaho Code. Chapter 7, article 17, section 3, subsection 3: jurisdiction: amend provisions regarding land that is divided into fewer than five (5) parcels from the original parcel and include amended provision to chapter 7, article 18: administrative land divisions. Chapter 7, article 18: administrative land divisions: amend section 1: administrative land divisions for all zones to include amended provisions regarding land that is divided into fewer than five (5) parcels from the original parcel from article 17, section 3, subsection 3; amend section 3 to add regulations for administrative division of nonviable parcels in an agricultural zone; amend section 5 to be administrative division and relocation of building permits between contiguous parcels in an agricultural zone which was previously section 3; amend section 7 to be land divided by judicial division (court order) which was previously section 5. On September 16, 2021, the Planning and Zoning Commission recommended the Board of County Commissioners approve the request.*

Dan Lister gave the oral staff report on the text amendments to the Canyon County Zoning Ordinance and summarized the changes as follows:

The code says the P&Z Commission shall have seven (7) members; however, state law allows no less than 3 and no more than 12. Staff has had trouble maintaining 7 members so they are bringing an amendment to remove that requirement and sticking to state law.

The Board asked staff to add a nonviable section to the land division application. It's been confusing that it's located in the subdivision section instead of the land division section so augmentations have been made, and recommended it be moved to the administrative land division section for consistency.

The Board asked staff to look at a nonviable zone because they were getting a lot of cases for lots that were nonviable that were split incorrectly or had a lot of land that was not considered economically viable for agricultural (ag) ground. We were doing a lot of cases for rezones and conditional rezones when perhaps there was another avenue to allow a division or building permit to a property that was considered nonviable. The text amendment would bring those provisions back into the code to allow further division within the land division requirements to allow further division of no more than four parcels on an original lot.

Subsection 07-17-3, subsection 3 F. has provisions regarding land that is divided into fewer than 5 parcels from an original parcel. The changes have to do with existing provisions for land divisions and some issues we are having with those applications, such as having an approved irrigation plan, proof that conditions from previous approvals are met, if applicable; and proof that the development will not disturb slopes greater than 15%. The current code states the development cannot be on slopes over 15%. If reading it that way, it triggers the platting process if there are slopes over 15% on the parcel being divided. The change would allow us to consider the development and have ways to condition it to where the development can be on a building envelope, or identify where the development will be so it does not disturb slopes over 15%. It gives more consideration of how the ground is being divided so that if it's in the middle of a pivot line can they relocate it to where it does not impact the existing ag use on the property.

Administrative division for nonviable parcels in an ag zone: The purpose is to allow the director the authority to review land divisions, in whole and part, and in addition to the sections for the land division application where division of a nonviable parcel within the "A" Zone will result in minimal interference to onsite and adjacent agricultural ground. The applicant will have to demonstrate the land is nonviable for agricultural use and will not impact onsite or adjacent agricultural uses.

The parcel shall contain land that cannot maintain productive ag use due to existing conditions and lack of resources such as lack of water, suitable soils, topography, compatibility, lot size or configuration. The division shall not impact existing onsite or adjacent agricultural uses. This provides mechanisms for people with agricultural land to replace areas that are nonfarmable with another use and still look at the area around it to ensure it's consistent with the ag uses around it, or on site, to identify the potential impacts and still provide ways to allow the property owner to use their agricultural land. Staff recommends the Board approve and adopt the proposed text amendment. Mr. Lister said the documents are not ready for the Board's signature today as staff and Legal are working on completing that document and will incorporate any changes the Board wants to make and bring it back at a later date.

Commissioner Smith referenced the repetitive language from the subdivision ordinance, 07-17-33; 07-18-01; and 07-18-03. Mr. Wesley said we need to check the language in the platting section to make sure these will be applicable to the land divisions. Additional review and comments followed. Commissioner Smith had questions/comments regarding:

- The history of where the minimum parcel size of 5 acres came from.
- Hillside development (people should be able to move dirt)
- She has issues with having applicants seeking written approval from districts having jurisdiction where those districts are holding permits for months. She wants to narrow the focus and remove the health district. If the applicant has done their due diligence they should not be held up.

- Administrative land division: Lot size and configuration to not impact onsite ag uses. We can talk about that for a future amendment in a different way that allows us to use the words *consider lot configurations* but not take away any of the property rights that come with an administrative land division.
- Compliance with public nuisance and zoning provisions
- Repetitive language should be moved to one section
- She wants clarification on 07-18-03 for administrative division – nonviable. Would someone be able to use this section on a nonoriginal parcel. Let's get discussion on if we want that to be an original parcel or for any parcel.
- **Relocation of building permits** – She wants to remove the provision where you have to have 100% ownership in both parcels. 07-18-05 4(b) – she wants to remove that. Transfer of development rights will help the agricultural zone and by removing that it will help us move permits to the less viable, if its available. That's a substantial change and would likely require another hearing.
- **7-18-07 (3) – land divided by judicial division** – There is an interpretation issue. If the parcel being divided is eligible for a residential building permit or an existing house does not have an administrative land division available, the court ordered division creates a residential building permit for each parcel but does not render any eligible. Add in: *if it's eligible for a residential building permit, or the home already exists on the property all of the subsequent divisions required by the judge are now eligible for a permit.* Cleaning up the language will help the planner to not pick winners or losers. If we are clear on what our expectations are when a judge divides land it's helps the planner to not be the good guy/bad guy.
- **Originality date** - Article 2, definition of original parcel – Section 07-02-03 – She wants to change the original parcel date to somewhere around 25 years. There was a major ordinance amendment in 1997 so she proposes the 1997 ordinance date. It helps families stay on property versus forcing them to move or rezone property to areas that are residential. As we look at ways to protect agricultural operations this will add to further dividing land in an ag zone, but it's a fair request to allow for the generational family growth. Mr. Lister said there are some substantial changes to the text amendment so another hearing will be required. Mr. Wesley said it probably needs to go back to the P&Z Commission and be re-noticed and come back for another hearing.

Public comments were offered as follows:

Todd Lakey said he signed in as in-favor, but that's a qualified in-favor. He is here on behalf of the Snake River Valley Building Contractors Association, the Caldwell Realtors, Nampa Realtors, and the Idaho Realtors Associations. He supports the change on the original parcel date. Regarding section 02-07-03-01: Irrigation plan, they think staff should add back in *if applicable*. A plan infers that there is something more than a statement that you are simply going to use individual wells, so it makes sense to leave that there, especially with dry ground. Regarding proof that



development will not disturb slopes greater than 15%, Mr. Lakey said if they are requesting an administrative split, they should be able to disturb slopes greater than 15% but put a grading plan requirement on it. Strike the requirement from health districts. As far as the requirement for fire district and highway district, this condition gives up the County's authority, it gives veto authority to those entities when it's worded this way. They should have an opportunity to comment and a limited period of time to comment. Rather than having the applicant submit the proof, the County should notify those two agencies who will have 15 days to respond. They do not support the condition regarding no impact to onsite agricultural uses – it's their land and whether they feel it impacts their agriculture or not, that's up to them. The County should not be deciding if someone is impacting their own agriculture regarding these splits. That reference should be deleted. Those similar comments apply to other provisions that are duplication of those provisions. If you're going to leave in something regarding adjacent agricultural use impact then put in something to the effect of negative and unreasonable impact on adjacent land uses, not just impact. His preference is to delete those. People can comment and the County can take those into consideration when you develop conditions of approval. Mr. Lakey does not like TDR's because it feels like more government, and he is not a fan of designating large areas in the County and overseeing transfers and limiting that. Commissioner Smith agreed and said we are not ready for that but working with the neighbor might be nice.

David Ferdinand agrees with Todd Lakey's comments. He wants to find a way to cut down the government intervention and give people the opportunity to have the Board look at an application and make a decision with all the facts. He understands why the Board doesn't want to spot zone or change the comprehensive plan map, but when you have nonviable farm that's never had water and has been a dry feedlot for 80 years this is exactly the kind of nonviable ground the administrator can decide and not take up the Board's time with. He urged the Board to pass the nonviable farmland ordinance to supply building permits.

Alan Mills supports the nonviable part of the ordinance. Regarding the acknowledgment portion, he said the highway districts can change their standards manual and you won't get notice of it and if the County gives authority to other agencies it loses control of those districts' amendments. He supports the 1997 amendment that will save staff and title companies a lot of time, and he hopes the date for platting will change with that. Regarding irrigation, he agrees with Todd Lakey's point of "*if applicable*" because that becomes subjective. He applauds the effort to get some things cleaned up, especially the duplications.

Darin Taylor supports changing the original parcel date to 1997. Regarding the section that says land that is divided into fewer than 5 parcels as an exception to the platting requirement, we need to delete the rest of the words and say: *land that is divided administratively pursuant to 07-18-01, 03 & 05*, so anything that is administratively divided is exempt from the platting requirement. Regarding section F (3), insert the words: *a record of survey should include all existing and proposed easements*. Mr. Taylor agrees with Mr. Lakey's point about slopes: proof that a development will not disturb slopes greater than 15% or provide a grading plan. He supports the written acknowledgement from the fire district regarding access, width and turnaround, and highway regarding access location. The applicant has the burden of proving the application meets

those requirements. A deliberate action to withhold ag land from productive use to qualify for land division pursuant to this section shall disqualify such land from treatment under this section. The words ~~a change in ag use~~ should be stricken. There was discussion regarding the intent of the sections regarding the nonviable farm ground, and the administrative land division process.

Sean Conner asked if there is a reason why the 1997 date seems like the right date regarding nonviable parcels? If the goal is to maximize the amount of nonviable ag land to be utilized for residential it seems like the further that date was pushed out the more it would help that purpose. Commissioner Smith said we can change it but we will argue over process. Mr. Conner would like it moved to 2004 rather than 1997. Also, regarding the administrative division, is there any verbiage saying this supersedes the subdivision hearing process? Dan Lister said our code says if it's fewer than 5 parcels it is exempt from the platting process. Mr. Conner said the provision that talks about impact of adjacent agricultural uses is ambiguous and could be misinterpreted. How do you define what impact means? He likes the idea of saying irrigation plan, if applicable. What is the purpose of only going down to five acres; will there be a way to do that down to three acres that would allow that irrigation to be done via well.

John Cotner supports the comments made by Todd Lakey.

Commissioner Smith asked staff to list the recommended changes that have been proposed and bring them back on a clean sheet and highlight the changes which would require a second hearing and which ones can be adopted. It would be helpful to have some direction on the date; she likes the date of September 6, 2004. Planners are used to September 6, 1979, so if we are picking a generation, you would take that date and add a generation to it which leaves a date of September 6, 2004. That is a material change. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board set a new hearing date for Case No. OR2021-0022 to October 20, 2021, at 2:30 p.m. The hearing concluded at 4:42 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 15, 2021

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

MEETING WITH CLERK AND AUDIT STAFF REGARDING CLAIM APPROVAL PROCESS AND TO DISCUSS FY2022 FUNDING AMOUNTS FOR OUTSIDE AGENCIES

The Board met today at 10:33 a.m. with the Clerk and audit staff regarding claim approval process and to discuss FY2022 funding amounts for outside agencies. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, IT Director Greg Rast (left at 11:26 a.m.), Assistant IT Director Eric Jensen, Project Manager Shawn Adamson, Development Manager Rick Fisher, HR Director Kim Foster (left at 11:26 a.m.), Accounting Specialist Reyna Villanueva, Accountant Sarah Winslow and Deputy Clerk Jenen Ross.

Commissioner Smith explained that everyone wants to do better with the claim and PO process. Today's meeting was convened so that everyone could express their concerns and work to get issues resolved. She understands that one of the main issues is when there are questions on a claim from a Board member which ends up holding up the entire claim batch.

Clerk Yamamoto said that their job in audit is to review claims for proper documentation and verify it is a budgeted amount, at that point it will be forwarded to the Board. By the time a claim batch makes it to the Board it has already been vetted by audit. If there are questions about the claim they need to be directed to the office and/or department where it was generated. He noted there are occasionally unforeseen or extenuating circumstances but those situations are handled on a case-by-case basis with supporting documentation and notes. Controller Wagoner explained they want expenses recorded in the proper line item to show actual activity. Ultimately, their main concern is the bottom line and not exceeding the total amount budgeted within the 'B' budget. Mr. Wagoner spoke about the job that is done by the audit staff and the number of claims processed thru the office; they work diligently to make sure all claims are properly vetted and processed in a timely manner. He reiterated that his office is not necessarily going to be familiar with the reason for a certain purchase and any questions specific to a purchase would be best addressed by the office/department making the purchase. He noted that once an elected official has been granted budgetary authority it is their budget and their responsibility to meet the needs of their office – they would be the one to answer questions about a specific expense. Clerk Yamamoto said that over the years, he has seen claims come thru that are not county expenses and has contacted the originating entity to let them know the county wouldn't be paying the claim. He said that statutorily the Board has final say if there is an expense that doesn't fit within the budgetary constraints. However, he feels if it is a claim related to normal business activity it would be hard to justify holding it up.

Commissioner Van Beek explained that on some of the claims she's had issue with, mainly related to airfare, were not with the airfare itself but with the upgrade charge due to lack of documentation. She feels that she is not getting answers to her questions, only being told that it is within their budgetary authority. Without answers to her questions and supporting documentation it becomes a denial for her. Controller Wagoner noted that bills are not paid until there is a majority Board approval. However, that does sometimes put their office in a precarious position in turn leaving other offices/departments waiting longer than noticed for a reimbursement check. Commissioner Van Beek suggested there could be a joint statement from the Clerk's Office and Commissioners' Office requesting that when there are questions about claims they are to be addressed. Clerk Yamamoto said that travel expenses are often the biggest

issue, however, if it's within their budgetary control it is not for his office to say anything and in his opinion doesn't think it's the Board's position to say anything. If it is something he feels is outside of the budgetary constraints he will say something but if it's within the constraints, although he may not like it, there is nothing he can do about it. He thinks the Board is in the same position – if they want to “crimp” someone the time to do that is prior to the budget being set, not after. The Clerk reiterated the request that questions come from the Board, not individual members. Additionally, he noted that he and Controller Wagoner would like to move to electronic approvals as the current system is really not working. In response to a question from Commissioner Smith about grouping claim batches together by office/department, Controller Wagoner provided an explanation of how the auditing office processes claims and why he really doesn't think it would work to group claims by office, department, vendor, etc. stating that claims are processed as they are received. Discussion ensued about having one central location where all of the claim batch numbers could be located and a column for each commissioner denoting approved or disapproved. Director Rast spoke about how OnBase will be beneficial in processing the claims for review and approval or disapproval. Discussion ensued about possible options for tracking of the claims allowing the Board to know which claim batches still need approval. It was decided to continue with the emailing of claims and that audit will send a spreadsheet weekly to let the Board know which batches still need approval but that a workflow thru OnBase is a priority.

The Board has questions about funding for three outside agencies – specifically, Canyon Recovery Community Center, Advocates Against Family Violence and Nampa Family Justice. Clerk Yamamoto would like an email from the Board with a summary of the questions so that he and Controller Wagoner can look into an answer.

The meeting concluded at 11:30 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH LOCAL MAYORS TO DISCUSS GROWTH IN CANYON COUNTY

The Board met today at 11:53 a.m. with local mayors to discuss growth in Canyon County. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Mayor of Greenleaf Brad Holton, Mayor of Parma Angie Lee, Mayor of Notus Dave Porterfield, Melba City Clerk Noni Stapleton, Notus City Clerk Loretta Vellman, and Deputy Clerk Monica Reeves. Mayor of Star Trevor Chadwick participated via Webex. Nampa Mayor Debbie Kling arrived at 12:09 p.m. On October 1<sup>st</sup> the group shared concerns and struggles with rapid growth and discussed how to handle the growth needs. Today the group will talk about the comprehensive plan map and text update, as well as ideas for areas of city impact. DSD director Fultz gave a presentation on the draft comprehensive plan map and text update and said staff held a series of workshops and came up with an initial map which has continued to evolve as they've held more meetings. They are in the process of proposing a concept that would take the County from one agricultural zoning area to three agricultural zoning areas defined as follows: Intense Agriculture; General Agriculture (what we have now); and a Transitional Agricultural area (goes in and around the impact areas). They will work with the communities to understand what they have in their future land use map.

within the impact area and how to do transition with potential buffers or other opportunities that will lead from urban design/development into that rural/agricultural area. Other concepts:

- Overlay areas for agri-tourism along Highway 55 and a small stretch along Highway 95 between Wilder and Parma that will not only preserving agriculture, but also look at smart growth within communities.
- Impact areas abutting each other. Make good sense in our future development with our neighbors – how can we help develop and coordinate that.
- There seems to be an understanding that we are probably running short on industrial property. Some people prefer to see more food processing/ag-type of industries.

In November they will meet with the farming communities and obtain input as to what their vision is. In December DSD hopes to make a presentation in a workshop-form to the Board and the P&Z Commission before they go back out for public comment in January. Public hearing dates are tentatively set for February with the P&Z Commission, and March with the Board. Once the comprehensive plan is adopted, they will do an annual update because we must pay attention to the surveys and what people are telling saying in public meetings and build in a smart growth approach. There was a roundtable discussion regarding land use and viable farm ground; non-viable farm ground if it's above the canal; putting houses on dry ground in areas with no aquifer recharge; the protection of agriculture; the need to recognize what is irrigated and what is not and how it does not work to put subdivisions in the middle of farm ground. We cannot stop growth, but we can target growth and allow cities to grow from the inside out which aligns with infrastructure. Brad Holton said it won't be a popular idea but he believes if a project has more than two acres they need to have a water and sewer system because if we're going to put that on the cities everybody should be playing by the same rules when it comes to water quality. The comp plan has suggested verbiage that says if a project has greater than 15 units it would have a common water system, but he questions the rationale behind 15; why not 5 units or 2 units instead? He spoke of how the ground above the water canal system has to be looked at differently because it doesn't have the same potential, and if we willy-nilly allow productive ag ground to be taken away there's a quantum change in our quality of life. He said the phrase *personal property rights* is used all the time, but what a person does with their land can affect someone else's property in what they have to pay for services because of the change in use from productive ag ground to the new use. Commissioner Smith said the Board hears from farmers and crop dusters that putting subdivisions on nonviable farm ground impacts them and so it's hard to say if the property is above the canal it should be developed. All we can do is try to control growth and that's why the local land use planning act (LUPA) was put into place so we can plan areas for growth. Impact areas are planned areas for growth and the comp plan is a vision for growth and the zoning ordinance is the tool. The intent with impact areas was to preserve agriculture, but it was wrong to make it that big. LUPA says impact areas are areas of growth, that's where cities are going to provide services and this is where you should grow, but to the contrary they were so big you would approve them anywhere in that area and now you don't have access to services and you limit the cities growth because of allowing county subdivisions. The comp plan needs to be

reviewed every two years but impact areas need to be looked at and pared back, and we need to negotiate what the text says. If you are in the impact area we are going to follow the city's landscaping and subdivision standards and require sidewalks and level the playing field? Right now, it's a free for all. She wants to work with cities on how the impact areas work and how does it help the cities grow. We need to give constituents what our clear expectations are for growing in this area. Mayor Holton is excited the group is trying to determine how we want growth to be managed. He spoke of the challenges that exist on agricultural land, and how the ground above canals needs to be looked at differently. He also spoke about the need for a major arterial and how Ustick Road should be a thoroughfare or an economic corridor from the river to downtown Boise, for example. Perhaps it should be an overlay zone. Commissioner Smith agreed and asked Director Fultz to look at the Ustick Road area and to make sure our transportation plans are "talking to each other." Commissioner Van Beek said a point that's raised frequently is what if the landowner is at the end of a farming generation? Commissioner Smith said it's not the Board's job to guarantee anyone's retirement. As a community we should be looking at how we want to grow and where do we want residential. Commissioner White said land for houses is essential. Mayor Holton said it's a problem that doesn't have a black and white answer. It's not a right to demand to be able to sell land for the highest dollar. The reality is it matters who their neighbors are – it's about location, location, location. Country estates are a nightmare going forward as they have water quality and nitrate issues, and when talking about recharge of the aquifer it's one of the worst choices you can make because it takes land out of production and they are not going to irrigate the land like productive agriculture does. The neighbors are affected by that choice. Discussion ensued. There was a suggestion to have a local option sales tax that could go into an endowment that protects farmers and agricultural ground. Mayor Chadwick said if the goal is to protect agricultural land and generational farmers we can put together a group to look for the corporate farmers that would be willing to buy these farms and continue to farm. He supports the land trust concept, and he supports trying to get ahead of it versus just saying no to growth. Mayor Kling said there are a lot of people who farm that are not corporate farmers and we need to continue to support local farmers – she is hesitant to push corporate farmers. Commissioner Smith agrees with here. Director Fultz said we need to keep all options open: transfer of development rights (TDR's), local option sales tax, purchase of development rights, and corporate farms. Noni Stapleton said Melba's growth is important for businesses, and controlled growth is what they want, but most people in the community want no growth, but if they don't get some growth Melba will become a ghost town. She likes the map and the idea of utilizing the land above canals. There was discussion about developers wanting to build estate-sized parcels and are saying the cities' hookup fees are too expensive. Mayor Chadwick said we need to tell developers what we expect and they need to bring a showpiece, not a cookie-cutter product. You can control it with architectural overlay districts and decide what your cities want to look like. Director Fultz said that is the key element – the cities have to decide what they want to be. Mayor Porterfield and Mayor Lee talked about their respective cities needs for police coverage. Mayor Kling likes the idea of having a local option tax to fund the land trust and she would like to meet again after Director Fultz has spoken with the agricultural group. Commissioner Van Beek said the County should also host the contractors at a separate meeting and discuss design review standards and

architectural overlays. Mayor Chadwick agreed. Mayor Holton said the University of Idaho could potentially help with that. He said the importance of the County collaborating with cities calls for this question to be answered: "How do you keep similar standards so it's not us against them?" Commissioner Van Beek spoke of the lack of a coordinated effort in an area that is stacked with development and said we need to have an agreement so a developer cannot come in and wreck the schools, transportation infrastructure, and city services. Commissioner Smith said that sounds like NIMBY-ism. Mayor Chadwick said we need to hear comments from agencies but many times they don't respond, but they need to tell us if they cannot handle development. He asked if it would be worthwhile for the cities and the County to have their own fiscal analysis tool that's dialed down rather than use the broader approach COMPASS uses in its tool. Commissioner Smith said the COMPASS tool does not evaluate the smaller developments. The next Mayors' meeting will take place on December 3<sup>rd</sup> at 11:30 a.m. for further discussion of Director Fultz's meeting with the agricultural group, and how to lobby for the local option tax. The meeting concluded at 2:03 p.m. An audio recording is on file in the Commissioners' Office.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 18, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 578455 to 578470 in the amount of \$13,583.00
- The Board has approved claims 578471 to 578503 in the amount of \$66,564.55
- The Board has approved claims 578531 to 578566 in the amount of \$28,913.60
- The Board has approved claims 578589 to 578613 in the amount of \$17,110.84

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Dallin Creswell, Deputy Public Defender II; Joshua Townsend, Deputy Public Defender II; Gary Westerfield, Code Enforcement Officer; Katie Phillips, Planner II



#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$6,950.84 for Information Technology Department
- Campbell Tractor Co. in the amount of 2,659.00 for Solid Waste Department
- Dell in the amount of \$3,525.42 for the Information Technology Department

#### CONSIDER SIGNING NOTICE OF FY2021 BUDGET ADJUSTMENTS

The Board met today at 9:49 a.m. to consider signing a notice of FY2021 budget adjustments. Present were: Commissioners Pam White and Leslie Van Beek, Controller Zach Wagoner and Deputy Clerk Jenen Ross. This adjustment is specifically in regard to the grant from the Public Defense Commission. Controller Wagoner said that there was a one-time award from the PDC for \$177,371. Due to the timing of the notification of the award it was not included in the original 2021 budget, therefore making this adjustment necessary prior to the end of FY2021. Monies from the grant have already been received and there is no impact to property taxes. Today's action is just to consider the notice for publication and the formal action will take place on November 1<sup>st</sup>. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of FY2021 budget adjustments. The meeting concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

#### DISCUSSION REGARDING HOLIDAY SCHEDULE

The Board met today at 10:08 a.m. to discuss the holiday schedule. Present were: Commissioners Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Discussion ensued regarding the Juneteenth holiday. The post office and banks will be closed that day and most counties will observe the holiday as a paid day off. Commissioner Van Beek said that she has spoken with legal staff and this can be done by just giving direction, there does not need to be an action item. Commissioner White said she is in favor of the holiday but wanted more information about the rest of the holiday schedule which was discussed and voted on by Commissioners Smith and Van Beek on October 1<sup>st</sup>. Commissioner Van Beek said that during that meeting she and Commissioner Smith decided that due to the way the holidays fall this year and because of the large COLAs provided to employees that November 26<sup>th</sup> would be the only appreciation day given this year. Commissioner White disagrees and would like to see additional time provided for travel specifically around Christmas. The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.



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

The Board met today at 10:33 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman discussed the following with the Board:

- They are still experiencing long wait times on getting vehicles and parts for vehicles.
- He is working to get all the pieces together for the carwash and working thru logistics of the best placement for it. Discussion ensued regarding detailed workings of the carwash and cost effectiveness.
- One employee will be retiring the end of the month so he will be working to fill that position.
- A couple of POs will be coming thru for truck purchases.
- Skid steer will be delivered today.
- Discussion regarding lift buckets.
- Preparing vehicles for auction.
- Working with the Landfill on one of their vehicles.

The meeting concluded at 10:59 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:03 a.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida (left at 11:21 a.m.), Deputy P.A. Zach Wesley (left at 11:21 a.m.), Other community member (left at 11:22 a.m.) and Deputy Clerk Jenen Ross.

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

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

Commissioner White made a motion to go into Executive Session at 11:04 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek and Deputy P.A. Zach Wesley. The Executive Session concluded at 11:16 a.m.

At the conclusion of the executive session Mr. Wesley provided an overview of the action item.

***Consider request for reconsideration in case no. CU2020-0001, Peckham Road Trust:*** Mr. Wesley said that a request for reconsideration was received on behalf of several neighboring residents of this property. The Board issued a written decision on August 2, 2021 and the request for reconsideration was received on August 16, 2021 making today the day to issue a response. The request has four primary areas where they are requesting a reconsideration. The first three are summarized as requests to revisit the decision on the comprehensive plan compatibility, character of the area and traffic pattern questions. A draft of a written response was provided to the Board where the three points are responded to in a group in the first four paragraphs. The final point in the request of reconsideration is that the Board did not consider Wilder's area of impact in making the written decision and the remainder of the written draft decision addresses that point. Commissioner White made a motion to amend and affirm the original findings in response to the request for reconsideration for case no. CU2020-0001, Peckham Road Trust. A vote was taken on the motion with the Board voting unanimously in favor of amending and affirming the original findings.

Director Fultz continued on with his weekly update as follows:

- DSD continues to remain busy. A new Permit Tech stated today so they are working to get her trained. A second Code Enforcement Officer will be starting tomorrow and a Planner II will be starting next Monday. They will be doing interviews this week for the Economic Development Specialist position and hope one of the three being interviewed will be the right fit for the office.
- Conversations continue in regard to the comprehensive plan. A lot of good information was shared at the meeting with the Mayors last week and they've received a letter from another area group providing good information. The projected timeline has been moved out 3 months but they really want to make sure that it's done well. Director Fultz would like to see the plan reviewed every 1-2 years with updates and revisions as necessary with identified priorities. Director Fultz answered several questions from Commissioner Van Beek regarding specific elements of the comprehensive plan.
- The meeting between Director Fultz and Director Rast to evaluate the roles and responsibilities of a project management position has been rescheduled. Director Fultz said that Canyon County is one of the few development offices to still be using paper vs. being digital. In order to evaluate efficiencies, he has created internal task forces to evaluate different areas of the department.
- Sample job descriptions for an in-house engineer have been sent to the Board for review and he has met with HR regarding the job description.
- There is continued discussion with FEMA to work through the issues and they are looking for resolutions that will be brought to the Board at a later time.
- A building inspector recently resigned so they will be working to fill that position.

- There are a couple employees who will need to be out for medical reasons but are willing to work from home. Director Fultz has spoken with HR about the situation and they instructed him to speak with the Board to provide direction.
- An event center prospect is scheduled to be in town on October 26<sup>th</sup> and he would like to introduce them to the Board.

The meeting concluded at 11:43 a.m. An audio recording is on file in the Commissioners' Office.

## OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 19, 2021

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

### APPROVED CLAIMS ORDER NO. 2202

- The Board of Commissioners approved payment of County claims in the amount of \$1,846,604.96 for a County payroll

### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar LLC dba Raising Our Bar to be used 11/5/21; 11/6/21; 11/7/21; 11/11/21; 11/13/21; 11/20/21; 11/26/21; 11/27/21

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hart Intercivic in the amount of \$2,025.00 for Elections Office
- Case Management Systems in the amount of 30,000.00 for Juvenile Probation Department
- Manage Engine/Zoho in the amount of \$4,150.00 for Information Technology Department
- BOE in the amount of \$7,963.00 for Information Technology Department
- Tenex Software Solutions in the amount of \$7,200.00 for Election Department

#### CONSIDER EXTENDING THE COVID-19 EMERGENCY DECLARATION

The Board met today at 8:50 a.m. to consider extending the COVID-19 emergency declaration. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Controller Zach Wagoner (arrived at 8:52 a.m.) and Deputy Clerk Jenen Ross. Commissioner Smith said the hospitals are still under the crisis care standard and battling capacity although numbers are ebbing and flowing. Due to that, she is in favor of extending the declaration another 30 days. Commissioner Smith said she heard from EOM Christine Wendelsdorf that a response has been received from the governor's office about getting a central command established but there hasn't been any formal action taken yet. Commissioner White asked Controller Wagoner about a claim that came thru for gloves and other PPE wondering if it would be paid from COVID monies. Controller Wagoner is unsure of the exact purchase she's asking about. The Board will do some additional looking at this claim and provide Controller Wagoner with more information if they have questions. Commissioner Van Beek made a motion to sign the 2021 Local Disaster Emergency Declaration extension thru November 22, 2021. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 8:54 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Facilities Director Paul Navarro (arrived at 9:56 a.m.), DSD Planning Official Dan Lister, Controller Zach Wagoner, Coroner Jennifer Crawford (left at 9:56 a.m.), Prosecutor Bryan Taylor, TCA Jamie Robb (left at 9:36 a.m.), TCA Administrative Supervisor Tara Hill (left at 9:36 a.m.), HR Director Kim Foster (left at 9:53 a.m.), HR Generalist Demi Etheridge (left at 9:36 a.m.), HR Generalist Jennifer Allen (left at 9:38 a.m.), Fair Director Diana Sinner (left at 9:38 a.m.), Chief Deputy Treasurer Jennifer Mercado (left at 9:53 a.m.), Deputy Treasurer Tonya May (left at 9:53 a.m.), Jodi Daugherty with Eide Bailly (left at 9:28 a.m.), Matt Wilke with White Barn Real Estate (left at 10:07 a.m.) and Deputy Clerk Jenen Ross.

***Consider signing Canyon County 2021 engagement letter with Eide Bailly, LLP:*** Mr. Laugheed explained a contract has been signed with Eide Bailly for several years, there are just minor changes to this year's contract. There was one issue in regard to indemnification but that has been resolved and there is no legal reason not to sign. Controller Wagoner spoke about the work Eide Bailly does and Ms. Daugherty's background within Eide Bailly, noting the importance of this audit being done right. Ms. Daugherty spoke about the process of the audit over the next couple months and what they will be looking at. Mr. Wagoner and Ms. Daugherty answered questions posed by the Board. Most of the revisions to the contract were ministerial in nature but some of the more in-depth changes include refreshed legal wording and expanded explanation of the roles and responsibilities of each party. Discussion ensued regarding how the budget and fund balances

operate. This year fees increased about 3.5% which is about \$2000. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Canyon County 2021 engagement letter with Eide Bailly, LLP (see agreement no. 21-085).

***Consider signing resolution to approve the changes to title and job description of one (1) position in the Trial Court Administration Department:*** Ms. Robb said this is to update one job description and title as it was out of date and needed refreshed; there is no change to the pay range. Ms. Hill said the change better encompasses the duties and responsibilities of the job. Ms. Etheridge and Director Foster met with Ms. Robb regarding the revisions and HR has no issue with the changes. Ms. Etheridge provided some examples of the changes that were made and Mr. Laugheed clarified the difference between a Judicial Assistance and a Judicial Secretary. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to approve the change to the title and job description of one (1) position in the Trial court Administration Department (see resolution no. 21-212).

***Consider signing resolution to approve the job description and salary of one (1) position in the Canyon County Fair:*** Director Sinner said this is a new position for an Agricultural Programs Coordinator due to changes in the MOU between the extension office and the county fair where the fair will be assuming all responsibility for the livestock show. This position will also manage the agricultural programs and education that are currently in place. HR is supportive of the new position. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution to approve the job description and salary of one (1) position in the Canyon County Fair (see resolution no. 21-211).

***Consider signing resolution declaring certain properties as not necessary for county use and authorizing sale thereof; Consider signing notice of surplus property auction; and Consider signing notice of grant of real property to other political subdivision or taxing district:*** Mr. Robertson said that the Caldwell Housing Authority is requesting two properties be transferred to them which has been a common practice. The process of transferring properties to other political subdivisions was reviewed by Mr. Robertson, the properties to be donated will be noticed in the newspaper allowing anyone to offer comment or object. The statute allows for the properties to be donated for public benefit. The properties were taken for outstanding taxes but are eligible to be redeemed up until they are auctioned. The Board would like the housing authority to attend the November 10, 2021 meeting to make a presentation. Commissioner White said she feels like she understands the process and is good with granting the property to the housing authority. Additionally, the Board would like to hold the KCID Rd. property to work thru abatement prior to auctioning. Commissioner Van Beek made a motion to sign the notice of grant of real property to other political subdivision or taxing district. The motion was seconded by Commissioner White and carried unanimously (a copy of the notice is on file with this day's minutes). The Board chose to take no action today on the resolution declaring certain properties as not necessary for county use and authorizing the sale thereof and the notice of surplus property auction.

***Consider signing Canyon County Coroner's pathology agreement with Owyhee County:*** Mr. Robertson said this is basically a replacement of the agreement that has been in place although it

does include a pricing increase. The effective date is October 2019 with automatic yearly renewals. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Canyon County Coroner's pathology agreement with Owyhee County (see agreement no. 21-083).

***Consider recommendation of winning bid for Fall 2021 polished concrete floors at the Fair Expo Building:*** Director Navarro said all 3 bids have been reviewed and all are conflicting. The recommendation is to throw out all of the bids and restart the process with a more defined scope of work. The work will not need to be done until the end of the project so there is time to restart the process. Ms. Klempel has prepared letter for Board signatures notifying each of the bidders of the change.

***Consider signing prosecution services term agreement between Canyon County, Canyon County Prosecuting Attorney and City of Star:*** Commissioner Smith noted that Prosecutor Taylor gave an explanation of the contract at a meeting last week. A previous discussion was had in regard to losing Mr. Wesley's knowledge and experience with impact area agreements so a letter has been prepared notifying the cities of Middleton and Star that Canyon County is withdrawing from the agreement for joint representation [agreements 21-077 and 21-078]. Additionally, the prosecution services contract for the Canyon County portion of the City of Star will be signed. Commissioner Van Beek made a motion to sign the prosecution services term agreement between Canyon County, Canyon County Prosecuting Attorney and the City of Star. The motion was seconded by Commissioner White and carried unanimously (see agreement no. 21-084).

***Consider Request for Reconsideration in Case No. RZ2020-0015, L & J Investments Idaho, LLC:*** Mr. Wesley said a draft response letter has been prepared based on a prior conversation with Board. The substance of the letter notes that the Board has reviewed the letter and points made in the request for reconsideration but will not be making changes to the written decision. No changes to the FCOs are necessary. Commissioner White made a motion to affirm the written decision and deny the request for reconsideration in case no. RZ2020-0015. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Van Beek asked about a contract for risk management, she would like to know where the county is at in reevaluating that.

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

#### MEETING REGARDING SPACE FACILITATION

The Board met today at 10:10 a.m. to discuss space facilitation. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Treasurer Tracie Lloyd, Assessor Brian Stender, Coroner Jennifer Crawford, Chief Deputy P.A. Sam Laugheed, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross.

Commissioner Smith explained there was recently a meeting to consider possible use of a single-wide trailer as an option to offer additional space to one department which further highlighted the need for more county space. She asked if anyone had any thoughts on hiring someone to sit down with each office and department to provide a plan as there are some critical needs and the county is growing at a rapid rate.

Director Navarro said there are companies who specialize in efficiency management of space. He also noted that several years ago there was a master plan done. It wasn't a great plan but some good came from it such as the admin building, JJC building and PA space. It was not as in-depth a plan as the county needed; a true and complete plan would cost six figures. Additionally, this sort of master planning looks at forecasting and growth and gives a multiyear plan.

In response to a question from Commissioner Smith, Controller Wagoner believes revenue replacement monies could be used to have a master plan study done.

Treasurer Lloyd said it's great to have a plan but the money needs to be committed to following thru with the plan. Director Navarro added that he feels the plan needs to extend well into the future. He also feels that a master plan could be useful and applied to the capital improvement plan.

Assessor Stender agreed with Treasurer Lloyd. He said that his office is running out of room quickly and spoke about the changes they've made to accommodate additional staff.

Coroner Crawford said she also has no real space for growth.

Prosecutor Taylor agrees something needs to be done, additional space is needed. He also concurs with Treasurer Lloyd, if there won't be follow thru with a plan don't spend the money.

Commissioner Smith agrees, she is supportive a new plan and following thru with it.

Mr. Laugheed suggested Director Navarro create a scope of work for an RFP in order to start the procurement process which could also be used as a guiding document for the future.

Further discussion ensued regarding the use of revenue replacement monies for a master plan study.

Director Navarro spoke about creating a zoning district to keep a consolidated county campus and the potential of purchasing blighted properties surrounding the courthouse campus. In regard to conversation about spaces to be looked at for repurposing or renovation, Director Navarro noted that half of the electrical for the courthouse is located in the old jail therefore the entire building cannot be demolished. Commissioner Smith would still like that building evaluated for potential changes, demolition, repurpose, etc.

Commissioner Smith would also like to see about options for the county collecting impact fees for future growth. Discussion ensued regarding possible funding sources for a capital improvement plan as well as the jail and the criminal justice system.

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

#### MEETING TO DISCUSS JUVENILE DETENTION CENTER STAFFING NEEDS

The Board met today at 11:34 to discuss staffing needs at the Juvenile Detention Center. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Assistant Director of Juvenile Detention Shawn Anderson, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Commissioner Smith said there has been some discussion via email regarding the need for this position. Director Brown explained that for now these positions would be funded thru excess revenue. In 2019 there were 4 positions that were unfunded because they weren't being used; at that time the numbers were lower and the positions were not needed. Controller Wagoner added that at one time there were 6 additional positions that were funded. The positions went unfilled over an extended period of time so to be financially prudent Director Brown made the decision to no longer fund them. In response to a question from Commissioner Van Beek, Director Brown explained that during the budget season he had a feeling he would need additional staffing but was hopefully he'd be able to bring in part-time help. Numbers are continuing to increase and they are starting to see more violent crimes and new gang activity. With numbers increasing they still have to stay within regulated numbers. Additionally, he has staff who need to be out on medical leave, so although he has enough staff he doesn't have enough for contingency coverage. Controller Wagoner said that the goal is always to operate within the approved budget but what makes this situation unique is that 6 positions were unfunded and given back in a recent fiscal year. Commissioner Smith is supportive of the additional positions. Controller Wagoner believes the only formal action necessary is for Board direction to Director Brown to move forward in filling the positions and a formal budget adjustment will be done at the end of the fiscal year.

The Board would like a running monthly report of budget adjustments; Controller Wagoner said he can provide comments in the quarterly statement.

The Board provided unanimous support for Director Brown to continue moving forward in filling the positions.

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



PUBLIC HEARING - CONSIDER A REQUEST BY EVELYN FLOYD FOR A REZONE, CASE NO. RZ2021-0013

The Board met today at 1:34 p.m. to conduct a public hearing in the matter of a request by Evelyn Floyd for a rezone from an "A" (Agricultural) zone to an "M-1" (Light Industrial) zone, Case No. RZ2021-0013. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, David Caldwell, Kolby Peterson, Jerome Mapp, and Deputy Clerk Monica Reeves. The applicant did not appear for today's hearing. Commissioner Van Beek disclosed the subject property is less than a mile from her property but that will not impair her ability to make an unbiased decision. Dan Lister gave the oral staff report. The applicant is requesting a zoning map amendment (rezone) of Parcels R34072, R34141 and R34141010 from an "A" (Agricultural) zone to an "M-1" (Light Industrial) zone. The properties are located at 10726 Lincoln Road in Caldwell. On August 26, 2021 the case came before the Board with a recommendation of approval from the P&Z Commission over a recommendation of denial by staff. The applicant did not appear at the previous hearing and the Board decided to deny the case; however, since the decision was a material change from the P&Z Commission's recommendation another hearing was required. The area has agricultural uses and consists of predominately large farmland parcels that are still in productive use, especially to the south and west of the property. It is adjacent to Caldwell's future residential area and is shown as low-density residential. It is adjacent to the Ward Massacre Oregon Trail Park and the impacts are unknown without any analysis to go with that. The M-1 zone has uses that could potentially impact residential uses as they build in that area. The applicant did not agree to a development agreement and believed a full rezone was the best and highest use for this property and so there is no mitigation for uses that would potentially impact the property. Staff recommends denial. Following his report Mr. Lister responded to questions from the Board. Kolby Peterson read a letter in opposition from his girlfriend, Sam Caldwell, who is a third-generation resident of the area regarding her concerns about the lack of a plan for the property as well as the need for protecting the existing and future homes from harmful impacts. David Caldwell said there are enough industrial uses in the area, and he spoke of the residences that already exist in the area as well as the plans for more housing developments. Due to a lack of planning Mr. Caldwell believes the request should be denied. Jerome Mapp, the Planning Director for the City of Caldwell testified the area is residential in nature to the south and is include in Caldwell's area of city impact and the zoning is identified as residential. In the planning field they used to rezone property just because it was requested and never identified what the use was going to be, but planners have learned that's a disservice to the citizens and so by requesting an industrial use, which has many types of opportunities to be used in a very negative manner, it would impact not only the County but the City of Caldwell as well as the City of Middleton. The impact of arbitrarily approving an industrial use could have negative effects. He asked Board to deny the request. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek supports the fact that an M-1 zone is inconsistent and would change the nature and character of the area as Mr. Mapp has indicated. It's also inconsistent with the residential development proposed in the area. Commissioner White said the residents in the area deserve to know what the potential plan is for the property; she then made a motion to deny Evelyn Floyd's rezone request, Case No. RZ2021-0013. The motion was seconded by

Commissioner Van Beek and carried unanimously. The hearing concluded at 1:58 p.m. An audio recording is on file in the Commissioner's Office.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 20, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 578426 to 578454 in the amount of \$35,142.44

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mtn Home Auto Ranch in the amount of \$61,070.00 for Fleet Department
- Amazon in the amount of \$1,820.45 for Information Technology Department
- Apple in the amount of \$7,890.00 for Information Technology Department

#### PUBLIC HEARING – REQUEST BY CANYON COUNTY FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NOS. OR2021-0010 AND RZ2021-0022

The Board met today at 9:35 a.m. to conduct a public hearing in the matter of a request by Canyon County for a comprehensive plan map amendment and a rezone of a 5.46-acre portion of Parcels R34366100, R34366101, R34366102 to amend the future land use designation from "Agricultural" to "Residential", and a rezone to assign the "R-1" single family residential zoning district. Present were: Commissioners Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner III Kate Dahl, Christy Niblett, Brian Niblett, Justin Koff, and Deputy Clerk Monica Reeves. Kate Dahl gave the oral staff report. The parcels are owned by Brian and Christy Niblett, David and Amanda Snow, and Justin and Natasha Koff, and are located at 18040, 18090, and 18138 Celestia Drive in Nampa. The parcels were platted as Lots 1-3, Block 1 of Birch Creek Estates in 2004 under the County jurisdiction and approximately two years later the parcels were annexed into the City of Nampa in order to provide a path of annexation for another development and to obtain city

services. Much later it was discovered the parcels weren't needed to provide that path of annexation and the homes had already been built out with individual wells and septic so city services were not needed and as a result the applicants requested to be de-annexed from the city and go back into the County jurisdiction. The City of Nampa has approved the de-annexation. Upon de-annexing the County needs to assign a future land use designation and a zoning district to each of the three properties which straddle agricultural designation to the east, and a residential designation to the west. No agency or neighbor comments were received. Within a one-mile radius there are 1,683 lots with an average of 0.63 acres and so an R-1 zoning district makes sense in this case. Staff is recommending approval of both requests. Following her report, Ms. Dahl responded to questions from the Board. The following people testified in support of the request: Christy Niblett said the City of Nampa is on the right side of the street and the County is on the left side. The city let them out due to the position of the homes and they will never require city services because they are more than 200 feet from septic and water. Justin Koff said the neighborhood consists of six upscale homes and it is split down the middle and they have no need for city services. Brian Niblett said they have a private street and they will never get anything down the street without paying a lot of money and there's no reason to do that. The neighbors want to stay in the same group. Following testimony, Commissioner White made a motion to close the public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Van Beek made a motion to approve the request for a comprehensive plan map amendment on Case No. OR2021-0010 and sign the findings of fact, conclusions of law and order, as well as the resolution amending the comprehensive plan map (Resolution No. 21-213.) The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a motion to approve the rezone for an R-1 zoning and sign the ordinance for Case No. RZ2021-0022 (Ordinance No. 21-032.) The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:51 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING TO CONSIDER A REQUEST BY CRAIG BEAN FOR A REZONE, CASE NO. RZ2021-0037

The Board met today at 9:54 a.m. to consider a public hearing in the matter of a request by Craig Bean for a rezone, Case No. RZ2021-0037. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Craig Bean, and Deputy Clerk Monica Reeves. The Board previously hearing this request on October 6, 2021 and tabled it because there were only two Commissioners that day and there was a split decision, and because Commissioner Smith wanted to see what would happen if we waited until the nonviable ordinance was adopted to see if it would work for this case instead of rezoning it. Commissioner Smith has requested the matter be table to tomorrow so she can participate. Commissioners Van Beek and White had staff go through the slides and present the case. Dan Lister gave the oral staff report. The applicant is requesting a zoning map amendment of Parcel R29320 from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone. The 7.83-acre property is located at 11690 Lewis Lane in Nampa. Mr. Bean applied for a land division to divide the property into two parcels but decided to go through

the rezone process to get one more parcel. The average lot size request is 2.61 acres which is commensurate with existing splits to the north and east. The area is predominately agricultural, but within one mile there are other residential zones. The future land use map designates this area as residential. The property is considered prime farm land, although Mr. Bean states the property has not been used for agricultural use. At the previous hearing Commissioner Smith believed that with the lot configuration and the canal bisecting the property it would possibly meet the nonviable ordinance that will be considered later today. Staff disagrees somewhat because the ordinance states you have to prove why the property is nonviable and how it won't impact the uses surrounding the property. Mr. Bean agrees that this property isn't necessarily nonviable, and just because his family has never used it for agriculture, doesn't mean it's not good soil or can't be used for grazing or growing a vineyard, etc., so it may not meet the nonviable ordinance requirements. Staff agrees that it's best not to rezone properties when there are other mechanisms, but in this case with the lot size and what surrounds it, staff continues to recommend approval. On August 19, 2021, the Hearing Examiner recommended approval of the request. Following his report, Mr. Lister responded to questions from the Board. Upon the motion of Commissioner Van Beek and the seconded by Commissioner White, the Board voted unanimously to reopen public testimony. Craig Bean testified that his parents owned the property for 48 years and they did not farm it nor did they have cattle on their land. It's been a weed patch for 48 years and was lit on fire twice. He wants to split it into smaller acreages because they sell faster. He spoke about how the canal that bisects the property makes it difficult for row crops. Mr. Bean started the process in 2020 and he had to walk away for a while, and he resubmitted an application in May 2021. Following his testimony, Mr. Bean responded to questions from the Board. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Following Board deliberation, Commissioner White made a motion to approve the rezone for Case No. RZ2021-0037 and to sign the findings of fact, conclusions of law and order, as well as the ordinance. The motion was seconded by Commissioner Van Beek and carried unanimously. (Ordinance No. 21-031.) The hearing concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE BROTHERS RABE TO DISCUSS STATE OF THE COUNTY VIDEO

The Board met today at 1:41 p.m. with The Brothers Rabe to discuss the State of the County video. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker, Matthew and Christopher Rabe and Deputy Clerk Jenen Ross.

Commissioner Van Beek spoke about how she knew of their company and that she would like to do a video for the State of the County address.

The Brothers Rabe gave a background and history of themselves and their company and their goal in creating videos.

Discussion ensued about possible highlights that could be included such as a review of 2021, goals for 2022, each elected office, departments under the Board, marketing tool for a public safety building.

Commissioner White likes the idea but is concerned with 2022 being an election year for two Commissioners it could look like using county funds for reelection. She feels it may need to wait until the summer of 2022. Commissioner Smith is comfortable with moving forward with the video now. The Brothers Rabe explained that there are a lot of variables that affect the budget such as timeline and strategy. They would need to define exactly what the Board would like highlighted, determine locations and projects and establish the budget. Pre-production cost is \$100/hour, production cost is \$1000/day + \$300/hour and post production is \$150/hour. The Board requested Mr. Decker to help with the scope of work. The meeting concluded at 2:08 p.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 2:12 p.m. for a monthly meeting with the Weed and Gopher Superintendent.*

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

Commissioner Van Beek made a motion to go into Executive Session at 2:13 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek. Director AJ Mondor and Deputy P.A. Alex Klempel participated from 2:13 p.m. to 2:42 p.m. Deputy P.A. Zach Wesley, Director Steve Fultz and Planning Official Dan Lister participated from 2:43 p.m. to 3:13 p.m. At the conclusion of the executive session, Commissioner Smith noted the record to include section (b) regarding personnel matters. The Executive Session concluded at 3:13 p.m. with direction to Director Mondor to schedule another meeting in two weeks to discuss the code enforcement plan to transfer weed nuisance complaints to the weed and gopher department.

PUBLIC HEARING TO CONSIDER ORDINANCE AMENDING CHAPTER SEVEN (7) OF THE CANYON COUNTY CODE OF ORDINANCES, CASE NO. OR2021-0022: *CANYON COUNTY ADMINISTRATIVE DIVISION OF NONVIABLE PARCELS IN AN AGRICULTURAL ZONE ORDINANCE*

The Board met today at 3:14 p.m. to conduct a public hearing to consider an ordinance amending Chapter Seven (7) of the Canyon County Code of Ordinances, Case No. OR2021-0022. The article shall be known as the *Canyon County Administrative Division of Nonviable Parcels in an Agricultural Zone Ordinance*. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, Todd Lakey, David Ferdinand, Sean Conner, Alan Mills, TJ Wellard, interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from October 14, 2021. Dan Lister reviewed the changes discussed at the last hearing which were summarized in Exhibits 4, 5, & 6, and are included with this day's minute entry. The Board had questions of Mr. Lister and discussion followed.

Public comments were offered as follows:

Todd Lakey provided comments on Exhibit 6. Regarding the section pertaining to *required easements*, he said we should focus on the easements that have a public interest. If you're putting private easements on there they could be disputed, and you may be a referee between private parties. He asked what the word *required* means from a public and private perspective. It should be focused on the more public type easements such as utility, irrigation, etc. He suggests Section 07-18-03 (1) be modified to read "...division of a nonviable parcel with in the "A" (agricultural) zone will not result in unreasonable and negative interference with the adjacent agricultural uses."

He suggested the actual impacts vs. potential as to whether you are impacting adjacent agricultural use. Potential impact may or may not come to pass so that requires a little stronger scrutiny of what the impact might be and whether it needs a condition. The word *solely* over *strictly* as it better defines what the issue you are trying to deal with is. Discussion ensued.

Alan Mills referenced section 07-18-01C and spoke of the concern of the County losing control through cities' ordinances, specifically since they can change their definitions willy-nilly. Regarding easements, he said if it's not noted on the plat the next buyer doesn't know it's there. Irrigation districts don't like to delineate the specific easement because they have Idaho Code. Anything we can do to get it on as notification to potential buyers is good information.

David Ferdinand spoke about what his clients must do to prove a piece of ground is nonviable if the property has never been farmed. Ground may be agricultural, but that does not mean its farm ground, and he wants to know if that has been addressed. Mr. Lister said it is based off describing site constraints and resources and part of that is proving if it has suitable soil, lack of water and land compatibility, lot sizes next to it, configurations, etc., A mix can be part of the evidence demonstrating there is history of a lack of agricultural use on that property.

Sean Conner asked what is the best use if you have a 60-acre parcel of nonviable ag that's never been farmed in the middle of a mixture of lot sizes? Mr. Lister said this allows for further division

of a lot that's original. Say it's a 40-acre lot and they took the land division the code says if it's fewer than five and it's an original lot they can go up to four parcels without platting. This gives the applicant a provision if they have nonviable ground to continue to split that property up to the four parcels without going into platting. After that the platting has to meet the zoning district. An agricultural property is a lot size of 40 acres, outside the land division provision so you must rezone at that point. Currently we do not have a provision other than rezone after that point. He said there are many designations staff is talking about with the comprehensive plan in the agricultural zone that will still provide residential review within those ag areas and so there is potential of allowing certain things within those areas but that has not been adopted. Mr. Conner asked if the Board has talked about the date of original parcel? Commissioner Smith said that is a substantial change, and it is not included today because it was not noticed. Staff will propose that and get it back to the P&Z Commission and to the Board for consideration.

TJ Wellard offered comments regarding required easements, specifically Section 07-18-01. He asked what is the land division causing that necessitates specific easements? He suggests the word *necessary* be used instead of *required*. He also offered comments on building permits for nonviable farm ground. If a parcel is divided more than four times it's a subdivision and must be platted, there is an exception that allows you to leave a fifth parcel if it's greater than 40 acres and is designated as ag-only. He suggests it be changed so it can be a smaller parcel so you are not tying up farm ground with a residential parcel to where it can be separated and sold just as farm ground with no building permits. Commissioner Smith asked staff and Mr. Wellard to work on that to see if there are potential changes that can be made and bring it back. She asked for staff's input on whether there are any recommended changes.

Dan Lister said the code defines easements as the right by grant or other legal conveyance to possess or use another real property on a limited basis or for a specific purpose. When we say easement in our code this is tied into something specific, and it goes back to what the code defines an easement as. The use of potentially negative uses is more consistent with our code. He understands why Mr. Wellard wants to see a code that clarifies what needs to be shown, at this point it just says all utility easements and has no other easement requirements except what is required if they do a shared driveway or a private road. The County has never required an irrigation easement, it is dictated by state code. Every land division application has a standard condition that all historic lateral easements cannot be encroached upon without written approval from the irrigation district. The change in language is whatever the Board recommends. Staff is fine with keeping it as it is currently stated in the code. Staff proposed the changes provided in Exhibit #5 which is on file with this day's minute entry. Commissioner Smith wants to leave the language how it already exists noting there is more work that needs to be done on it. She said the state statute definitions for plats and vacations (50-1301), says the definition of a subdivision allows you to exclude agricultural parcels five acres or more, and she likes that because 40 is much more restrictive and she asked staff to look at that change to meet state code. Staff has recommended Exhibit #5 as an ordinance amendment and that covers the changes, except we need to revert the one section back to the original. Mr. Lister said the ordinance summary is not yet ready but if the Board adopts the ordinance, he can make a minor change and have that ready for signature tomorrow. It was noted that Section 07-18-01(d)(3) will be corrected to add the

word utility back in on (refer to Page 4 of Exhibit 5). Commissioner Van Beek made a motion to approve the ordinance and summary for Case OR2021-0022 and have staff bring back a change to 07-18-01(d)(3) to add the word *utility* back in. The motion was seconded by Commissioner White and carried unanimously. Staff anticipates having the documents ready for signature tomorrow. The hearing concluded at 4:32 p.m. An audio recording is on file in the Commissioners' Office.

## OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 21, 2021

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

### APPROVED CLAIMS

- The Board has approved claims 578504 to 578530 in the amount of \$11,898.63
- The Board has approved claims 578567 to 578588 in the amount of \$12,239.00
- The Board has approved claims 578614 to 578663 in the amount of \$79,506.33

### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Liz Leonard, Hazard Waste Screener/Heavy Equipment Operator

### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Gary Westerfield

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Commercial Tire in the amount of \$15,049.00 for Solid Waste Department
- Overhead Door of SW Idaho in the amount of \$1,850.00 for Solid Waste Department
- Overhead Door Company of Nampa in the amount \$2,574.00 for Solid Waste Department
- Mtn Home Auto Ranch in the amount of \$42,669.00 for Fleet Department
- Mtn Home Auto Ranch in the amount of \$40,177.00 for Fleet Department



- Parma Furniture Co. in the amount of \$1,900.00 for Canyon County Sheriff

#### FILE TREASURER'S REPORT IN MINUTES

The Board filed the Treasurer's monthly report for August 2021

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

The Board met today at 8:54 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Financial Specialist Lina Millar, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

Case nos. 2021-1025 and 2021-1029 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

Case nos. 2021-0920 and 2022-0019 do meet the criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial approvals with written decisions to be issued within 30 day.

Liens and assignments were presented for Board signatures.

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

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-919

The Board met today at 9:08 a.m. to conduct a medical indigency hearing for case no. 2021-919. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Bryan Nickels on behalf of St. Alphonsus and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker and Mr. Nickels and Board discussion Commissioner White made a motion to continue the case to January 20, 2022. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-861

The Board met today at 9:12 a.m. to conduct a medical indigency hearing for case no. 2021-861. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Bryan Nickels for St. Alphonsus and Deputy Clerk Jenen Ross. Following testimony provided by Mr. Nickels and Board discussion Commissioner White made a motion to accept the request to withdraw the case. The motion was seconded by Commissioner Van Beek and carried unanimously. The Board went back on the record at 9:15 a.m. for Commissioner White to withdraw her previous motion and make an amended motion to issue a final denial on the case. The amended motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-865

The Board met today at 9:15 a.m. to conduct a medical indigency hearing for case no. 2021-865. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Bryan Nickels on behalf of St. Alphonsus and Deputy Clerk Jenen Ross. Following testimony provided by Mr. Nickels and Board discussion Commissioner White made a motion to issue a final denial. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:18 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:25 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross.

Commissioner White made a motion to continue case nos. 2021-828 and 2021-847 to December 2, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner White made a motion to continue case no. 2021-891 to January 20, 2022. The motion was seconded by Commissioner Van Beek and carried unanimously.

Neither the applicant nor the hospital appeared for case nos. 2021-829, 2021-757, 2021-886 and 2021-696. Commissioner White made a motion to issue final denials with written decisions within 30 days on the cases as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue a final approval on case no. 2021-859 with a written decision within 30 days.

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

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

The Board met today at 10:05 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Controller Zach Wagoner, Director of Juvenile Detention Sean Brown (left at 10:10 a.m.), HR Benefits & Training Coordinator Nicole Ahlstrom, EOM Christine Wendelsdorf (left at 10:21 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing Canyon County Juvenile Detention Housing MOA with Malheur County and Canyon County Juvenile Detention Housing Agreements with Boise, Elmore, Payette and Owyhee Counties:***

Director Brown and Mr. Wesley said these are annual contracts for room and board. Nothing in the contracts has changed from previous years with the daily rate remaining at \$210. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the MOA with Malheur County (agreement no. 21-087) and agreements with Boise County (agreement no. 21-090), Elmore County (agreement no. 21-088), Payette County (agreement no. 21-089) and Owyhee County (agreement no. 21-091).

***Consider signing notification of lowest responsive bid regarding FY22 Pickles Butte Sanitary Landfill Geotechnical Expansion Boring Project solicitation of bids:*** As part of the expansion project a few more holes need to be drilled to make sure the old fault line is no longer active. The solicitation of bids was sent to four companies with Holt Services, Inc. being the only company to submit a timely and lowest responsive bid. A letter will be sent to all four companies notifying them that the contract will be awarded to Holt Services, Inc. allowing the opportunity to object. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the letter. A copy of the letter is on file with this day's minutes.

***Consider signing 2021 State Homeland Security Program subrecipient agreement:*** Ms. Wendelsdorf said this is the annual Homeland Security grant that is used to purchase equipment such as radios or other specialty gear. This year a large amount has been allocated to the regional haz mat team. Ms. Wendelsdorf addressed questions posed by Commissioners Van Beek and White. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the 2021 State Homeland Security Program subrecipient agreement (see agreement no. 21-086).

***Consider signing legal notice of entering into personal services contracts:*** Brad Leavitt, Psy.D.; Ryan Hulbert, Ph.D.; Phares Book, Psy.D.; Richard Sonnenberg, Ph.D.; Jacob Atkinson, Psy.D.; Lawrence Banta, M.D.; and Chad Christensen, Psy.D. to provide designated examiner evaluations; Jay Kiiha, Bethany Haase, Ali Perkins, Aaron Hooper, Jolene Maloney, Paul Taber, Matthew Thompson, Joshua Taylor, Kevin Shupperd, John Kormanik, Rondee Blessing, and Krista Howard to provide legal services for representation of conflict cases assigned by the Courts under the supervision of the Chief Public Defender; Rita Fell to provide individual and family counseling for juvenile offenders and their families. Hakim Hazim to provide individual mentoring of juvenile offenders under the supervision of the County's Juvenile Probation Department. Delia Gonzalez and Maria G. Escobedo-Gonzalez to provide court interpreter services; John Bates, M.D.; Jacob Christopher White, D.O.; Coire Wethers, M.D.; Hamilton Warren Sutton, M.D.; James Piktel, M.D.; Charles Novak, M.D.; Roberto Negron, M.D.; Eric Gilbreath, M.D.; Tamara Helfer, M.D.; Michelle Cullinan, N.P.; and Marc Bostick, M.D.; to provide psychiatric health care services to patients/clients of Canyon County at St. Alphonsus Regional Medical Center in Boise. Ms. Klempel explained these are auto renewal contracts that may go over \$10K in the year. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the legal notice of entering into personal services contract as noted above.

At the request of Commissioner Smith, Mr. Wesley spoke about the Health Care Trustee Board appointments. The Board is made up of one representative from each elected office. Currently serving on the Board is Tonya May for the Treasurer's Office, Yvonne Baker for the Clerk's Office, Joe Cox for the Assessor's Office, Mark Tolman for the Commissioners' Office and Doug Daniels for the Sheriff's Office. Additionally, Controller Wagoner, Mr. Wesley and Ms. Ahlstrom also participate but are not voting members. Mr. Wesley gave an overview of the necessity of the Board and their function. There are three matters to be discussed that came from their meeting yesterday. BlueCross is asking to amend the plan to drop the pre-authorization for home healthcare/hospice. The Gem Plan is making this change to their other plans and asking the county to do the same. There really wouldn't be an impact to the claims, it's more procedural and would help expedite the process. Once there is direction from the Board Ms. Ahlstrom will communicate to Gem Plan, BlueCross and the employees.

A few years ago, when the county moved to Flores for management of the HRA and FSA funds they allowed access to the county provided HRA monies thru the flex benefit card. However, it has become problematic for some employees to have the HRA monies used as the primary fund and FSA as secondary. Ms. Ahlstrom has spoken with both Flores and the Health Care Trustees who have all agreed to change FSA monies to the primary source and make HRA secondary. Employees who do not contribute to an FSA will still have access to the HRA monies as the primary source.

VSP is offering an additional supplemental program to cover eye-related medical issues for the cost of a medical co-pay. There is no increase to the administration fee and it is really just more of a convenience for employees.

The Board is supportive of all three changes.

The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY ROBERT AND TERESA WALTMAN FOR A REZONE AND DEVELOPMENT AGREEMENT

The Board met today at 11:00 a.m. to conduct a public hearing in the matter of a request by Robert and Teresa Waltman for a rezone and development agreement, Case No. RZ2021-0021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Robert Waltman, Teresa Waltman, Cheryl Lopez, and Deputy Clerk Monica Reeves. Dan Lister said the request is for zoning map amendment from an agricultural zone to a conditional rezone to an (R-R) rural residential zone. The applicant is seeking a rezone to match their conceptual plan which has a total of three lots, one with an existing house already in the back and two lots in the front which are approximately three acres each. On September 15, 2021, the Board heard this request and tabled the case to allow the applicant time to amend the application to include a development agreement to limit the development potential to only three parcels as shown on their conceptual plan. They have to comply with Canyon Highway District's letter which includes some dedication and limited construction on the road regarding the addition to a barrow ditch on the frontage of the property. The applicants have a license agreement with the highway district to pay their fair share into any future costs of the road. Currently, the highway district is not requesting paving of the road. Within a one-mile radius there are other residential zones within close proximity. The request is commensurate with the surrounding lot sizes, and the future land use plan shows this to be designated as residential. It is a nitrate priority area so they will have to work with SWDH to get their septic permit at time of development. At the Board's previous review, it found the area is still predominately agriculture and rural, and the property is close to other agricultural uses so the Board identified that a development agreement would be beneficial to retain that rural character and the applicant did agree to those terms. He gave a review of agency comments. Some letters of concerns from neighbors dealt with future development, that the applicant provide a shared driveway and not have frontage along Fred Lane; the need to improve Fred Lane; concerns about irrigation drainage issues between each property; and the lot sizes should not exceed what is allowed in the rural residential zone. Staff is recommending approval with a development agreement. The P&Z Commission recommended approval on July 21, 2021, of an R-R zone without a development agreement, however, the applicant had agreed to development agreement. Robert Waltman gave testimony about utilities, the water table, and the road. He spoke of the flooding issues that occur on the Cheryl Lopez property and how goes into a ditch on his land and then into a pipe that goes under the road. There are ways to fix the issue, but the best way is to build a leech pond and her water will flow into it and then go into the water table. He testified that her water also runs onto the property of another owner, but Ms. Lopez refuses to deal with it. He has to either sue her civilly or fix it himself or try to get Ms. Lopez to pay for half of it. Following his testimony, Mr. Waltman responded to questions from the Board. Teresa Waltman testified she spoke with Lenny at Canyon Highway District and they looked into paving, routing, etc., but said the subdivision will generate enough traffic for the district to force the Waltmans to pave the road. Purchasers will be required to sign an agreement saying they will put the road back and will have equal share for costs and upkeep. Ms. Waltman said the highway district had another property owner do the roundabout and they had him put in a leech pit even though the drainage across the front of has never flooded. She spoke about the leech pit and the water issues they have with their neighbor, Cheryl Lopez, and she said she spoke to an attorney

who said water issues are for the courts to decide so that may be her next course of action because she is not going to argue about water that isn't hers. She will handle the issue before the property is listed for sale. They do not want more than two neighbors upfront and they will put that in the listing agreement. Cheryl Lopez offered testimony in opposition to the request and said water is a big issue. There is a major slope so with her acreage at the top everything flows across naturally. She owned 20 acres with all three pieces, and she sold the two pieces. According to Ms. Lopez, the issue is due to the Waltmans' lack of understanding with the water. The ditch that flows under the road was not well considered when it was put in because now she has siphon tubes rolling into one pipe across the road and it's a river and it runs into the bottom acreage and that issue needs to be resolved. There could be away to provide drainage, but it should have been done prior to Mr. Waltman digging a ditch at the bottom of her property and running pipe underneath his road. Rebuttal testimony was offered by Mr. Waltman who said Ms. Lopez sold him the property so she should have fixed the issue. His uncle built the ditch and put in the pipe as a short-term fix. It is a civil matter and one way or the other it has to be fixed, and the issue is who is going to pay for it. It is illegal to flood other peoples' land. Commissioner Smith said we may not solve the problem today, but an option would be to agree to a condition to submit a drainage plan to DSD prior to a building permit being issues. Following testimony, Commissioner White made a motion to close public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Smith Keri recommended changes to the FCO's as follows: She referenced the approval of the Tanner Verhoek approval should be included; the new lots will meet the state requirement for one-half acre so there should be a condition of approval and a finding that states each lot will be served by individual domestic well and meet the requirements of IDWR. There needs to be a finding for drainage stating it will be mitigated by a condition of approval that a drainage plan will be submitted at the building permit phase. Discussion ensued. Following the Board's deliberation Commissioner Van Beek made a motion to approve Case No. RZ2021-0021 with the recommended changes. The motion was seconded by Commissioner White and carried unanimously. (See Ordinance No. 21-034 and Agreement No. 21-092.) The hearing concluded at 11:39 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING ORDINANCE AND SUMMARY FOR CASE NO. OR2021-0022

The Board met today at 11:42 a.m. to consider signing the ordinance and summary permitting administrative division of nonviable parcels in an agricultural zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The Board heard this matter on October 14, 2021 and October 20, 2021 and subsequently approved the request and directed staff to make some minor changes and prepare a summary. Commissioner Smith said the ordinance and summary document all of the changes the Board requested and approved at yesterday's continued hearing. (The ordinance shall be known as the *Canyon County Administrative Division of Nonviable Parcels in an Agricultural Zone Ordinance*.) Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve and sign the ordinance and summary for Case No. OR2021-0022. (Ordinance No. 21-033.) The summary will publish in the

Idaho Press-Tribune on October 26, 2021. Also included in the approval documents were the Findings of Fact, Conclusions of Law, and Order as prepared by staff. The meeting concluded at 11:44 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY TRIDENT HOMES, LLC, FOR PRELIMINARY PLAT APPROVAL OF NORSE LANDING SUBDIVISION, CASE NO. SD2021-0006

The Board met today at 1:37 p.m. to conduct a public hearing in the matter of a request by Subdivision Maker, LLC, representing Trident Homes, LLC, who is requesting approval of the preliminary plat, and irrigation, drainage and grading plan for Norse Landing Subdivision (formerly known as Moonstruck Heights), Case No. SD2021-0006. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Darin Taylor, Bill Pastor, Greg Agresta, Colleen Agresta, Ted Yellen, Jeremy Fife, William Trask, Ed Stevenson, Steve Ulrich, John Precht, Jack Crawford, Joe Rosado, Michael Robinson, Susan Gipson, Tami Haney, Kristine Church, David Gipson, Steve Haney, Deborah Shields, Richard Rittenhouse, Jackie Elliott, Mike Elliott, Arlene Evans, Kim Rienecker, Greg Evans, Stephanie Laws, Dianne Ouillette, Peter Gomez, Greg Mincheff, other interested citizens, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 3:37 p.m. Commissioner Smith disclosed she knows two audience members but that will not impact her decision today. Commissioner Van Beek disclosed she has relatives who live in the nearby Moonstruck Subdivision and she is familiar with the area, but that should not impact her ability to make an unbiased decision. Dan Lister gave the oral staff report which included review of the agency comments and neighborhood concerns. The development consists of 34 residential lots and 3 common lots. In 2019 the property was rezoned to an R-1 zone subject to a development agreement that the residential development of the property does not exceed 40 residential lots. The average residential lot size is one acre. Roads will be dedicated to provide access to each lot, roads include the extension of Amour Avenue, Widgeon Avenue, Nordsman Way, Maiden Shield Way, and Kraken Court will be new additions to access to that area. Water services will be provided by the City of Caldwell, there will be individual septic systems, irrigation will be provided by the Caldwell municipal services, and subdivision runoff will be maintained within the subdivision and will be routed using roadside swales and infiltration facilities that meet city standards. The City of Caldwell supports the application with certain conditions which have been listed in the draft findings of fact, conclusions of law, and order (FCO's), which the applicant will have to meet. Canyon Highway District has agreed to the 34 lots without connection to Drury Lane. There are concerns from neighbors about the lack of connection to Drury Lane; however, Exhibit 5A is a response by the highway district regarding the concerns, and the access was found to not be recommended by the highway district due to 1) unclear language regarding the dedication of that right-of-way using Drury Lane, and 2) the use of the right-of-way makes existing dwellings along that easement nonconforming with current setbacks. Additionally, the preliminary plat provides two routes which is Widgeon Avenue and Amour Avenue, and a stub to the north which is adequate for emergency services. The applicant had two different plats, one has 39 lots with access to Drury Lane and all the other access points, and one has 34 lots without that access to Drury Lane. Both the City of Caldwell and the Canyon Highway District agreed to 34



lots. Letters of concern focused on the following: sewer vs. septic, city water vs. individual wells, and the need for a traffic impact study due to continued issues with traffic along Orchard Avenue. If individual wells/septics are proposed the neighborhood opposes the plat and they request additional conditions for CC&R's to limit two-story houses, live animal uses, restrict excessive animals, cars, RV's, and require pest control. They also want greenspace and fencing along property boundaries and are concerned about the lack of neighborhood outreach, and the traffic along Orchard Avenue and the use of water and sewer, and the lack of connection through Drury Lane. Dublin Lakeside Estates supports this application not going into Drury Lane as part of this application. Staff recommends approval which is consistent with the P&Z Commission recommendation. Mr. Lister reviewed the conditions of approval which are listed on Page 2 of the FCO's. Following his report, Mr. Lister responded to questions from the Board regarding the access points, traffic issues, and the plat itself.

The following people testified in support of the request:

Darin Taylor testified on behalf of the applicant. The property is approx. 40 acres located between existing subdivisions on the west and the east. Because of the letter he mailed to landowners within the notification distance he received calls from those in the subdivision on the east who were pleased they are coming through Drury Lane, but people on the west are saying the opposite. He advised his client to prepare two preliminary plats one with a connection to Drury Lane, and one with no connection to Drury Lane. Both plats were submitted for review. On April 28, 2021 Canyon Highway District did not take any action with the 39-lot plat with a connection on Drury Lane, but they did approve the plat with 34 residential lots without a connection to Drury Lane. State law gives the highway districts 100% jurisdiction over public roads. A month later, the Caldwell engineer said it agrees with the highway district and supports the 34-lot subdivision without the connection to Drury Lane and that's how they came to this point today in submitting the 34-lot subdivision. This property is in the area of city impact and will eventually be annexed, just not yet so the highway has sole jurisdiction. All city improvements apply to this development, except sewer which is  $\frac{3}{4}$  of a mile north at Karcher Road. The city did not require the applicant to extend sewer; however, the city does require them to connect to the city's water system by extending a mainline from 10<sup>th</sup> Avenue and Orchard west to Widgeon Avenue and through the subject property to the north boundary. There will be CC&R's. Following his testimony, Mr. Taylor responded to questions from the Board. Commissioner Smith said the neighbors likely feel today is their first opportunity to comment on the roads, but the Board cannot do much about it because the standards for roads are the highway district's authority, which is found in Idaho statutes.

Jeremy Fife testified he wanted to see a pressurized sewer attachment, but understands the reason why it wasn't done. He is happy the plat includes hookups to water services. He wants the 300-foot radius expanded because if Drury Lane is connected it won't just affect Drury Lane – it would add another 34 houses to what is already a 42-house subdivision so it would increase the traffic in front of his house. Removing cattle from the land will improve the water table and remove some nitrates. He asked why landowners are being hindered in what they can do with their property.



Greg Agresta testified most of his concerns were addressed regarding access on Drury Lane. He moved to the area there a year ago and the views were part of the appeal. He supports the 34-home proposal as long it does not change and bring Drury Lane into it.

Bill Pastor is in favor of the preliminary plat and agrees with the previous testimony.

William "Bill" Trask lives in Dublin Estates and he supports the request as presented. When the final plat approval comes, the Dublin Estates subdivision has no problem working with the developer to grant walking access to adjoin the two neighborhoods, and they want to work with the developer to landscape between the two subdivisions so it's suitable to the whole area. He would like the highway district to install an all-way traffic stop at 10<sup>th</sup> Avenue and Orchard Avenue.

Neutral testimony was offered as follows:

Mike Elliott is concerned about well contamination and septic system issues and he would like his well to be tested yearly to make sure there are no particles present, and if his wells does go bad because of the septic systems he wants to be connected to the water system at the developer's cost. He is concerned with the traffic problems on Orchard Avenue. He requested a green zone to buffer his house from future homes going in, or, disallow two-story homes to be built facing into his backyard. A pump station should be put in to move sewer out of the area rather than dumping it into the ground and polluting groundwater. Commissioner Smith encouraged Mr. Elliott to visit with SWDH about their enforcement process and what happens if his well is contaminated.

The following people testified in opposition to the request:

Michael Robinson lives at Amour and Cupid near one of the access points and he is opposed to the two-access plat; he prefers the three-access plat. He spoke at the previous rezone hearings and brought up the access issues and was told that was not the time to address it and that it would be done during the platting phase, but now he's told it was supposed to have been done at the rezone phase. Commissioner Smith said when zoning happens we look at whether legal access to the property exists. Staff looks at if there is a public right-of-way to the property and does it have legal frontage or legal access through easements or rights-of-way. It should have been said those would be handled by the highway district or the governing authority for roads. The Board is going to note that and make sure people know access points are managed by the highway district not the Board. Mr. Robinson said at each meeting it has been pointed out there was right-of-way on all three points and his argument was to use all three points. If the Board has no power to do anything they should get a pedestrian access through Drury Lane because there is a right-of-way there.

Arlene Evans testified the developer did not appear at the P&Z Commission hearing and they were told they could go home, but the next day they were notified the developer did show up later and was given time to do a presentation but the neighbors did not have an opportunity to give their testimony. She is concerned about the misinformation and lack of information about access

points. She is opposed to the two-point entry, but favors the three-point entry. She also has concerns about the dangerous traffic concerns on Orchard Avenue and adding more traffic to the area.

Kim Reinecher agrees with the previous presenters and believes three access points would be much safer than two.

Greg Evans said the neighbors' concerns are not being dealt with because every time they attend hearings they are told this is not the time to discuss ingress/egress. The highway district has never given the neighbors an opportunity to discuss it either. He said the north entrance is of no value, it goes into a field and there is no way for emergency access to come in. He spoke of his concerns about the speed limit on Orchard Avenue and concerns with emergency access. He said due process has not been given; he attended a P&Z Commission hearing last month and staff told them they could leave because the developer was not going to show up, but he did show up after the neighbors left and the request was approved. Dan Lister said the new hearing secretary conveyed to him (Mr. Lister) that the neighbors were given a choice to stay or leave and they chose to leave.

Stephanie Laws spoke of the importance of having multiple access points for connectivity and emergency response times, and she noted the proximity of the subject property to the wildlife refuge.

Commissioner Smith asked about staff's communication with the highway district regarding the neighbors' concerns about access points. Mr. Lister said it was the normal public notice communication. The discussion points and the concerns about traffic along Orchard Avenue were made during the rezone and at that point there was no conceptual plan. It was based off the rezone questions: do they have adequate access? Will this create a traffic impact? This testimony was stated during the rezone, however, the highway district's letter at that time said they were not going to ask for a traffic impact study because it does not meet their threshold. It met the minimum requirements of the findings at the time and at this point the design was reviewed by agencies and they found this to be the most consistent with their plan. Commissioner Smith requested Mr. Lister ask the PA's Office about the issue regarding due process.

Rebuttal testimony was offered by Mr. Taylor. Regarding the concern about well contamination, Mr. Taylor invited those with concerns to contact him and he will guide them from there. There are remedies that come up if there is a problem – it is not preventative. He said there was a comment about Dublin Estates not having two accesses, however, it does. The first access is Kings Row and the second is on an easement that's an improved but unpaved access to 10<sup>th</sup> Avenue. Mr. Taylor said he was 10 minutes late to the P&Z Commission hearing and that evening they were considering two ordinances and his item was on the agenda after that so his item didn't called up until an 1.5 hours after the hearing began. He said the developer is amenable to talk about a connection to parks. It's not part of the plat, it's an offsite improvement that could be shown on the construction plans along with sidewalks and other things. He prefers not to have it as a condition of approval because it crosses property owned by someone else. It would be a nice pedestrian connection to the east if the landowners are willing to cooperate. The advanced

treatment systems are different than the ones that used to be used so the treated waste water is highly regulated and much cleaner than it has been which is what they will be using. Questions about the traffic flow, patterns, and designs are conversations that have been had by the City of Caldwell and the highway district. There are recreational opportunities that could be a showcase around the lake and wildlife refuge.

Mr. Lister said he contacted legal and they said there is not a due process issue – it's a recommendation hearing. He told legal that during the hearing they didn't realize there were a number of names on the testimony list and that they were no longer here, it was stated at that point that they had a choice to stay or leave. Legal counsel said the neighbors are here today and are testifying before the final decision body so they still have the opportunity to provide testimony. Commissioner Smith wants the highway district to listen to all the comments because the neighbors deserve that opportunity, but the Board cannot compel the highway district to have a public hearing. Commissioner Van Beek asked if the Board can suggest the highway district meet with the neighbors so they can hear their concerns. Commissioner White would like to have a meeting and invite them specifically because the citizens feel like they haven't had an opportunity to talk about roadway concerns. After review and discussion with staff, the Board took a break at 3:24 p.m. The Board went back on record at 3:39 p.m. with Deputy PA Zach Wesley stating even though there is unclear language in the letter from the highway district it appears they approved the preliminary plat drawing although they said there may be the existence of a right-of-way to the subdivision next door, the Drury Lane stub. The idea that we are here now and one of the things the Board does is look at the proposed and existing data and so these plats need to have indications where all widths of the names of all platted streets exist, all utilities and public right-of-way, public areas, permanent structures, so public rights-of-way, if they exist, should be on the map. The subdivision is also supposed to have the road layout and the location of proposed names, pathways, easements on the final plat. This is a preliminary plat, and there is the final plat phase where they come back with the final drawings and the Board could condition the approval of the preliminary plat on the idea that the developer resolve the issue of right-of-way more definitively than they have with the highway district letter. There needs to be further clarification, either the highway district needs to explicitly state there is not a right-of-way, or, the developer needs to identify the right of way and have it on the plat. Further discussion ensued about engaging the highway district about access points. Mr. Taylor said he is adamantly opposed to a delay because they have a plat that conforms to three jurisdictions. He is in favor of talking with the highway district and talk about its traffic knowledge and plan for Orchard Avenue and Widgeon Avenue. He had multiple communications with the highway district and they are adamant about holding to that March 27, 2019 letter saying their position is no connection that way. Commissioner Smith wants to discuss having a condition for the adjoining pathway to connect the subdivisions.

Greg Evans said he has been to all the hearings and every time he was told don't worry about the ingress/egress, but today he learned it should have been taken care of at the P&Z Commission hearing. The neighbors have not been heard. The secretary told the neighbors the developer was not present so they left and that employee should be held responsible.

Stephanie Laws asked questions about the preparation of the plat. Mr. Taylor said they are required to list all existing and proposed rights-of-way, easements, etc., so the plat shows on Drury Lane the center of the three cul de sacs and it shows that existing potential future connection that was included in the 1993 plat. He said we need to look at the Dublin Estates plat because that is what the highway district was looking at. If Drury Lane goes through it creates a nonconforming setback.

Kim Rienecker is concerned about things being done underhandedly regarding the placement of signs as it relates to public hearing notices.

Greg Agresta said this a preliminary plat, and the City of Caldwell and the highway district have spoken and the Board needs to make a decision.

Commissioner Van Beek made a motion to close the public testimony. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith said staff has made the finding that it meets the technical compliance of the ordinance and Idaho statutes, and she believes that is accurate. There could be better processes at the highway district level to inform citizens of access concerns and she encouraged citizens to contact their legislators and the highway district and express their frustration and safety concerns. Following the Board's deliberation Commissioner Van Beek made a motion to approve the request for Norse Landing, Case No. SD2021-0006, and to approve the staff report with amendments to the conditions as follows: Exhibit 1, amend the language to change the word *may* to *shall*, to include a righthand turn lane at Widgeon Avenue, and that connectivity to the Dublin Estates Subdivision be provided by providing for a pedestrian pathway. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 4:14 p.m. An audio recording is on file in the Commissioners' Office.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 22, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mtn Home Auto Ranch in the amount of \$80,190.00 for Fleet Department

There were no meetings held this day.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 25, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 578718 to 578754 in the amount of \$60,884.47
- The Board has approved claims 578836 to 578835 in the amount of \$25,326.96
- The Board has approved claims 578755 to 578784 in the amount of \$128,709.85
- The Board has approved claims 578785 to 578834 in the amount of \$52,299.54
- The Board has approved claims 578664 to 578717 & 578835 in the amount of \$40,520.93

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Caxton in the amount of \$3,485.76 for Trial Court Administration
- 1000 Bulbs in the amount of \$2,250.00 for Facilities Department
- Sunbelt Controls in the amount of \$27,480.00 for Facilities Department
- Sunbelt Controls in the amount of \$24,660.00 for Facilities Department
- Apple in the amount of \$3,694.00 for Information Technology Department
- A-Gem Supply in the amount of \$1,312.00 for Canyon County Sheriff
- Pro Vision in the amount of \$5,339.00 for Canyon County Sheriff
- Hanson Janitorial in the amount of \$12,884.00 for Canyon County Sheriff

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Edge Brewing Co Inc. dba Edge Brewing Co. to be used 11/6/21

#### CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR BURGER JOINT

The Board met today at 1:59 p.m. to consider a new alcoholic beverage license for Burger Joint, Inc., dba Burger Joint. Present were: Commissioners Leslie Van Beek and Pam White, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the alcoholic beverage license for Burger Joint (Resolution No. 21-214.) The meeting concluded at 2:00 p.m.

#### PUBLIC HEARING TO CONSIDER A REQUEST BY WOLF BUILDING COMPANY (BLAKE WOLF) FOR A PRELIMINARY PLAT FOR HORIZON RIDGE SUBDIVISION, CASE NO. SD2021-0026

The Board met today at 2:00 p.m. to conduct a public hearing in the matter of a request by Wolf Building Company (Blake Wolf) for approval of a preliminary plat (including irrigation/drainage) for Horizon Ridge Subdivision. The subject property, parcel no. R33047 is located at the southeast corner of the intersection of Lone Star Rd. and Indiana Avenue in Caldwell Idaho. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planner Jennifer Almeida, Lance Warnick, Blake Wolf, and Deputy Clerk Monica Reeves. Commissioner White disclosed she knows both Lance Warnick and Blake Wolf but that will not impact her ability to issue a decision in this case. Jennifer Almeida gave the oral staff report. The proposed subdivision is in conformance with the future land use plan, and Keller & Associates has reviewed the preliminary plat and recommended approval. Roadways within the development will be public; the property will utilize individual septic systems and a community water system; and irrigation will be provided to each lot via a pressurized irrigation system with a proposed well on Lot 5, Block 2. Canyon Highway District will not require a traffic impact study. The subject property is not located within a nitrate priority area. The P&Z Commission recommended approval of this case on September 16, 2021, and staff is also recommending approval with suggested conditions of approval. Following her report, Ms. Almeida responded to questions from the Board. Blake Wolf is the applicant and owner and he testified in support of the plat. The property is a sloped piece of land at the top of Indiana Avenue and Lone Star Road, and it's been irrigated with a large agricultural well. He has converted a portion of the water rights to domestic use and fire suppression within one system that will serve the entire subdivision. It will be a higher-end development with view lots. In terms of water, this is not an area that has ran dry; they are using less water than they were given for water right purposes. Lance Warnick, with Aspen Engineers, testified in support of the request. They are dedicating a 40-foot right-of-way along Indiana Avenue; the highway district wants them to widen the pavement on the east side of Indiana to provide a bike lane to match with the master bike plan in the area. Along the north portion of the property adjacent to Lone Star Road, the HD has asked for a dedication of 35 feet to match the City of Caldwell's collector street standards to include curb, gutter, and sidewalk to match the road configuration of LS Ranch. They are platting Phase 2, and then they will move to Phases 3 and 4. They have been working with professional engineers who develop community water systems, and DEQ has already approved the location for the proposed well and the next steps are to drill the test holes to verify production. They are changing the area where the water is being removed and moving it over ¼ of a mile. There is a process to

change that location and the use of it being used for fire suppression and residential use in addition to the irrigation, and as part of that IDWR reiterates they have a designated water right which ties to the specific ground and it's been verified and confirmed that the water right is in place. Based on the history for the site the existing well has been able to deliver more than enough water than what is needed on the site, and as they develop the community well, they will do production tests to confirm they meet the anticipated flow. DEQ will review the distribution plans for the mains that will connect to that specific well and they won't approve them for construction until they are confident it's in place. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the preliminary plat for Horizon Ridge Subdivision, Case No. SD2021-0026. The hearing concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office. *(\*Due to a technical issue, the recorder was not working for the first 1-2 minutes of this hearing.)*

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

The Board met today at 3:00 p.m. for a weekly meeting with the Director of DSD to discuss general issues, set policy, and give direction. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Steve Fultz, and Deputy Clerk Monica Reeves. Director Fultz reported on the following items:

Staffing: A new Planner II has started employment, and two existing staff members are leaving, but the positions will be filled. Director Fultz is looking to hire someone to fill the economic development role. He is working with HR on the possibility of having an in-house engineer to be utilized by County offices/departments. \$90,000 has been set aside to address contracts and like-type services.

FEMA media release: There was a letter generated today from FEMA to the media regarding the national flood protection insurance program. There are some inaccuracies in the letter the County needs to address and clarify. There are some clarifications that need addressed through that. The County is in noncompliance; however, the vast majority have been brought into compliance. Staff is working daily to get remediation and they have been in weekly communication with FEMA and Director Fultz wants the community to know the actions that have taken to meet the requirements.

Director Fultz will meet with IT staff tomorrow regarding a project management program to help with efficiency within the department. He will assess staffing to see if existing personnel can fill that role.

He had a site visit with a company from the East Coast area that's looking for opportunities that deal with the entertainment industry and agritourism. They operate facilities in Texas and California and are headquartered back east.

He met with representatives from the Caldwell Urban Renewal Agency and the City of Caldwell regarding a new revenue allocation area where the vast majority is in the unincorporated area. The matter will be coming to the Board soon. He said there is an economic development project that could come into play in this area, and we need to consider it seriously and receive input from other agencies.

DSD has brown bag luncheon meetings for supervisors where they do teambuilding and work through a leadership book and develop strategy for the department both for personnel and organizational strategies.

The items discussed were general in nature and did not require Board action. The meeting concluded at 3:20 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 26, 2021

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

#### APPROVED CLAIMS

- The Board has approved claim 578839 in the amount of \$43,626.00
- The Board has approved claims 578847 to 578865 in the amount of \$17,075.03
- The Board has approved claims 578840 to 578846 in the amount of \$11,099.00
- The Board has approved claim 578866 in the amount of \$80,000.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Idaho Sheriffs Associations in the amount of \$4,500.00 for Canyon County Sheriff
- Hess Construction Inc. in the amount of \$6,500.00 for Facilities Department



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 9:05 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner White made a motion to go into Executive Session at 9:06 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: commissioners Pam white and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley and Controller Zach Wagoner. The Executive Session concluded at 9:15 a.m. with no decision being called for in open session.

At the conclusion of the executive session, Commissioner White made a motion to continue the legal staff to 11:00 a.m. today. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

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

The Board met today at 9:33 a.m. for a monthly meeting with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner reviewed the following with the Board:

- Building rental for non-fair events:
  - Event calendar is live on the website; staff is scheduled for training to be able to add events.
  - A review and copy of the fee structure were provided to the Board and is on file with this day's minutes. Discussion ensued regard fees at the Canyon County Fair vs. fees at other venues and the opportunity for the fair building rentals to be revenue generating.
- Horse stall rental:
  - Facility is often used as a temporary boarding facility.
  - Currently charging \$15/stall but it is not beneficial when staff time is accounted for.

- Procedure and protocol need to be established and to determine what this community is looking for.
- Discussion regarding when reservations are accepted, payment, increased fee, online reservation system, liability and possible MOU for use.

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

#### EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner White made a motion to go into Executive Session at 10:06 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding 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 and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Assessor Brian Stender, Chief Deputy Assessor Joe Cox and Treasurer Tracie Lloyd. The Executive Session concluded at 10:31 a.m. with no decision being called for in open session.

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

The Board met today at 10:36 a.m. for a monthly meeting with the Solid Waste Director to discuss general issues, set policy, and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Solid Waste Director David Loper, and Deputy Clerk Monica Reeves.

Director Loper reported on the following topics:

- Waste amounts were up 3.21% in September, for FY20222 up 7%
- Landfill expansion
- Transfer station
- 836K compactor
- Beautification Project
- Geotech drilling
- Stuart well water right/dust control
- Landfill gas system
- SWDH inspection – tires

The items discussed were general in nature and did not require Board action. The meeting concluded at 11:22 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 27, 2021

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

#### APPROVED CLAIMS

- The Board has approved claim 578987 in the amount of \$180.50

There were no meetings held this day.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 28, 2021

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

#### APPROVED CLAIMS

- The Board has approved claims 578867 to 578896 in the amount of \$136,954.78
- The Board has approved claims 578897 to 578926 in the amount of \$42,368.70
- The Board has approved claims 578927 to 578956 in the amount of \$11,542.97
- The Board has approved claims 578957 to 578986 in the amount of \$434,816.26
- The Board has approved claims 578988 to 579020 in the amount of \$23,549.33

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Hailee Moore, Juvenile Detention Field Training Officer; Bonnie Puleo, Sr. Admin Specialist

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

- The Board approved the transfer of sick leave time to vacation time for K. Frost; M. Navarrete; D. Curl; L. Vance; J. Orozco; C. Olsen; C. Jagne; P. Navarro; F. Harper; J. Breach; M. Emly; A. Charez

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mountain Alarm in the amount of \$3,004.00 for Facilities Department
- Dell Technologies in the amount of \$1,205.50 for Facilities Department
- SHI in the amount of \$9,000.00 for Information Technology Department
- Right! Systems Inc in the amount of \$38,574.18 for Information Technology Department
- Avaya in the amount of \$13,885.20 for Information Technology Department
- Quadient Inc in the amount of \$18,420.44 for Information Technology Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Plyhse Boise Inc dba Watson's Mystery CFE & Spirits to be used 10/31/21

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:45 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-1046; 2021-1038; 2021-1037; 2021-1042; 2021-1040; 2021-1044 and 2021-1047.

Case nos. 2022-73 and 2022-66 meet the eligibility criteria for county assistance. Commissioner White made a motion to issue initial approvals with written decisions within 30 days on the cases

as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Director of Indigent Services Yvonne Baker presented a subordination request on case no. 2016-847. Discussion ensued regarding the applicant's request for subordination of the lien. Commissioners' White and Van Beek requested additional information before making a decision.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING OCTOBER 28, 2021 ACTION ITEMS

The Board met today at 9:01 a.m. to consider signing the October 28, 2021 action items. Present were: Commissioners Leslie Van Beek and Pam White, IT Director Greg Rast, Assistant IT Director, IT Business Manager Caiti Pendell, Controller Zach Wagoner, HR Director Kim Foster, Director of Court Operations Jess Urresti, Deputy PA Doug Robertson, Deputy PA Zach Wesley, Deputy PA Alexis Klempel, Interpreter Coordinator Grace Almeida, EOM Christine Wendelsdorf, Chief Deputy Sheriff Marv Dashiell and Deputy Clerk Monica Reeves. The items were considered as follows:

***Consider signing resolution to approve the title, salary, and FSLA status of a position in the Information Technology Department:*** Director Rast has a lead administrative support position he wants to repurpose into a system administrator position and by doing so he won't have to ask for another position in FY2023. The salary change goes from hourly to exempt status, and there will be a net difference of \$4,000 in salary he'll have to cover but he has another position where he saved \$11,000 so he can cover the difference. The Board had questions for Director Rast. Zach Wagoner said this change was not discussed during the FY2022 budget process and although he understands needs change and we have to be able to adapt and respond accordingly, he prefers these types of changes be reviewed during budget development. Director Rast agreed and said the circumstances changed and he didn't have the opportunity to discuss this during the budget process. IT is currently redlined with its workload and projects. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution approving the title, salary, and FSLA status of a position in the Information Technology Department. (Resolution No. 21-215.)

***Consider signing Independent Contractor Agreements for Interpreter Services with Muhitdin Ahunhodjaev (We Speak Uzbek), April Pena, Doreen Wai, Irene Ommen, Lisa Crawford, Mychi Doan, Rebecca Spadofora, and Than Than Win:*** Deputy PA Robertson has reviewed the agreements, which span all kinds of languages. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the agreements for interpreter services with the contractors listed above. (Agreement Nos. 21-095, 21-096, 21-097, 21-098, 21-099, 21-100, 21-101, and 21-102.

***Consider signing 2021 State Homeland Security Program subrecipient agreement:*** EOM Wendelsdorf said this is the other part of the homeland security grant that covers part of her wages and benefits, and they also put in the Motorola service contract to do the preventative maintenance on the towers and the radio system. This year's amount increased slightly over last year. Deputy PA Klempel sees no legal reason not to sign the agreement. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the 2021 State Homeland Security Program subrecipient agreement. (Agreement No. 21-094.)

The meeting concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND 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 legal staff update. A request was made to go into Executive Session to discuss records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely claims. The Executive Session was held as follows:*

Commissioner White made a motion to go into Executive Session at 9:21 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Leslie Van Beek and Pam White, Deputy PA Zach Wesley, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:29 a.m. with no decision being called for in open session.

CONSIDER SIGNING CANYON COUNTY SHERIFF'S OFFICE EQUITABLE SHARING AGREEMENT AND ANNUAL CERTIFICATION REPORT FOR FISCAL YEAR END 2021

The Board met today at 9:32 a.m. to consider signing the Canyon County Sheriff's Office Equitable Sharing Agreement and Annual Certification Report for Fiscal Year-End 2021. Present were: Commissioners Leslie Van Beek and Pam White, Chief Deputy Sheriff Marv Dashiell, Sr. Administrative Specialist Margaret Spurgeon, and Deputy Clerk Monica Reeves. Ms. Spurgeon said it's a yearly report we have to do in order to receive federal funds when they do cold cases with federal agencies. Each year they start with the balance of the prior year and then state what was spent for the year and give the ending balance. This year they did not receive any funds. Chief Dashiell said the federal system turnaround time on seizure and forfeiture awards can take years so cases can be pending. We are in line for award now and have multiple claims turned in but it's a matter of when those cases clear the court system and the awards are authorized for

disbursement. We can receive funds from up to 3 years ago and those funds will go into the either the justice fund or the treasury fund and become available for use. There are very strict guidelines on what the funds can be used for. The primary use is for investigative expenses including rewards for informants, buy monies, and training. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the Canyon County Sheriff's Office Equitable Sharing Agreement and Annual Certification Report for Fiscal Year-End 2021. (Agreement No. 21-103.) The meeting concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:01 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker updated the Board on the following:

He recently followed up with The Brothers Rabe regarding pricing documents for the State of the County video. Yesterday he received an email from CGI Digital which is a production company that works in partnership with NACO to produce cost-free county showcase programs. This year they have selected Canyon County to be one of the featured counties. Mr. Decker will forward the link to the Board for review. He will have a conference call with CGI next month and will let The Brothers Rabe know their proposal is still being considered but that the county has also been awarded the video with CGI.

In regard to the press-release issued by FEMA, he met with Director Fultz, Stephanie Hailey and Zach Wesley to collect documentation previously released and forwarded it to the media per their requests. He believes the FEMA press-release was inaccurate but that FEMA may have been statutorily obligated to send the press-release 60-days prior to the deadline.

In response to a previous request by Commissioner Van Beek, the County seal has been added to the alcoholic beverage license application although the content of the application remained the same.

He will forward it to Emily Howell in the Recorder's office for her input.

As requested by Commissioner Van Beek, a rough draft of a Board of County Commissioners informational sheet has been created. She would like to have them at the front desk and entryway. Mr. Decker said he could also create a QR code that could take interested parties directly to the HR hiring section of the county website.

Discussion ensued regarding employee recognition. Commissioner Van Beek suggested possibly adding community type events to the front lobby monitors.

The meeting concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY JOSEPH AND ANDREA LEE FOR AN AMENDMENT OF  
DEVELOPMENT AGREEMENT #18-173, CASE NO. CR2021-0005

The Board met today at 1:34 p.m. to conduct a public hearing in the matter of a request by Joseph and Andrea Lee who are requesting an amendment of Development Agreement #18-173, associated with Case CR2018-0003, to extend the agreement two years to October 25, 2023 and relocate the building envelope to the southern portion of the parcel (Case No. CR2021-0005). Present were: Commissioner Leslie Van Beek and Pam White, DSD Planner Elizabeth Allen, Joseph Lee, Andrea Lee, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. On October 25, 2018 the Board approved Case No. CR2018-0003, a conditional rezone of Parcel 37721011 from Agricultural to Rural Residential subject to a development agreement. The purpose of the conditional rezone was to create a residential lot with the remainder of the parcel maintained as agricultural. The subject property is located on the north side of Sand Hollow Road., approximately 2,028-feet from the intersection of Wagner Road and Sand Hollow Road. On September 16, 2021, the Planning and Zoning Commission recommended approval of this request. Staff recommends the development agreement be modified to shift the building site to the location identified on the site plan the applicant provided. Ms. Allen reviewed agency comments, and following her report she responded to questions from the Board. Andrea Lee testified in support of her request. The building envelope is approximately one acre in size, and she has worked with the Notus-Parma Highway District who has been on site and given approval for the ingress/egress. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve development agreement amendment #18-173 associated with Case No. CR2018-0003, and approve the findings of fact, conclusions of law and order as well as the ordinance. (Agreement No. 21-093 and Ordinance No. 21-035.) The hearing concluded at 1:45 p.m. An audio recording is on file in the Commissioners' Office.



OCTOBER 2021 TERM

CALDWELL, IDAHO     OCTOBER 29, 2021

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

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. The Board evidenced proper care and security and the inmates' welfare throughout the facility. General grievances were filed and have been processed in accordance with standard procedures. Notes from the inspection included: the jail kitchen will be repainted in December; razors will be issued three times a week rather than seven times a week. There was discussion regarding the plans for a thermal imaging kiosk.

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

DATED this 14<sup>th</sup> day of February, 2022.

CANYON COUNTY BOARD OF COMMISSIONERS

Leslie Van Beek  
Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk

NOVEMBER 2021 TERM  
CALDWELL, IDAHO    NOVEMBER 1, 2021

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

APPROVED CLAIMS

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

COMMUNITY INPUT MEETING

The Board met today at 9:04 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Larry Olmsted, Steve Burton, Ron Harriman, Dave Taylor, Mila Wood and Sr. Admin Specialist Terri Salisbury.

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

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

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

CONSIDER SIGNING RESOLUTION APPROVING FY2021 BUDGET ADJUSTMENTS

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

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

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

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

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

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

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

#### MEETING TO DISCUSS TRANSFER STATION

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

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

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

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

#### COMMISSIONERS OFFICE STAFF MEETING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Board met today at 3:02 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 3:13 p.m.), DSD Director Steve Fultz, DSD Planner Kate Dahl (left at 3:13 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

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

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

Director Fultz updated the Board on the following:

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



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

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

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 2, 2021

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

#### APPROVED CLAIMS ORDER NO. 2203

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

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

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

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

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

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

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

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

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

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

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

Office has seen the equipment in person. Captain Patchett said of the four proposals, he has seen three in operation at different facilities. There is one he has not seen and the closest one he can find is in Colorado but he's trying to find one that's closer. That was the company that offered three different machines as an option and the cost variance was significant between the top model and bottom model and so it would be nice to have more information. Chief Deputy Laugheed said other firms might be identified that the County would want to visit as well. The motion carried unanimously. The meeting concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner White made a motion to go into Executive Session at 9:36 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Caldwell Economic Development Director Steve Jenkins, and Deputy Clerk Monica Reeves. Assessor Brian Stender arrived at 9:47 a.m. The Executive Session concluded at 9:50 a.m. with no decision being called for in open session.

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

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

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

#### MEETING WITH CANYON COUNTY ELECTED OFFICIALS

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

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

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

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

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

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

The Board met today at 2:39 p.m. to discuss funding for the Canyon Recovery Community Center. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, CRCC Director/Owner Aaron St. George, Clinical Director Don Schultz, Office Manager Hayden Tena and HR/Accountant Cindy Munson and Deputy Clerk Jenen Ross.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 3, 2021

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

#### APPROVED CLAIMS

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

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

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

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

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

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

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

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

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

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

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

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



NOVEMBER 2021 TERM  
CALDWELL, IDAHO    NOVEMBER 4, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

#### APPROVED JULY 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

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

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

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

Liens were presented for Board signatures.

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

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-903

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

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

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

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

#### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 10:35 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

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

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

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

The meeting concluded at 10:38 a.m. An audio recording is on file in the Commissioners' Office.

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

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

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

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

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

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

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

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

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

MEETING TO REVIEW NEW CLAIM APPROVAL PROCESS

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

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

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

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

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

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 5, 2021

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

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

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

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

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

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

NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 8, 2021

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

APPROVED CLAIMS

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

#### APPROVED EMPLOYEE STATUS CHANGE FORM

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

#### FILE TREASURER'S REPORTS IN MINUTES

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

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

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

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

The following people testified in favor of the request:

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

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

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



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

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

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

The following people testified in opposition to the request:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Robb updated the Board on the following:

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

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

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

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

Director Schwend updated the Board on the following:

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

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

The action items were considered as follows:

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

The meeting concluded at 2:43 p.m. An audio recording is on file in the Commissioners' Office.

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

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

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

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

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

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO NOVEMBER 9, 2021

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

#### APPROVED CLAIM

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

#### APPROVED CATERING PERMIT

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

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner White made a motion to go into Executive Session at 9:32 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, DSD Director Steve Fultz and DSD Planning Official Dan Lister. The Executive Session concluded at 9:56 a.m. with no decision being called for in open session.

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



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

The Board met today at 10:04 a.m. for an Executive Session to interview and evaluate a candidate for the Planning and Zoning Commission. Commissioner White made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206 (1) (a) and (d) to discuss a personnel matter and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Ron Amarel, and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:38 a.m. with no decision being called for in open session. Commissioner Smith noted that staff will start the process to appoint a new P&Z Commissioner.

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

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

General Discussion:

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

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

Courtroom remodels – 211-215

Working with Supreme Court/Facilities/TCA

Equipment and audio/visual overhaul

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

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

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

Working through project management philosophy and how to apply to DSD

GIS (ESRI) imaging data – Pictometry Eagleview/COMPASS

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

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

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

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

Finalized project in closing:

Assessor – Finalizing online homeowner exemption application via website  
Coroner case management solution – reports, asset reporting for Treasurer, decedent chain of custody, on-scene witnesses, photo gallery, added functionality and data to be tracked  
Fairgrounds website project for 2021 (May-October)  
OnBase infrastructure upgrade  
IOT/Switch replacement project – countywide (3-year fiscal effort)  
Replaced all switches throughout the County

BOCC related discussion:

OnBase purchase order/claim/claim batch approval process/blue sheet

BOCC recording – purchase order the week of November 15  
Two-phase approach – construction and A/V overhaul  
Microphone demonstration  
Working with Caldwell DSD – Brent Orton on fiber work  
Caldwell Airport/Sewer Project (Darigold area to fairgrounds)

Commissioner Smith asked when the new process for the employee status change form (blue sheet) will be completed. The new form itself will be rolled out soon via paper process soon, but workflow process will take six months to complete. She asked if IT tracks the number of hits on website because she wants to compare old stats vs new stats. Director Rast said hits are tracked per page, per office. Commissioner Van Beek wants a cost estimate and scope of work for IT to assist the Ambulance District. Director Rast said that is a Board decision. Commissioner Smith left the meeting at 10:48 a.m. The items discussed were general in nature and did not require Board action. The meeting concluded at 11:14 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

MONTHLY CODE ENFORCEMENT MEETING TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:38 p.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek,

Code Enforcement Officer Eric Arthur, Director of Development Services Steve Fultz (arrived at 3:02 pm) and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Abatement process
- Current case load
- RV ordinance and ideas for new processes

When details of a specific case were discussed the Board went into Executive Session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 2:58 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss records exempt from public and personnel matters. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Leslie Van Beek, Code Enforcement Officer Eric Arthur, and Steve Fultz (arrived at 3:02 pm). The Executive Session concluded at 3:24 p.m. with no decision being called for in open session.

The meeting concluded at 3:25 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 10, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Dustin Moore, Maintenance Technician; Luke Gallagher, Shop Technician

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Elmridge Protection in the amount of \$1005.95 for Canyon County Sheriff

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:57 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-1055; 2021-1053; 2022-1; 2021-1054; 2021-1058; 2022-0071; 2021-1056; 2021-1057 and 2022-2.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:58 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH FACILITIES DIRECTOR AND ASSESSOR REGARDING DMV FACILITY

The Board met today at 9:36 a.m. with the Facilities Director and Assessor regarding the DMV facility. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Controller Zach Wagoner, Interim Director of Facilities Rick Britton, EOM Christine Wendelsdorf and Deputy Clerk Jenen Ross.

Mr. Britton said he's been working with Assessor Stender and EOM Wendelsdorf to get UV air sanitizers into some of the high traffic areas in order to help circulate and sanitize the air. Ms. Wendelsdorf said they are used in the dispatch area and there seems to be less illness. With the large volume of people coming thru the DMV it is believed the sanitizers could really be useful. Ms. Wendelsdorf spoke about a couple different light options and how they operate. She agrees with Mr. Britton that the lights could really be beneficial where the public or large groups often congregate. A handout was provided outlining locations the lights would be placed and the cost of the lights, replacement lamps and additional power outlets. Controller Wagoner said that ARPA monies could be used for this purchase under the category to address the health emergency. Money would not be pulled from the revenue replacement portion. Commissioner Smith is supportive of this plan and the purchase of the lights. She also encouraged Ms. Wendelsdorf to work with the TCA to determine if they would like them installed in the courtrooms. Lights will be installed on both sides of the DMV and Ms. Wendelsdorf has spoken with both the Sheriff and

Chief Dashiell who are in favor of the lights being installed. Additionally, Commissioner Smith would like the public meeting rooms to be included; Ms. Wendelsdorf said she would get an amended quote to include them. Ms. Wendelsdorf also suggested it may be beneficial to have them in room 201 which is the Court Clerk's office and the Sheriff's records office. The Board suggested working with the Courts on what they'd like. A PO outlining the purchase will be processed for Board approval. The meeting concluded at 9:53 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION AUTHORIZING TRANSFER OF COUNTY PROPERTY BY QUITCLAIM DEED TO THE CALDWELL HOUSING AUTHORITY

The Board met today at 10:04 a.m. to consider a resolution authorizing the transfer of County property by quitclaim deed to the Caldwell Housing Authority. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Mike Dittenber and Rosario Soto from the Caldwell Housing Authority, and Deputy Clerk Monica Reeves. *There were two properties noticed for transfer, however, the property located at 301 E. Elgin Street in Caldwell was redeemed by the owner and is no longer being considered for transfer.* Treasurer Lloyd said the property located at 2407 College Avenue in Caldwell was taken in July for tax deed and as of today the outstanding taxes total \$13,231.24 through the 2021 tax year. The owner is deceased and the Treasurer's Office has had communication with the family but they have not shown interest in redeeming the property. The Caldwell Housing Authority has shown an interest in the property and has requested the County consider transferring it to them. Chief Deputy Sam Laugheed said the standard of review is that the Board find that the grant or exchange in property be in the public interest. There is a resolution that memorializes the necessary law and it gives the Board an opportunity to make that finding and there is a quitclaim deed attached to it. Commissioner Smith said she has a hard time taking property that has value and not giving it back to the family after the taxes have been made. Commissioner White spoke of the benefits the housing authority provides to the community through their efforts to assist the vulnerable population. Mike Dittenber spoke of the times the housing authority has cleared blighted properties and constructed new buildings which includes considerable time and expense. They are not looking to make a lot of money, they want to make affordable housing available to the community. Commissioner Van Beek asked if due diligence has been done to locating the deceased owner's family. Treasurer Lloyd said her office has been in communication with the family members. Mr. Dittenber said if the County decides to transfer the property the housing authority cannot get title policy, sell it, or get a lender to lend against the property for about 16 months to 2 years. If there is a complaint or suit brought against the property the housing authority would probably transfer it back to the County. Commissioner White supports the property transfer. Commissioner Smith had questions about the auction process if the property was sold. Treasurer Lloyd said if there were excess funds after the taxes were paid it would be turned over to the State of Idaho as unclaimed property. Any party in interest can submit a claim if they had an outstanding lien. There is a significant medical lien (approx. \$60,000) on this property and that may be the reason the family chose not to redeem it.

Mr. Dittenber said even though the liens of record go away, there is a lengthy quiet title process that has to be completed and where they will file suit against 11 or 12 people to have them come forward in a court of law and say the lien needs to be paid, or say it will be forgiven, or agree to negotiate it down. The housing authority will have a considerable amount of legal fees and time involved. Discussion ensued about the process followed in other cases. Commissioner White made a motion to sign the resolution authorizing the transfer of County property by quitclaim deed to the Caldwell Housing Authority. The motion was seconded by Commissioner Smith who asked the Treasurer for comments. Treasurer Lloyd said when the MOU with the housing authorities (Nampa and Caldwell) first came forward she was not in favor of it, however, she has seen it do some good and she believes in what they do and she believes this could be a positive outcome for this property. In this case she does not see a problem with it, especially because her office has had so much communication with the family. Commissioner Van Beek likes the idea they can still redeem with the housing authority, but there is a lot to this process and she is not able to make that decision today. The motion carried by a two-to-one split vote with Commissioner Van Beek voting against the motion to transfer the property. (Resolution No. 21-223.) The Board signed the quitclaim deed for the property located at 2407 College Avenue in Caldwell. The meeting concluded at 10:31 a.m. An audio recording is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 12, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - **OUT**  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White - **OUT**  
                 Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings held this day.

NOVEMBER 2021 TERM  
CALDWELL, IDAHO    NOVEMBER 15, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$6498.47 for Information Technology Department
- Dell in the amount of \$2581.89 for Information Technology Department
- Dell in the amount of \$8588.00 for Information Technology Department
- Dell in the amount of \$7233.00 for Information Technology Department

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:32 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson (left at 9:46 a.m.), EOM Christine Wendelsdorf (left at 9:37 a.m.), Controller Zach Wagoner (left at 9:46 a.m.), Sr. System Analyst Steve Onofrei (left at 9:46 a.m.), Treasurer Tracie Lloyd (left at 9:46 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider extending the COVID-19 Emergency Declaration:*** Ms. Wendelsdorf said Canyon County is still in crisis standards of care mostly due to staffing numbers although patient numbers are going down. She has reached out to Director Zogg with Southwest District Health and she doesn't see a need to extend the emergency declaration. There is no surge in cases and numbers are falling. There are no indications of the situation getting worse in the foreseeable future and that it is manageable right now. Ms. Wendelsdorf anticipates seeing numbers increase early in the year. The recommendation at this time is to let the declaration expire. Ms. Wendelsdorf doesn't see any need to renew it as it can always be renewed if necessary. No action was taken and the current declaration will expire on November 22, 2021.

***Consider signing a resolution amending a process established by resolution 14-017 for including charges, other than property taxes, on tax notices, as authorized by Idaho Code § 63-902(11):*** Mr. Robertson noted that the subsection changed from (10) to (11).

***and***

***Consider signing a resolution authorizing the inclusion of certain charges, other than property taxes, on tax notices, as authorized by Idaho Code § 63-902(11):*** Mr. Robertson explained this is to

included abatement fees for the City of Nampa on the tax notices. Controller Wagoner said there is a \$5.00 per account administration fee charged back to the City of Nampa.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign both the resolution amending a process established by resolution 14-017 for including charges, other than property taxes, on tax notices, as authorized by Idaho Code § 63-902(11) (see resolution no. 21-225) and the resolution authorizing the inclusion of certain charges, other than property taxes, on tax notices, as authorized by Idaho Code § 63-902(11) (see resolution no. 21-226).

***Consider signing Historic Preservation Support Award agreements with Warhawk Air Museum and American Legion Joseph H. Murray Post 18:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Historic Preservation Support Award agreements with the Warhawk Air Museum (see agreement no. 21-116) and American Legion Joseph H. Murray Post 18 (see agreement no. 21-117).

***Consider signing resolution granting a new alcoholic beverage license to Vapor LLC dba Vape and Tita's LLC dba La Playita:*** Commissioner Van Beek asked about vape businesses being tied to selling alcohol. She is concerned about the tolerance for encouraging this in county growth. Commissioner Smith feels that it is allowed by law although the Prosecutor's Office could be asked for some guidance. She thinks that perhaps the only way to control it would be thru zoning but this business is within the city limits and the county doesn't have jurisdiction. Commissioner Smith would like to know what authority the Board has. Commissioner White said she is not convinced that vaping isn't harmless and doesn't think this is in the best interest of society. Commissioner Van Beek supports Commissioner White's position and would like to take a deeper look. She also expressed her concerns about the need for services at the location but Commissioner Smith doesn't know that this is something that is in the Board's purview because there hasn't been a resolution adopted outlining the standards for approval.

***Tita's LLC dba La Playita:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution for Tita's LLC dba La Playita (see resolution no. 21-227).

Commissioner Van Beek made a motion to continue the consideration of a resolution granting a new alcoholic beverage license to Vapor LLC dba Vape to November 16, 2021 at 9:00 a.m. The motion was seconded by Commissioner White and carried unanimously.

***Consider signing resolution appointing Ron Amarel to the Canyon County P&Z Commission:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution appointing Ron Amarel to the Canyon County P&Z Commission (see resolution no. 21-224).

The meeting concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.



## CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO VAPOR LLC DBA VAPE

The Board went back on the record at 10:08 a.m. to consider signing resolution granting a new alcoholic beverage license to Vapor LLC dba Vape. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Smith explained this license was originally approved on November 8, 2021 but there was an issue with the address that needed to be corrected. This information was not realized at the earlier meeting when the resolution was originally considered. Commissioner Van Beek made a motion to sign the resolution granting an alcoholic beverage license to Vapor LLC dba Vape. A vote was taken on the motion with Commissioners Van Beek and Smith voting in favor and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote (see resolution no. 21-228). The meeting concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

## BOARD DISCUSSION REGARDING LEGISLATIVE BOUNDARIES

The Board met today at 10:10 a.m. to have a discussion regarding legislative boundaries. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross.

Commissioner Van Beek said that last week she attended the legislative and congressional boundary map meetings held at the capitol. Pursuant to those meeting the Board sent a letter to that Board indicating that there may be litigation due to the boundaries not being adjusted to follow the guidelines. She explained that the matter was taken up on Thursday but there was not a lot of discussion prior to a vote passing the map; the new map is called LO3. At the conclusion she spoke with Commissioner Keith Bybee regarding the objections that have been raised. He explained that it's a negotiation and that nobody gets everything. Both Canyon and Ada Counties got 2 of 3 requests so for Canyon County part of the legislative district will extend into Washington County and part of Ada County will go into Gem County.

Commissioner Van Beek spoke to the following points:

- Jim Rice would have to share a legislative district with Abby Lee.
- There would be affects for Rick Youngblood and Todd Lakey.
- Goal was to get to a 0% population deviation.
- Jeff Agenbroad and Brent Crane said this was probably as good as it will get.
- She believes Ada County may have a different interest that Canyon County.
- With the adjustment of the boundary lines Mike Moyle now represents Canyon County and the City of Star.
- Brent Crane indicated to her that if a county got 2 of 3 requests to just leave it. Jeff Agenbroad explained to her that it was a well thought out, broad based plan that was developed by Bart Davis and his feeling is that if this goes to court the county will not win.

- Brent Crane indicated that with the new maps, representation will change from 8 Representatives to 10 and from 4 Senators to 5.

Commissioner Van Beek said that, overall, based on the information and feedback she has, Brent Crane said he would let Ada County pursue litigation on their own. Commissioner Smith said she is good in moving forward how things are. She feels that Canyon County gained a little more representation and that serves the community best.

The meeting concluded at 10:22 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY LTD STRO., LLC, FOR A COMPREHENSIVE PLAN MAP  
AMENDMENT AND REZONE, CASE NO. OR2021-0015 AND RZ20201-0032

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by LTD Stro., LLC, for a comprehensive plan map amendment to change the designation of parcel No. R30395 from Agriculture to Residential. Also requested is a rezone of 39.08 acres from "A" (Agricultural) to an "R-1" (Single Family Residential) zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, Matt Wilke, Mike Chidester, Hethe Clark, Arron Elton, Emily Riley, Doug Srosnider, April Wilke, Doug Critchfield, Alan Mills, David Ferdinand, and Deputy Clerk Monica Reeves. Commissioner White disclosed she has known Doug Strosnider for 20+ years and they had a brief conversation this afternoon but it did not involve this case. Commissioner White disclosed that she has known Mr. Strosnider for years, and she briefly spoke with him but they did not discuss this case. Elizabeth Allen gave the oral staff report. The applicant, represented by Matt Wilke, is requesting a comprehensive plan map amendment to change the designation of Parcel No. R30395 from Agriculture to Residential. Also requested is a rezone of 39.08 acres from an "A" (Agricultural) to an "R-1" (Single Family Residential) zone. The subject property is located at 17672 N. Can Ada Road in Nampa. The property is an original parcel and a government lot and is eligible for an administrative land division with the potential for four lots. The existing land use surrounding the site is active farmland primarily; the land uses to the south and north include agricultural parcels, a platted subdivision, residential uses and the city limits. The average lot size of the area is 24.32 acres. The subject property is located within the Nampa impact area and a city subdivision is planned on the parcel to the east, Phase I of Sand Hollow. For the County's future land use, the property to the north on the southwest corner of Ustick Road and Can-Ada has a future land use designation of residential. The current future land use map designates the property as agriculture, and Nampa designates it as residential, mixed use. The request is not consistent with Nampa's comprehensive plan or future land use map. Within one mile there are 35 platted subdivisions. The site has been actively farmed and is currently surrounded by active and viable agricultural land. Ms. Allen reviewed the agency comments. Although the property is contiguous to the Nampa city limits no sewer or water is currently available to the parcel. The property is located within a nitrate priority area and SWDH requirements shall be met including but not limited to a nutrient pathogen study throughout the platting phase of the development. Ms. Allen reviewed the comprehensive plan

policies. The Nampa P&Z Department requests denial of the application because the land use is not consistent with the city's comprehensive plan future land use map as the proposed zoning would likely generate a gross density of one dwelling unit or less. The city noted concerns of incompatibility with current and future residential development densities and land uses in the area. The original staff report had different impacts mentioned and when it was transferred to another staff member they identified different impacts which include the prime farmland and the incompatibility with Nampa's designations. On October 7, 2021, the P&Z Commission recommended approval of this request. Staff has provided FCO's based on the P&Z Commission's recommendation. Following her report, Ms. Allen responded to questions from the Board.

Testimony in favor was as follows:

Matt Wilke testified that within one mile there are 35 platted subdivisions with a .43-acre average lot size; the site has Class 2 and Class 3 soils; it is not prime farm ground. The project will have an average lot size of 1.1 acres. Neighbors are supportive of the lower density. The cost to move the sewer line is astronomical with bids ranging from \$5 million to \$20 million a mile. The applicant has owned and farmed the property since 2007. They have a preliminary NP study which states the lots will be well within the proposed development with the width requirements on a lot orientation for 65% nitrate reduction system on each lot. A test well is less than 900 feet to the south that's had 2,567 measurements between 1993 and 2019. In regards to the letter from the Vallivue School District stating their elementary and high schools are at capacity, Mr. Wilke said this project with just 29 homes will have less of an impact than a higher density project.

Mike Chidester is the project developer who testified about the variance request with the Nampa Highway District. The property will have one-acre lots with homes on the medium to high-end of quality scale. In August they asked the City of Nampa about their plan and the feedback was they don't generally get into County issues too much. The city's stance has changed quite a bit since initial conversations, and the challenge is the city has said they are against it because it doesn't fit the zoning which puts the developer in a bind where they can't do anything, and the city has no plan to do anything.

Hethe Clark works with the purchaser group, and he testified about the legal challenges and conundrum where they are pinched between the planning and the practicalities of the situations. They have a project that Nampa would like to see developed at a higher density but it's miles away from sewer with a significant cost (\$20 million a mile) associated with that. There's been no written opposition other than the City of Nampa and concerns raised by the Vallivue School District. Nampa is adjacent but it doesn't have the ability to serve the property; there is no timeframe for the construction and there is no plan to pay for it so the question becomes is the landowner then expected to sit on their hands and hope there is a better plan for how to pay for a 30-foot deep sewer line for 2.5 miles. This is a question of balance, and we have to balance the planning against the practical and look at balance in terms of the comprehensive plan.

Doug Strosnider stated acknowledging a school has issues with capacity is not unusual, unfortunately there is no way in the state that allows us to address that with impact fees or other

ways especially for smaller subdivisions that do not have a large impact. He was surprised to see school districts talking about streets, streetlights, etc. One-acre lots will have a lesser impact on school capacity than a higher density development will have. The applicant tried to work with Nampa on the existing lift station but they said no because they are at capacity. Due to the costs involved he doesn't see where sewer lines will be brought to the area.

Testimony in opposition was offered as follows:

Doug Critchfield, a planner with the City of Nampa, gave testimony regarding Nampa's planning and zoning interest in the property. They have been working with the developer for some time, and one of the concerns they have is with it being adjacent to city properties. The city has a policy of not servicing property with utilities until it's annexed and there are no utilities directly immediately adjacent to the property. There is water approx. 700 feet to the south and there may be some options through city engineering to bring water to the property which may allow a reduction in lot size. The primary concern is with density. The area is slated for much higher density development in the future. As the city encounters subdivisions that were developed in the county, they are finding incompatibility issues with the neighbors. In the new comprehensive plan, the County is attempting to preserve ag land and drive development back towards annexed properties in the city and they support that approach. They favor development of the site if it were to be annexed in the future, but currently they don't think it will be compatible with future development in the area. Following his testimony, Mr. Critchfield responded to questions from the Board.

Rebuttal testimony was offered by Matt Wilke who said they have a road variance request with the highway district, and they do have access to the property. They have not seen any construction since 2019 and they cannot get sewer and he believes the city is trying to strongarm them. Their letter received on October 7<sup>th</sup> is dated August 18<sup>th</sup> and they were not able to respond to it. After the October 7<sup>th</sup> hearing they met with the city again to try to work on a solution but there is nothing they can do. It's a unique property where it shows agriculture on the future land use map for the County but we know it's going to develop, and Nampa wants medium to high density but they cannot provide the utilities so what's the landowner supposed to do?

There was discussion about subdivision improvement waivers. Commissioner Smith said it's important to have an analysis of the impact area agreement, and she noted that subdivision standards could be addressed at the subdivision hearing. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek is not in favor of a lower-end subdivision; we have the ability to evaluate what goes in and the quality of the development based on the criteria we are given. She wants the County to develop into desirable partnerships that interface between the County and the city. She wants the applicant and the city to figure out what is in the best interest long term. Commissioner White said there was testimony that it would be a higher standard, not starter homes subdivision. The location with access to Highway 20/26, the interstate, and the marketplace speaks to better quality than starter homes. Commissioner Smith said this is a straight rezone to R-1 and we cannot control housing quality. Following discussion Commissioner

White made a motion to approve the request for a comprehensive plan map amendment and rezone and direct staff to amend the FCO's to include an area of impact finding and note that consideration was given to the Nampa on their maps and information. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. The ordinance and resolution will be signed once the FCO's have been amended. The hearing concluded at 3:00 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH CANYON COUNTY AND CITY OF CALDWELL REGARDING THE CALDWELL URBAN RENEWAL AGENCY'S PROPOSAL FOR A NEW REVENUE ALLOCATION AREA

The Board met today at 3:11 p.m. with officials from the City of Caldwell regarding the Caldwell Urban Renewal Agency's (CURA) proposal for a new revenue allocation area. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planner III Kate Dahl, Chief Deputy Sheriff Marv Dashiell, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Assessor Brian Stender, PIO Joe Decker, Steve Onofrei, Mark Hilty, Doug Waterman, Brent Orton, Carol Mitchell, Ophelia Morales, ElJay Waite, Middleton Mayor Steve Rule, Middleton City Clerk Becky Crofts, Tonn Peterson from Ball Ventures Ahlquist, Aaron Lake from AT Industrial, other interested citizens, and Deputy Clerk Monica Reeves.

*Summary: The CURA is proposing a new revenue allocation area that would include approximately 1,000 acres of area outside the city limits of Caldwell. The majority of the proposed district is along Highway 20/26 west of Interstate 84 (Exit 26.) This is a similar plan to the 2019 draft submitted for consideration, however, as part of this plan, the draft includes the recognition of the County-owned property identified for the jail site (within the proposed draft) and provision of infrastructure construction to support the jail site. Further, the draft plan proposes substantial infrastructure upgrades to the region, a seat/vote on the Urban Renewal Board (as appointed by the BOCC) and other improvements over the course of the 20-year period.*

Commissioner Smith said the plan is similar to what urban renewal district tried to pass two years ago. In a previous position at Destination Caldwell, she was actively involved with urban renewal and she understands and appreciates its value, and she witnessed what Caldwell and Nampa's urban renewal districts have done for the growth of their communities and subsequently the growth for Canyon County, and she is excited to hear how this plan considers those things.

Comments were offered as follows:

Mark Hilty said the City of Caldwell is looking for approval of the intergovernmental agreement and approval of the plan which is required because a significant portion of the area lies outside city limits. The city is looking for partnership with the county because the developments that go forward and the infrastructure that will attract them and the increasing tax base off the

developments they anticipate will locate here. They want to build on the success that's been realized at Sky Ranch. The current urban renewal area (URA) will sunset in the next year and will add \$1 billion of property tax increase during the lifetime, which blows away all projections they had for that area, and they believe the same thing can be accomplished in this new area. Sky Ranch is out of room and the City is looking to continue what has been started there. Mr. Hilty said they realize there are concerns about tax dollars, project costs, and philosophical concerns about urban renewal, but the Board should keep in mind the well-paying jobs created by the industrial users, and the strong families that can come from secure jobs. The area was identified in 2019 and parts are within a mile of downtown Caldwell. There is a lack of infrastructure, access, and utilities which make it difficult to extend the infrastructure that's necessary for industrial users. The goal of the plan is to find a way to incentivize through tax increment, the development of the infrastructure so they can market the areas as shovel-ready for industrial use. The area has not developed because the infrastructure is not there and there isn't a cost-effective way of getting it there and urban renewal can bridge that gap. It's the perfect spot for another Sky Ranch. There is substantial interest in industrial development in Caldwell, and we need an URA to create shovel-ready properties for them to develop on. The County will have to do without the increment that will be used to fund these projects. A base assessment roll is set and taxes will continue to be received on that, but the increase in property value will go to fund the UR projects. It's a fraction of one percent (1%) of revenue that's generated from this area for the County right now and pulling it out is not going to have a significant impact on budgets. Whatever is being generated in the area now, which is low, the County will still get that in addition as those properties come out of ag exemption the increased property value for the dirt is added to the base basement roll so taxes will increase even with the reallocation area in place. The plan is substantially for low-burden uses; there are some areas that are probably appropriate for high-end residential around reclaimed ponds, but significantly industrial and commercial developments that don't generate the burden on law enforcement or fire services. Caldwell is actively looking for an annexation path for these properties they think will get there soon, if approved. As properties are annexed it alleviates some of the burden the County would have for providing services. Yes, there will be a reallocation for tax increment dollars, no, we do not think it will adversely affect County taxes. It will help profoundly in the long-term. There should be a County representative on the urban renewal board, not just for this area but for the other projects the city has and other areas that might be considered in the future. Following his comments, Mr. Hilty responded to questions from the Board. ElJay Waite provided information on the feasibility required by statute and the probability of determining the funding of all the project costs based on the revenues that would be received. The City provided information on levy rates, tax codes, and construction values for the top 10 projects in Canyon County since 2017, which was significant when looking at what taxable values are on the rolls right now. He talked about how he converted the information on values into cost-per-acre for construction values and looked at the top 10 projects. He made calculations then put it into the spreadsheet which created a model that said for all properties that would develop into large industrial or commercial north of the Boise River and railroad tracks would be funded, the high priority items would be funded with discounted dollars to today's value and that discount rate was 4%. The city wants investments that are supportive of the agricultural community and that is what the first project consists of. There are approximately 1,875 acres in this revenue allocation area of which 1,090 are being targeted for the first-phase development

which would continue through the first three-quarters of the urban renewal life. The infrastructure costs for streets and utilities being paid for by developers and reimbursed over the remaining life of urban renewal, up to, but not to exceed the value of the improvements they paid for. There is no interest being allocated to the developers. Market assessment designation and industrial and commercial development projections over the 20-year term of CUR are partially based on key economic indicators detailed in the Canyon County 2020 Comprehensive Annual Financial Report, and additionally demand for large shovel-ready sites in the CEUR agency area exceeds supply. In the revenue model the projections for the "CNURA increment property tax revenue" utilized projections from large development taxable assessed values since 2017 and actual assessed values added to the property tax rolls by the Assessor countywide and for the Sky Ranch Business Park. The assessed value of this property provided by the County is \$36,003,565. An estimate of the value of the revenue coming from the levy rates was used in the plan as a fixed levy rate during the 20-year period and started with only a 1.5% deviation from actual numbers. Mr. Waite spoke of how the City and the County both have economic development persons to help bring the best type of development to the area. There was a review of revenue generation. They are showing no revenue for the first three years because they are only showing revenue from developments or redevelopments of property. There is no increased value for assessor reappraisals or inflation – it was simply to show what the development would provide against the cost that the development has to pay. There will be two full years to find the right developer to begin and complete construction before the tax rolls return revenue to the agencies. He expects the first revenue to return in 2025 from the first project, and he expects the economic development team will have developments in line waiting for their opportunity to begin construction over the life of this plan. Every year there is a new development coming online. The base value revenue of the \$36M (\$381,000) is only 1.5% higher than what has happened based on the estimated levies in this plan, that stays with the County. Any land increases that happen during the development will come to the County and other taxing entities. When we put in the properties that would be developed at the values already on the County books we are showing that over the 20-year period the value that's brought in is \$1.9 billion. The taxable value that has decreased is \$2.388M and the net cumulative taxable value is \$1.9 billion and the gross incremental revenue is \$173M. The last year is \$13,877,456. We are taking a revenue of \$381,000 for taxing districts to a revenue of almost \$14M. The revenues have been discounted at 4% back to today's prices so we can compare what the project costs are to the revenues we generated. The net revenues available to pay projects costs are \$156M total and the discounted rate is \$91,862,000 and that is adequate to pay the high priority project costs. If the URA outperforms many of the low priority projects will be completed. Not only is this probable, it should be our goal to turn this area into a mecca for industry that will support our ag community and provide good jobs and opportunities for the residents. Commissioner Smith asked if he did any projections on how it might help the County jail. Mr. Waite said there is time to develop a plan of what the County needs to happen out there, but they have not taken the liberty to say it would be a jail of this size; that is for County to determine what that is and the City can look at how it can help. The infrastructure is included in what gets paid back. There is revenue to put the infrastructure on that property and he assumes the urban renewal would do the infrastructure around it. Commissioner Smith asked what it means if we find a mechanism to fund a jail on that site within the next few years? Mr. Waite said the project moves ahead, comes to 2025/2026. The 24 acres the County has is prime property for



what its trying to do and as quickly as it can get there it would be a project that could move forward and be reviewed by the agency. If the agency needed to provide infrastructure for the streets it could be paid with an urban renewal bond. Aaron Lake owns AT Industrial and he said they just finished the largest industrial building built speculatively in the Treasure Valley, with other projects underway. They were attracted to this area over other areas in Boise because of the advanced investment made in Sky Ranch. Tonn Peterson, from Ball Ventures Ahlquist, a commercial real estate company, spoke about the benefits of the Sky Ranch Business Park and how the residual benefits of urban renewal and how it keeps on giving. They have users coming to this area from other states because of the shovel-ready attractiveness of Caldwell/Canyon County because of what urban renewal can provide. He talked about how the demand for the industrial component is key to making the industrial work. Steve Fultz spoke about the economic development team, and the partnership between the City of Caldwell, the Caldwell URA, and Canyon County. The issue continues to be the demand for shovel-ready ground. There is a food processing prospect who is considering Canyon County, and they were looking at more than 70 sites throughout the U.S. and have narrowed it down to two, and Caldwell/Canyon County is one of the two they are considering. They are looking at building 1.1 million square feet of a food processing manufacturing area, with an investment of approx. one-half of a billion dollars, and 400+ jobs with an average wage around \$52,000 per year. A project of this magnitude would be a top 10 economic development project for the U.S., not just Idaho. The issue for companies seems to be the tax increment financing (TIF) opportunities to help offset some of the costs they would incur for the infrastructure needed (power, sewer, water, gas), and the need for a clear understanding of what that partnership is and how it comes about. Time is of the essence but there are things we need to look at in regard to that element. Currently there is no pathway of annexation, so the partnership becomes even stronger as we move through that process. He is in favor of the proposal but said we must build a strong partnership between the City of Caldwell, the Urban Renewal Agency, and the County to make this work. Clerk Yamamoto spoke of his experience with land use over the years and he posed the question: *how much growth do you want?* The proposed plan sounds like it will be good for the agricultural community, but the problem he has with urban renewal is that for 20 years all taxpayers, to some degree, subsidize that. He is dismayed that the new revenue allocation area has had time to put this presentation together, but the County has not done the tax work on it and yet the Board is voting on it tomorrow and he has problem with that. The property tax impact worries him. Commissioner Van Beek said this is basically the same proposal from 2019 and there has been two years for elected officials who have objected to this plan to come forward and provide additional information to the Board that would either inform the urban renewal committee of the concerns or provide feedback. This proposal is to take an area that generates \$383,000 and taking it to almost \$14M, and she spoke of the partnership and visionary leadership that says we are going to gain revenue in the long term and that is convincing. Clerk Yamamoto disagrees. Doug Waterman said the city has had an update on the district agendized as an attorney report for nearly every urban renewal board meeting for some time, and there will be a final public hearing on the plan, assuming it moves forward today. There was a public meeting on the area and the declaration that has deteriorated and that was related to the plan. There have been public meetings for both urban renewal and the agreement, and the plan and various aspects of it and reports on the progress of the plan over the last year. Commissioner Smith said the County knew the City was doing this and there were opportunities beyond what is



happening today to work with the URA. She asked Assessor Brian Stender about Mr. Waite's statement that the proposed area is a fraction of the current assessments. Assessor Stender said he is not sure what the fraction is, perhaps it's a fraction of what will be generated eventually, what we are currently receiving as the tax base out there. There is a lot of this area that is currently farm ground and it's upsetting we are promoting the development of farm ground. He is not a fan of urban renewal, but he is a fan of having a shorter duration – not 20 years – if it's properly funded like the current one, if we could have paid it off earlier and returned the increment back to the property owners, he would have been a bigger fan. He's not 100% against urban renewal, there is a lot of that area that is subpar that needs some effort. He wants a copy of the information so he can review the numbers that were presented. If this does move forward, he asked if there is a possibility of paying it off earlier perhaps in 8-12 years. Mr. Waite said they scheduled those so they were the lowest bond payment possible when the bonds were issued so that they did not infringe upon the integrity of the revenue stream. They had to guarantee certain revenue in reserve when they put them together, and if there were to be a stampede of developers and it built out in the first 10 years instead of the first 15 years then those revenues will come in and when they hit that point that's the purpose of having commissioners from the City and the County to say when can we pull the trigger to de-annex. When they first did urban renewal, de-annexation was not something that was on the table 23 years ago, but it's there now. It is feasible during 20 years and if it goes sooner it will happen sooner. Doug Waterman said the urban renewal plans of 2021 are not the plans of 1992. They have attempted to contemplate every project and every project cost that may arise in that area. To Assessor Stender's point, if this builds out immediately and the projects that are contemplated are completed there is nothing else we are allowed to do. If that is 8, 10, or 19 years from now - in the year in which all of our projects are paid for with revenue we have that is the year we terminate the plan. That is one of things that will apply to this that did not apply in the past the same way. There is nothing we want more than to have this plan terminate in year 7, 8, or 9 because all that development goes back on the tax rolls and we look for a Caldwell Urban Renewal Area South in the year 2035. Commissioner White asked what's different from when the plan was presented in 2019? Brent Orton said a couple of facets are different: 1. The area is a little different. We don't include agricultural property in the proposed allocation area unless the written consent of the owner is obtained. There are some areas that have not been included that were last time, and some areas that have been included that were not last time based on industry that has shown interest in coming to Caldwell. The 8-project parcel is the last parcel in Sky Ranch but there have been multiple points of interest in this general area including one that has a site selector on site today looking at this area and they have expressed the importance of having infrastructure built. The change in the area and adapting to the things we learned last time when concerns were expressed, and we are being responsive to those concerns in what we proposed this time. There is a sewer line and a water line out there, but they would not be sufficient to support the area; the City would have to duplicate the lift station that's out there to support much industry/growth. We need additional water infrastructure. We are excited for the prospect of being able to bring in the infrastructure that would allow it to happen. The entire Pond Lane acreage is included in this plan. The City is pleased to include anything that can legally be included to assist with the jail project. Commissioner Van eek said this is a great selling point and marketing strategy and she is in favor of moving forward with the jail at that location because it's been included in the urban renewal. To have a work release

program where there might be places to employ or train people for the market is exciting. Brent Orton said another thing that's different about the plan is the feedback on some of things the City had proposed, such as a parking structure so they took that out. He explained the reason it was included is because the law requires you to include anything that might be built with it. It has been removed. Assessor Stender said the plan still includes something parking related. Robb MacDonald said there is accommodation in the plan for some public parking that could be used by the public at any location where it may be needed at some point within the allocation area. Assessor Stender said there are administrative costs included and economic development costs already built in, and since this is a partnership what is the possibility of some of that helping to fund the County's new economic development position. Commissioner Smith said when we pitched the idea for a County economic developer, we talked a lot about how Caldwell and Nampa have adequate teams and our goal was to support the smaller cities and rural agricultural areas, but to your point, we are working with urban renewal in this area. Director Fultz said if funding was available, he wouldn't turn it down, but it needs to be a concerted effort between the two organizations and communities to tag team these efforts. Land use is another one where we may be able to look at other opportunities within these areas for land incentives that may be available through that. It's very possible to do something like that. Commissioner Smith wants to get a recommendation from the Caldwell team tomorrow on that. Director Fultz said one of the visions in filling the position was not only addressing the building, planning, and the code enforcement, but also on the economic development end and how it all ties together and developing these close relationships. The County has never had an economic development person in place, so he sees it as an opportunity to partner and bring some expertise, and while the focus is on the smaller communities and strategic planning, a partnership with the larger cities saying we are team that works together. Controller Zach Wagoner said he's heard there will be mixed use, industrial and maybe some apartments and that will result in an increased demand for County services, how will those services be paid for? The property taxes paid by those new developments will be allocated to the URA, it will not come to the County. Commissioner Smith asked if there is any data showing Sky Ranch and North Ranch have caused a burden on public services? Controller Wagoner said the current urban renewal is bigger than Sky Ranch, and there are a large number of residential developments in the existing revenue allocation area and he sees that growth will cause an increased cost for all types of services: public safety, EMS, property tax, administration, billing, collection. Commissioner Smith said one of the services we lack is a jail, and this would be one funding source to meet that need that we don't currently have. Controller Wagoner said taxpayers have been asked if they want increased property taxes for a jail and they have said no. This is property tax, and he questions if it's a backdoor property tax to fund a jail? Commissioner Smith said it's not a backdoor property tax, it's the only method out there that the legislature has approved. It's legal. Commissioner Van Beek said the biggest obstacle she heard was the cost of \$198M to build a jail and we chose not to go through an RFP process. There is more to the story that would have to be told with that "no". It does not diminish the amount of revenue we are currently receiving so there is a counterweight there and the question would have to be asked, what do you see as the need for increased services in an industrial area. It would represent less risk than a high-density low-income housing. Controller Wagoner said the revenue goes to the URA, not to the County or other taxing districts, and his concern is for residential property taxpayers. We have heard repeatedly from taxpayers about their property tax bills skyrocketing.

Commissioner Smith asked about the impact with the current revenue allocation area sunseting and the difference from the original value to the value now. What impact will that make to the taxpayers? Controller Wagoner said that depends on what we decided to do with our property tax dollars. We could leave our property tax dollars the same, that new value would then drive down the levy rate and that would benefit all County property taxpayers, or we could increase our property tax dollars to reflect what's currently being paid to the urban renewal. It's our choice. It could be a funding mechanism for the jail, or we provide some property tax relief to current property taxpayers. Commissioner Smith said we also are missing an adequately sized jail and it's our job to fund that. That's another potential funding mechanism, when that sunsets, and capitalizing on that. Brent Orton said the indications they think they have from discussions are that the creation of an allocation area there will probably prompt an annexation path of the things closest to the City soon and that's where people have talked to the City about the possibility of apartment buildings. Another thing to look at is the proportion of the tax that would be missing that is drawing upon those services, especially EMS. Lastly, with the current allocation area bringing about a higher tax base at the end of the day which came with job creation and a lower tax burden for the public in general because you have this big value density that comes with industrial, this is possibly a time to think about a way of investing in ourselves and eek by with maybe less revenue for those services during the life of the allocation area, and finally, that once those properties are developed to the point that once they are developed out, perhaps partial de-annexation, although he doesn't know if that is possible. There are couple ways that could be outs. Annexation into the City would mean the City would have to provide those services that are in question, and de-annexation from the agency once they are developed out is a possibility that has been raised. Commissioner Smith asked Legal Counsel what safeguards the Board should evaluate. Zach Wesley said he has reviewed the documents and they are very similar to the documents reviewed in 2019 so they do provide a path to accomplish this. He reviewed the three items on tomorrow's agenda:

- Make a declaration about the area so that it falls under the urban renewal definition of deteriorated.
- There's a transfer of power agreement between the County and City that would basically turn over the County's authority in this area for these urban renewal purposes to the City and so the biggest change between these agreements and the way they were in 2019 was the language that would require the City to appoint a County representative to the urban renewal agency.
- His review is limited to the form of the documents that are prepared and will they accomplish what you have set out to do and to that question he can say yes, we are ready to go on that end, but that is not a review of the entirety of the plan or the groundwork that's been done by the URA.

Commissioner Smith asked what a release of power means. Mr. Wesley said it's about the allocation of tax dollars; Director Fultz made some comments that he will work to get incorporated into another draft for tomorrow. There will be some benefit from having clarity about the zoning authority, making explicit that until annexation occurs or there's an area of impact agreement, the zoning doesn't change in this area unless it goes through the County

zoning process. The same would be true for services in the area; until the City annexes and provides the law enforcement out there the Sheriff's Office would be the primary law enforcement entity to respond. No Board action was taken. The meeting concluded at 4:56 p.m. An audio recording is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 16, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

- The Board approved the transfer of sick leave time to vacation time for A. Anderson; E. Romo

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Uniforms 2 Gear in the amount of \$20,104.00 for Canyon County Sheriff
- 3C in the amount of \$14,102.00 for Information Technology Department
- SHI in the amount of \$2,659.38 for Information Technology Department

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel (left at 9:04 a.m.), Deputy P.A. Doug Robertson, Chief Deputy Sheriff Marv Dashiell, Cpt. Harold Patchett, Kent Smart with Tech 84, Jack McLoughlin with Command Sourcing, Landfill Director David Loper (arrived at 9:03 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing a resolution approving award of Officer's Badge and Duty Weapon to Sgt. Shawn Naccarato:*** Chief Dashiell said Sgt. Naccarato will be retiring at the end of the month and provided

his work history with Canyon County. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution approving award of officer's badge and duty weapon to Sgt. Shawn Naccarato (see resolution no. 21-229).

Mr. Robertson explained that Mr. Smart and Mr. McLoughlin are in attendance today for the preproposal conference for the body scanner. A brief review of the timeline for the project was given and discussion ensued regarding demolition of partial wall in the booking area.

The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH LANDFILL DIRECTOR TO DISCUSS BEAUTIFICATION PROJECT

The Board met today at 9:21 a.m. with the Landfill Director to discuss the beautification project at the landfill. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Landfill Director David Loper and Deputy Clerk Jenen Ross.

Director Loper provided draft copy of project costs for the beautification project, a copy is on file with this day's minutes. Currently the project is broken into three phases – phase I is the monument sign, phase II is the paving and phase III is the landscaping. \$100K was included in the FY22 budget for asphalt, there was also \$75K budgeted for beautification. Director Loper would like to focus on the sign first. His preference would be to do a large engraved landscape type rock as opposed to a lighted sign or sign board. He will work with Mr. Robertson to determine if an RFP will be necessary based on the Board's preference on the project.

Phase II of the project is for earthwork and hardscape in relation to the paving portion. Although it is related to the beautification project it is also its own project that has already been planned separately from the beautification project. Director Loper would like to move forward with the asphalt portion which is \$100,000. Additionally, he would like to do some of the ribbon curbing near the office. There is a lot of work that can be done by landfill staff such as demolition of the asphalt, relocation of traffic signs, removal of bollards and some of the culvert work. Ideally, he would like to keep the entire project within \$150,000 to \$175,000 as budgeted. If the Board is amenable to this plan Director Loper said he will put together a more detailed price point plan for presentation to the Board.

Director Loper explained phase III will be considered in fiscal year 2023. For now, he would like to focus on the first two phases.

In response to a question from Commissioner Van Beek, Director Loper spoke about gate modification and the ingress/egress.

The Board is supportive of the conceptual plan. Director Loper will put together more specifics regarding details and pricing.

The meeting concluded at 9:46 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTOR OF JUVENILE DETENTION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEM

The Board met today at 10:03 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Director of Misdemeanor Detention Jeff Breach and Assistant Director of Juvenile Detention Shawn Anderson (arrived at 10:09 a.m.), Director of Juvenile Probation Elda Catalano (arrived at 10:11 a.m.) and Deputy Clerk Jenen Ross.

Director Brown updated the Board on the following:

- Today they have 30 juveniles in custody; 3 DJC, 2 Gem County, 1 Washington County, the remaining are Canyon County kids which are being held longer. Over the weekend they had 34 juveniles in custody.
- In regard to email he sent about overtime and on-call, he doesn't believe he has received approval from anyone but Commissioner Van Beek at this point. Commissioner Van Beek read an email dated November 10, 2021 from Commissioner Smith into the record providing her approval. A recap of the situation was given for Commissioner White. Director Brown explained that he is at a point he has to implement mandatory overtime and on-call just to ensure staffing levels but wanted to make sure he has proper authorization. Commissioner White provided her support for the overtime as necessary.
- There are currently 6 open positions; 2 contingent offers were made and accepted; 3 more contingent offers will be made tomorrow.
- All schooling aspects are going well.
- Kids are very high maintenance right now with a lot of behavioral issues which is an added stress for staff. Behavior room doors are not holding up but he's worked with maintenance to get them retrofitted to make sure they are secure.
- In response to a question from Commissioner Van Beek, Director Brown spoke about some of the things they try to do for the holidays.

The action item was considered as follows:

***Consider signing Juvenile Detention Housing agreement with Valley County:*** This is the standard annual contract, there are no changes. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Juvenile Detention Housing agreement with Valley County (see agreement no. 21-119).

The meeting concluded at 10:15 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTORS OF JUVENILE PROBATION AND MISDEMEANOR PROBATION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:15 with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach and Deputy Clerk Jenen Ross.

Director Catalano updated the Board on the following:

- A lot of juveniles are being placed on diversion.
- She is working on staffing needs; 1 person has been out on maternity leave and another left in July. She will be posting her vacant position due to increased workload.
- Brief discussion regarding space needs.
- There has been an increase in juvenile gang activity in Canyon County.

Director Breach updated the Board on the following:

- COVID has been going thru his department so they are managing being shorthanded; 2 staff members will be going out on FMLA.
- A new PO will be starting the week after Thanksgiving; they will be coming in with 2 years of experience.
- Review of cases numbers: 996 active cases; 508 on bench warrant status; 304 in the community service program.
- He has spent some time visiting with 3 new judges and the need to keep court days where they are. He has also visited with TCA about similar issues.

The meeting concluded at 10:26 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE FLEET DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:30 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross.

Director Tolman updated the Board on the following:

- There have been a few accident claims recently.
- Equipment is coming in; still waiting on vehicles to arrive.
- A new tech was recently hired and will start Monday.
- The carwash project is moving slower than expected but continuing to move forward. In the meantime, there are a few vehicles that need to go to an outside carwash. Commissioner Van Beek requested a list of the vehicles and the cost. Director Tolman's suggestion is for individuals to use their county credit card to pay for the carwash and bill it back to the Fleet line. The Board is supportive of this plan.
- Commissioner Van Beek said they are working towards updating the fleet policy and anticipates it being ready in January. Discussion ensued regarding risk management as far as what can be done and the savings it can provide to the county. Director Foster is working to collect statistics over the past couple of years regarding claims. Director Tolman is working to collect information on claims that have been subrogated.

The meeting concluded at 10:30 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE HR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER AN ACTION ITEM

The Board met today at 2:34 p.m. with the HR Director to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster, HR Generalist Jennifer Allen, HR Sr. Administrative Specialist Bailey Allen and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing resolution to approve the title and job description to one (1) position in Maintenance:*** Director Foster spoke about how a survey was done of several other counties and the average salary for this position is around \$93,600 as a minimum. Currently the position is starting is \$77,904. Director Foster is suggesting there should be an amendment to compensation plan.

An overview was provided regarding applicant for the open Director of Facilities and Maintenance position. There are about 11 highly qualified candidates and another 7 that are well qualified; most candidates are requesting \$100,000 - \$110,000. A list and applications of qualified candidates were provided to the Board.

Commissioner Smith noted that it is not on the agenda today for the Board to consider making changes to the compensation plan. However, they can consider changes to the title and job description.



Discussion ensued regarding a review/recommendation committee and decided that Cpt. Harold Patchett, Fair Director Diana Sinner, IT Director Greg Rast, Controller Zach Wagoner and Coroner Jennifer Crawford will be asked to participate. The Board will review the applications and meet again tomorrow to discuss the candidates they'd like to interview; interviews will be conducted next week.

Ms. Allen gave overview of changes to job description; the only major change is to the title changing it from Director of Operations to Director of Facilities and Maintenance. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution to approve the title and job description to one (1) position in Maintenance (see resolution no. 21-239).

Commissioner White made a motion to continue the meeting with the HR Director to tomorrow, November 17, 2021 at 3:00 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 3:12 p.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING MEMORANDUM OF UNDERSTANDING BETWEEN U OF I CANYON COUNTY EXTENSION AND CANYON COUNTY FAIR FOR THE 4-H YOUTH DEVELOPMENT PROGRAM

The Board met today at 3:12 p.m. to consider signing the memorandum of understanding between the U of I Canyon County Extension office and the Canyon County Fair for the 4-H youth development program. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Commissioner Smith said this MOU has been in the works for a long time. It has been reviewed by Fair Director Sinner and is what she was wanting. Mr. Wesley said the MOU outlines the rules and responsibilities and divides up tasks and responsibilities in order to get the 4-H show at the fair prepared in a timely and efficient manner. This agreement will renew automatically every year and there is a 60-day termination clause; this is a written understanding but requires both the university and the county to appropriate the funds and staff within the budgets. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the memorandum of understanding between U of I Canyon County Extension and Canyon County Fair for the 4-H youth development program (see agreement no. 21-120).

The meeting concluded at 3:16 p.m. An audio recording is on file in the Commissioners' Office.

#### DEMONSTRATION BY CGI DIGITAL FOR A COUNTY SHOWCASE VIDEO PROGRAM

The Board met today at 3:18 p.m. for a demonstration by CGI Digital regarding a County showcase video program. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker, Amy Velez with CGI Digital (via conference call), and Deputy Clerk Monica Reeves. Joe Decker was contacted by CGI Digital and advised that Canyon County had been selected to participate in a showcase video program, which we are eligible for as a NACo member. CGI will produce a series of six (6) different videos for our website at no cost to the County. The content can be customized on a variety of topics including economic development, parks and recreation, agritourism, wine region, real estate, relocation, quality of life, etc. CGI receives no funds for the program and they offset their costs by creating public/private partnerships and working with businesses across the country. Video tour links will appear on the website, and around the perimeter of the link there will be logos for various businesses that provide marketing opportunities for local businesses. Each business logo will have a video as well. They also highlight nonprofit community organizations at no cost. The Board watched videos CGI has prepared for Barrow County, Georgia and Kootenai County, Idaho and were impressed with the content and quality displayed. The County's only commitment would be to provide Mr. Decker's time to assist with the project. Their script writers will write each 90-second video and send it to the County for edits and then filming will begin followed by post-production work and review/edits, and then CGI will provide a link to have all videos displayed on the website. They will come back every two years to update the content at no cost. The Board unanimously agreed to authorize Mr. Decker sign the letter of introduction and agreement in order to start the process. The meeting concluded at 3:46 p.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING DOCUMENTS RELATED TO THE URBAN RENEWAL AGENCY OF THE CITY OF CALDWELL

The Board met today at 4:05 p.m. to consider signing documents related to the Urban Renewal Agency of the City of Caldwell. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, PIO Joe Decker, Chief Deputy Sheriff Marv Dashiell, Controller Zach Wagoner, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Assessor Brian Stender, DSD Director Steve Fultz, City of Caldwell officials: Mayor Garret Nancolas, Caldwell Finance Director Carol Mitchell, Attorney Mark Hilty, Attorney Doug Waterman, Steve Jenkins, Brent Orton, and Robb MacDonald, Rachel Spacek from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Yesterday a workshop-type meeting was held to solicit input on the urban renewal project, and at the conclusion of the meeting the Board asked for changes to a couple of the documents.

Doug Waterman reviewed the changes as follows:

##### Changes to the intergovernmental agreement:

He said Zach Wesley asked for specific wording and the first change is in Section 2 where they removed the reference at the end of the first paragraph of Section 2 to City resolution No. 317-

21, which declares the area to be deteriorated. That particular action is covered by the County resolution also declaring that area deteriorated, and it was to avoid duplication or confusion.

They added a new paragraph at the very end of the agreement. There was concern that the agreement impacted the agreement between the City and the County as to the impact area, and this language was added for the sake of clarifying that this agreement does not supersede or modify that agreement in terms of it being a part of the land use planning toolkit. The new section states: *The parties agree that this agreement constitutes the entire agreement between the parties hereto*, which is a way of making sure you are only looking within the four corners of the document. *This agreement should not modify, transfer, waive, limit, or remove duties, jurisdiction, or authority imposed or allowed by law except where undertaken herein, but not limited to, duties, jurisdiction, or authority for zoning and building permitting.* It's saying you have to look within the four corners of this document. This document shouldn't be construed to do something that it doesn't explicitly do. Zach Wesley said the changes were made in response to comments from Director Steve Fultz. Commissioner Smith said there was a question about funding for an economic development position. Mark Hilty said that is a legitimate expenditure of urban renewal funds under the law to pay for staff, and the agency is willing to work with the County on that. The difficulty is what the agency pays for has to be for the benefit of the urban renewal area so if we have a countywide economic person we will have to figure out a way to quantify what work is actually for the benefit of the URA. If we can figure out what is a fair portion of the time and effort of that position expended for the benefit of the URA then the City would work with the County on the compensation. The other limitation is there is not much revenue expected in the first 2-3 years because there won't be much increment there, and that could be a hurdle as well. As we get beyond the first couple of years there will be significant revenue likely and this will be a relatively minor expense for what can be a significant benefit to the agency particularly when it comes to coordinating the certain users who qualify for the tax exemption process.

Commissioner Smith said there was a lot of discussion regarding annexation at the 2019 hearing, and a perceived theory that we were going to wait for the land to be annexed. What is happening with annexation? Mayor Nancolas said the City has had numerous meetings with property owners and all the property owners out there that are of agricultural use have signed and are willing to be a part of it. The key piece is there is a landowner in the middle that does create a link that has expressed a desire to begin developing as soon as they can and that requires annexation so that does link to the Caldwell property which links to the Harris property which begins that process. He expects it to be annexed within the next few years as there is a very strong annexation path. Caldwell Housing Authority wants to be annexed into the City of Caldwell and they are working with some of the property owners to create an annexation path. The goal is that it will all be annexed. Commissioner Van Beek said the question was answered yesterday, and some of the property in the urban renewal area is located less than a mile from the Caldwell impact area and the reason it hasn't gone is there are unique challenges to that area that urban renewal is designed to solve and if it could be developed it would be developed. Mr. Waterman said that is the assertion of the finding by the City that the area is deteriorated and the purpose the County would be making is a similar assertion by adopting the resolution to find that area deteriorated. The

bridge, for annexation purposes, is deteriorated in a way where it needs the benefit of urban renewal to develop. Mayor Nancolas said there is a path but at this moment, there is no project. Commissioner White asked if there are plans for force annexation. Mayor Nancolas said he is not aware of the City forcibly annexing anyone. However, there were some people who needed sewer, but it was a unique set of circumstances and so the City approached the property owners and asked them to be willing to submit to being a part of the revenue allocation area and one of the reasons it took a while to get the final numbers to the Assessor is there were people who didn't want to be included and so they had to change boundaries. The City does not use force annexation on anyone, however, if someone requests services they enter into a services agreement that says when you can be annexed you agree to that. It's a partnership, not a forced annexation.

Commissioner Smith said nearly 100% of the taxable parcels are in the County and the plan includes the City to receive some administrative costs that are covered that are received from the allocation. Should any money be recouped by the County for some of those administration costs? Mayor Nancolas said if there's a way to show a link and a nexus between that, then certainly. If you had a staff member who was dedicating time and working cooperation with the City then yes, that would be an eligible expense and something we would have to agree to and make happen. Mr. Waterman said the agency is obliged to purchase the services it needs. Commissioner Smith asked if that is a change to the agreements. Mr. Waterman said no, it can be accommodated under the current plan.

Commissioner Smith asked if all parks are identified as city parks, and whether any parks are annexed or considered County property. Mayor Nancolas said there is a state park (Caldwell Ponds) which is owned by Idaho Fish and Game, and there is a contemplated partnership for those ponds. The parks are unincorporated and so they will not be able to use established impact fees for those parks. *A correction was made later which stated Curtis Park is annexed in to the City, but it does not change the need for using increment on the other parks. The Rotary Pond Park is also part of what connects to Curtis Park.*

Commissioner Smith asked how the levy rate is established? Mr. Waterman said the levy rate is established in the ordinary way it is year over year. He said for the purpose of the feasibility study ElJay Waite is aware of inclusions and exclusions within the code so those portions of the school levy that are excluded from urban renewal under Idaho Code were excluded. Highway districts were included and the City contemplates they will participate. Mr. Waite knows the code applicable to which levies remain with the entity levying them and which portions come to urban renewal and the levy rate established in the feasibility study reflects those facts. Mayor Nancolas said urban renewal and/or revenue allocation areas are not allowed to levy tax so whatever the levy rate of the County or highway district is at the time is what is used in the revenue allocation area. HB389 affected the existing revenue allocation area dramatically because it artificially lowered levy rates which then reduced revenue.

Commissioner Smith asked if there is any willingness to have a definitive statement within the agreement that would force the urban renewal to terminate if the revenue exceeds projections and all projects are completed? Mark Hilty said the difficulty is with the absolute nature of the

request. Levy rates are out of control of the agency so the revenue is a projection and is not known for sure and so there are high priority projects and low priority projects we have to remain flexible on. Canyon County will have a seat to make those decisions as they come along. With national companies who want to speculate on industrial property in Caldwell it could very rapidly advance what has been projected in the feasibility study and if that happens we will fund projects and we'll be done. Once the projects are completed the agency is over. Whether that happens in 5 years or 20 years, we don't know.

Commissioner Smith asked if you bond any of the projects do you not need that annual income to pay off the bonds? Mr. Hilty said you do, but you can generally pay those bonds off sooner or you can set aside the funds if you have them to service the debt. You can retain an amount necessary to pay those bond payments as they come due and still sunset the revenue allocation area. They have done their best to forecast what this looks like. Urban renewal is about growing the tax base and getting eventually those increased taxes onto the rolls for all taxing districts.

Commissioner Smith asked if we can have the plan written to drop County out of the levy component of properties if annexed into the city? Mr. Hilty does not think that will be feasible. Commissioner Van Beek is in support of this. The City of Caldwell has received national attention for the product they produce through an urban renewal tool and it benefits not only the City of Caldwell, but also the County. She wants to partner with the cities to have working partnerships that benefits all residents of Canyon County. Right now, the County is receiving a little over \$300,000 for the value of that property and in 20 years we are expected to get a \$14M return and that is pretty significant.

Commissioner Smith asked if they can confirm the numbers of what the original allocation, the total levied amount of for the communities were when Sky Ranch started and what they are projected at now? Mayor Nancolas said the original and existing revenue allocation area known as the Caldwell East Urban Renewal Agency was formed in 1998, and the total assessed value of the city was \$660M, so by law no more than 10% of that (\$60M) could be included in the original revenue allocation area. That \$60M has grown to nearly \$1 billion because of the investment made by urban renewal and of course that \$1 billion, the majority of it has come into play the last few years especially in the Sky Ranch Business Park and now North Ranch, and those will hit the tax rolls as we begin the sunseting process in February/March of next year and will hit the tax rolls the year after that. The revenue allocation area that started at \$60M will leave (upon sunset) well over \$900M. At the same time, the remaining \$600M that was not included in the revenue allocation area is now estimated at \$2.4 billion. The efforts inside the revenue allocation area provide benefits outside the revenue allocation area which translates into decades and decades of benefit that are on the tax rolls. Commissioner Smith said it was a good partnership with the City and the high-quality good jobs are being provided and that serves all residents. One of the big reasons she supports the plan is because the area includes our future jail site. When she served on the Caldwell Economic Development team they talked about the location of that and there was some discussions on that, but Caldwell is supportive if that that remains the jail site and this plan would allow a funding source for the infrastructure. Mayor Nancolas agreed.

Commissioner Van Beek said the County has had some difficulty getting bonded support for that jail project and a partnership that would help the County get that site improved for a much-needed facility is a win and she is supportive of it. Commissioner White asked about the infrastructure for the Pond Lane property. Mayor Nancolas said the infrastructure we're talking about that urban renewal can participate in is, for example, when a developer comes in they have to improve the road frontage, including curb, gutter, sidewalk, and stormwater, and bring in water and sewer, and they have to have power, gas, etc. There is a broad spectrum of infrastructure that does qualify under urban renewal law that can be paid for. Power has to be brought in for this area, and natural gas, roads need to be widened, and stormwater if appropriate, and parking lots can be built to help the jail – that is what is referred to in the plan as infrastructure. There is water and sewer, the city has already made that investment, but the other pieces of infrastructure that also fall under that umbrella would need to be improved. Brent Orton said water and sewer came in some time after the project was attempted. It came in when the Caldwell Housing Authority had a consent order on the wastewater treatment facility so that was a partnership with them to get the sewer in and the City put in the lift station and the Board of Commissioners provided an easement that allowed sewer to be on the south side of the County's property and it was extended by the owners of Canyon RV.

Commissioner White said this decision is not based on how much she respects or admires the Mayor and her admiration for what Caldwell has done with their downtown area, it is based on her role as an elected official where urban renewal has always been an issue. She does not support urban renewal. Her decision is based on what is best for the taxpayers and citizens.

Commissioner Smith said she ran for office with a platform that supported urban renewal. She believes in urban renewal and entrepreneurs would not be in our hometown if it was not for that. She's not heard from one constituent who doesn't support it, but she has heard from elected officials who do not support it. The people in her world understand the value urban renewal has brought to the community and the jobs it brings and the revenue that will be flowing back into the County when the first urban renewal district sunsets, which will do two things: provide property tax relief, or it will become another funding source for a jail we desperately need. The City will work with us to identify some of the administrative costs and if our Assessor finds questions with the feasibility and has minor changes in the next 30 days we can make those necessary changes. She wants to make sure the communities are growing and thriving with a plan and the City put a plan together that will help us moving forward.

Commissioner Van Beek made a motion to:

Sign the resolution declaring that certain property within the county is deteriorated and deteriorating, declaring a need for urban renewal and declaring a need for the urban renewal agency of the City of Caldwell, Idaho to extend its area of operation beyond the boundaries of the City of Caldwell, Idaho and into unincorporated Canyon County, Idaho;

Sign an ordinance providing for the transfer of powers necessary for creation of an urban renewal plan and a revenue allocation area located partially within and partially outside

the City of Caldwell, Idaho and approving execution of the intergovernmental agreement for roles and responsibilities under Idaho Code Section §50-2906; and

Sign the intergovernmental agreement for roles and responsibilities under Idaho Code §50-2906

The motion was seconded by Commissioner Smith. Commissioner White said with the sincerity and the soundness of her reasoning she will be voting no. The motion carried by a two-to-one split vote. (Resolution No. 21-230, Ordinance No. 21-038, and Agreement No. 21-118.) Commissioner Smith told the elected officials and audience members that she is committed to work with the City on changes, if they are minor, and if anyone has any changes or suggestions please let her know what they are. The meeting concluded at 4:56 p.m. An audio recording is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 17, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS ORDER NO. 2204

- The Board of Commissioners approved payment of County claims in the amount of \$1,902,016.82 for a County payroll.

#### APPROVED CLAIMS

- The Board has approved claims 579270 to 304 in the amount of \$27,631.09
- The Board has approved claims 579392 to 579424 in the amount of \$40,659.85
- The Board has approved claims 579694 to 579778 in the amount of \$143,325.95
- The Board has approved claims 579326 to 579362 in the amount of \$81,103.67

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Platt in the amount of \$2,289.28 for Facilities Department



- Staats in the amount of \$3,368.67 for County Fair Department
- Tarp-Omatic Inc. in the amount of \$1,096.00 for Solid Waste Department
- Dell in the amount of \$2,095.35 for Information Technology Department
- Dell in the amount of \$1,233.50 for Information Technology Department

CONSIDER SIGNING RESOLUTIONS GRANTING REFUNDS TO TODD SIMONSEN, MIKE BELL AND DEANNA RHINEHART FOR INCORRECTLY COLLECTED NAMPA FIRE DISTRICT FEE

The Board met today at 1:35 p.m. to consider signing resolutions granting refunds to Todd Simonsen, Mike Bell and Deann Rhinehart for incorrectly collected Nampa Fire District fees. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Director Fultz reported the department erroneously assessed fees for Mr. Simonsen for impact fees for the Nampa Fire District when the site is actually located in the Marsing Fire District which has a different level of impact fees and so they want to refund the Nampa Fire District charge of \$560 and do a reassessment of impact fees for the Marsing Fire District at \$1,238. Mr. Bell's and Ms. Rhinehart's properties are in the Upper Deer Flat Fire District but they were assessed fees for the Nampa Fire District which was incorrect, there is no charge for the Upper Deer Flat Fire District. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolutions for refunds in the amount of \$560 to Mike Bell, Todd Simonsen, and Deanna Rhinehart for an incorrectly assessed Nampa Fire District fee as explained by Director Fultz. (Resolution Nos. 21-231, 21-232, and 21-233.) The meeting concluded at 1:37 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - APPEAL BY MARK STEVENS OF A DIRECTOR'S DECISION REGARDING THE INTERPRETATION OF A VARIANCE IN REGARDS TO MODIFYING AN AGRICULTURAL BUFFER SETBACK WITHIN DIAMOND RIDGE SUBDIVISION, CASE NO. PI2021-0425-APL

The Board met today at 1:38 p.m. to conduct a public hearing in the matter of an appeal by Mark Stevens of a director's decision regarding the interpretation of a variance in regards to modifying an agricultural buffer setback within Diamond Ridge Subdivision, Case No. PI2021-0425-APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, Mark and Terri Stevens, another interested person, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report and said Mark Stevens' appeal is regarding an interpretation made by the DSD Director regarding a variance to an agriculture buffer within the Diamond Ridge Subdivision. The property is 3.55 acres, identified as lot 14, block 1 within the Diamond Ridge Subdivision. It is zoned agriculture and the comprehensive plan designates it as agriculture. On August 26, Mr. Stevens with the Director and staff and discussed his request for a variance for an accessory structure within the 100-foot setback within the subdivision. In 2020 the DSD Director and the Board of Commissioners



provided correspondence saying the variance process was not available and that the platting process is required. Mr. Stevens provided an interpretation of the variance process. On September 20, 2021, staff provided a letter stating it concurs with the Director and the Board's decision in 2020 that the variance process is not available to a setback created by a plat. The appeal was filed on October 4, 2021 for the following reasons:

- The plat process is costly and unreasonable when the variance process provides the same goal
- The 100-foot setback was meant to apply to houses, not accessory structures
- Mr. Stevens believes the current ordinance supports the variance for this modification

The property is surrounded to the east and south by agricultural properties. It was built upon in 1995 by the original owner and the Stevenses purchased it in 2018 with the existing house and plat stipulations. It has a 100-foot setback on the east and south side of the subdivision, and with plat note #9 it states lots 2,3,8,9 and 14 through 19 of block 1 shall maintain a 100-foot setback to provide separation from adjacent agricultural uses. It comes from a decision in 1994 through a CUP where a condition of approval stated the final plat must note a plan for enveloping on the south and east lots for the placing of homes so that the interests of the farmers are protected. Mr. Lister reviewed sections of the ordinance and the state law pertaining to a variance. A variance cannot vary something that was created through a CUP; the only way to fix that is to amend that CUP and/or amend the plat by removing or modifying that setback of that plat note. Even if this came through a variance process staff would recommend denial because they do not see a hardship. It's a 3.55-acre property and there are plenty of places to put the structure. Staff believes the replat of the Stevens lot is a substantial modification and it needs to be re-noticed through the short plat process. Another option would be to do a plat vacation to remove the plat note and the 100-foot setback. This would require a modification to the CUP to modify or remove that condition. Or, find a different location for the structure that meets the plat and county setbacks. Staff recommends denial of the appeal. Following his report, Mr. Lister responded to questions from the Board. Zach Wesley said this setback is not one the County's ordinance can correct. Board discussion ensued regarding the interpretation process the ordinance outlines. Mark Stevens testified that today's hearing was supposed to be about interpretation, but it has now spilled over into a denial of a variance request, but no variance request has been applied for because the application would not be accepted. He said there was no process for the letter to be generated except that it was put together by planning and zoning, and one of the things that has been left out is the definition of a setback. County Code, Section 07-02-03 defines the setback as the space on a lot required to be left open and unoccupied by buildings or structures, either by the front side or rear yard requirements of this chapter, or by delineation on a recorded subdivision map or record of survey. There is no differentiation made in the law between the two and as such two separate processes that have been put together as a result of procedure and policy have nothing to do with the law. They are one in the same. The CUP conditions state the setback is for homes, but he wants to build a shop and he believes he is being overly regulated as a result of a mistake that was not caught by the County in the review process prior to the plat being recorded. According to Mr. Stevens the farmland has not been farmed in a decade and the lower right corner is where he wants to place the shop which is the best place for it. He spoke of the unusable portion of his land which represents a good size of his property. He believes he has

un undue hardship. He expressed due process concerns and said he has made several attempts to obtain the code section that states that you cannot use a variance for this process, but no section has been provided. The costs involved will total \$10,000 to do a replat and he said it's not fair he has to pay that cost to accomplish the same means that could be done with a variance. The setback is one and the same whether it's on the plat or in the code doesn't make any difference. He said staff informed him his options are to: pay \$6,000 to \$12,000 for a plat vacancy or replat, or build the shop where it will not only devalue his property, but other properties in the neighborhood because of desirability. Mr. Stevens said where he wants to put the shop is the most desirable spot because it's a flat area and out of the way. He doesn't want it to block the views of the neighbors. He said no legal reason has been given to support the Director's decision. The envelope was supposed to be there for homes, not other buildings that would otherwise be found on ag property. Mr. Stevens believes a variance is allowed in this case. The existing ordinance indicates a variance can be used to modify the setback; there is nothing that expressly states that a setback delineated on a map or plat cannot be modified with a variance. Requiring the property owner to file more paperwork and pay more fees and pay hard costs associated with paying an engineer to draw a new plat is burdensome and expensive and likely violates the law. County staff should have known and they should have made corrections prior to the plat being recorded. Following his testimony, Mr. Stevens responded to questions from the Board. Discussion regarding the definition of a variance. Commissioner Smith questioned the cost estimate of \$6,000 to \$12,000 seems excessive because she knows people who will do a simple change to the plat for \$1,000. Dan Lister said a minor replat does require a final plat to be signed so it does require a mylar. A simple change to a recorded plat is for very minor changes, and substantial changes are done through a short plat process. He talked to Mr. Stevens about the different processes that are available. There was extensive discussion whether a variance would result in a change to the plat, and there was a review of the ordinance including sections 07-17-19 and 07-17-21, as well as Idaho Code, Section 67-6516A which states: *"A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest."* Commissioner Van Beek said it looks like Mr. Stevens has some options other than the southern portion of his property for locating his shop and while she is sympathetic to his argument, the intent of the law is to protect the farmer. She agrees that the process seems cumbersome but in purposes of clarification for changing a plat note and applying for a variance she hopes the process has become clearer. Commissioner Smith said a variance can be done but Mr. Stevens still has to apply for the subdivision replat. Section 07-17-03 lists the exceptions, and the only way the Board can help is if it can find this is a simple change to a recorded plat and then he would be able to have a surveyor provide a record of survey with the change. An engineer should not have to be involved with a simple change. Mr. Lister summarized the options again. Mr. Stevens said he doesn't disagree with the 100-foot setback, but it should not include outbuildings. Commissioner White said Mr. Stevens has the space with 3.5 acres to place the shop in some other location on his property. The Board took a break from 3:03 p.m. to 3:06 p.m. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith said the first item to consider is staff's interpretation of a definition of a variance. Mr. Wesley gave comments on the ordinance section and further discussion ensued. Mr. Lister, the purpose of today's hearing is an interpretation of

the variance and if it can apply to a plat setback. If we give Mr. Stevens the processes again we could probably tell him which ones are possible and what would need to happen and staff could come back to the Board and talk about that interpretation. Discussion ensued. Commissioner Smith said we should just be looking at our interpretation of the definition. If he can show this is an ordinance provision that affected his setback then yes, he could apply for a variance, but it's not an ordinance provision. There is already a process identified in the ordinance to amend conditions of approval so we cannot skirt a set process with another process. Mr. Stevens could amend the CUP condition, but he would still have the plat note. Staff told him to vacate the plat note. Commissioner White understands the applicant's frustration, but she does not believe the shop should be placed in the agricultural setback. Commissioner Van Beek made a motion to deny the appeal by Mark Stevens of a Director's decision regarding an interpretation of a variance in regards to modifying an agricultural buffer setback because there are: a) either other options for placement of the structure, or b) the applicant could apply to modify the CUP and follow up with a request to vacate that plat note recommended by staff. Commissioner Smith agrees with denying it but she doesn't like the prepared findings of fact which mention the replat because all we should be looking at is the variance. The Board should be look at the standards for a variance based on the definition and why this request does not meet the variance. It doesn't have anything do with replatting. She agrees with the interpretation that's on the record of what a variance is and what it applies to. Staff will bring back revised FCO's to reflect the discussion so it talks about the definition and remove everything about the characteristics of the site because that's not what we are talking about today. We are only talking about the definition of a variance. Commissioner Smith restated the motion to support the Director's decision regarding the interpretation of a definition of a variance and to modify the denial to include the discussion and breakdown of variance, per the Board's interpretation. Commissioner Van Beek amended her motion to deny the appeal and uphold the Director's decision for the interpretation of a variance and that staff includes discussion on that interpretation of the variance and why the applicant was not successful in approval for the appeal. The motion was seconded by Commissioner White and carried unanimously. Staff will bring back the FCO's for consideration. The hearing concluded at 3:32 p.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*Note for the record: As properly noticed the Board met today at 3:37 p.m. for a properly noticed meeting with the HR Director. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 3:38 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and HR Director Kim Foster. The Executive Session concluded at 4:05 p.m. with no decision being called for in open session.

The Board instructed Director Foster to schedule candidate interviews to be hosted next week.

The meeting concluded at 4:05 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 18, 2021

PRESENT:     Commissioner Keri K. Smith, Chair-OUT  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Cascade Fence Co Inc in the amount of \$4800.00 for Parks Department

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:48 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-22; 2021-1059; 2022-4 and 2022-13.

The Following case does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue a final denial with written decision within 30 day on the following case: 2021-766

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:06 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz, Assistant Plan Examiner Stephanie Hailey, Code Enforcement Officer Eric Arthur, Ryan Morgan with Keller and Associates, Director of Juvenile Probation Elda Catalano and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing Juvenile Justice Annual Financial Report 10/1/2020-9/30/2021:*** Director Catalano explained that due to funding received from the Idaho Department of Juvenile Probation this report is completed annually. Highlights of the report were reviewed including supervised diversion, supervised probation, petitions filed during reporting period, recidivism, restitution and community service. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Juvenile Justice Annual Financial Report for 10/1/2020-9/30/2021. A copy of the report is on file with this day's minutes. Director Catalano will collect remaining signatures and return a fully executed copy to the Board.

*A request was made to go into Executive Session as follows:*

## EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner White made a motion to go into Executive Session at 9:21 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Steve Fultz, Assistant Plan Examiner Stephanie Hailey, Code Enforcement Officer Eric Arthur and Ryan Morgan with Keller and Associates. DSD staff and Mr. Morgan left the meeting at 9:56 a.m. The Executive Session concluded at 10:01 a.m. with no decision being called for in open session.

The meeting concluded at 10:01 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

## DISCUSSION OF UPCOMING CITY OF CALDWELL PROJECT TO REPLACE SEWER LINE ALONG ALBANY STREET IN CALDWELL

The Board met today at 1:33 p.m. for a discussion regarding the upcoming City of Caldwell project to replace the sewer line along Albany Street in Caldwell. Present were: Commissioners Leslie

Van Beek and Pam White, City of Caldwell Officials: Brent Orton, Project Manager TJ Franz, and Robb MacDonald, Jerry Taylor with Milestone Construction, Interim Facilities Director Rick Britton, DSD Director Steve Fultz, Assessor Brian Stender, Treasurer Tracie Lloyd, Juvenile Detention Director Sean Brown, Director of Misdemeanor Probation Jeff Breach, Chief Public Defender Aaron Bazzoli, Chief Deputy Sheriff Marv Dashiell, PIO Joe Decker, IT Director Greg Rast, and Deputy Clerk Monica Reeves. Jerry Taylor explained that they will be performing significant excavation work on Albany that will go past the administration building and the courthouse and there will be a significant barrier between the courthouse and normal parking areas. They will install orange fencing and chain link fencing to keep people on sidewalks and prevent jaywalking through the work zone. It's deep work to dig up a street and it will be messy, noisy, and it will take a while. Albany Street will be closed from 9<sup>th</sup> Avenue to 11<sup>th</sup> Avenue but access to the parking lot and pedestrian traffic will be left alone. Interim Director Britton talked about plans for access to the parking lots and said there will be a pathway on the backside of the rock shop to give an easement/temporary roadway so employees can utilize the parking lot. The City of Caldwell will inform the public, and PIO Joe Decker will notify employees on how the closure will affect them. Treasurer Lloyd, Assessor Stender, and Chief Public Defender Bazzoli want to make sure patrons can access the administration building during the construction work. Chief Dashiell had questions about how many north/south movements will be restricted at the same time during construction. According to Mr. Taylor, no more than two. The first part of their work will be at the 10<sup>th</sup> Avenue overpass with bore work that will start the first week in December and there will be pedestrian signage as part of traffic control plan, and local traffic will be allowed. There are two phases to the project: the first includes the bore work at the overpass and when that work is done they will do the bore pits at 21<sup>st</sup> Avenue (near the fairgrounds); and with the second phase they will come back to Darigold and start working through towards the overpass and then cross in front of the administration building and the courthouse and down Albany Street towards 15<sup>th</sup> Avenue and that is where there will be a lot more significant impact. The target completion date is the Fall of 2022. Interim Director Britton said he and IT Director Rast are working on a project to install fire optic conduits, one for the City of Caldwell and one for Canyon County, from Darigold through the fair expo building as the sewer line work is in progress. Brent Orton expressed his appreciation for the cooperation in letting the city put in the sewer line because it will be a big improvement and will eliminate the 21<sup>st</sup> Avenue lift station which has been problematic. No Board action was required or taken as the meeting was held for informational purposes only. The meeting concluded at 1:57 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2021 TERM  
CALDWELL, IDAHO    NOVEMBER 19, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claims 579732 to 579777 in the amount of \$85,618.72
- The Board has approved claim 379325 in the amount of \$258.75
- The Board has approved claims 579465 to 579499 in the amount of \$88,931.66
- The Board has approved claims 579425 to 579464 in the amount of \$14,262.07
- The Board has approved claims 579617 to 579657 in the amount of \$66,045.67
- The Board has approved claims 579500 to 579544 in the amount of \$23,012.76
- The Board has approved claims 579454 to 579567 in the amount of \$11,807.00
- The Board has approved claims 579568 to 579616 in the amount of \$56,060.56
- The Board has approved claims 579658 to 579693 in the amount of \$113,402.60

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Samantha Ball, Agricultural Programs Coordinator; Brenden Azevedo, Misdemeanor Probation Officer

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO Engineered Systems in the amount of \$34,320.00 for Facilities Department
- Mattson Distributing in the amount of \$13,366.90 for Solid Waste
- Gunarama Wholesale in the amount of \$9,084.00 for Canyon County Sheriff

#### CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR OCTOBER 2021

The Board met today at 9:40 a.m. to consider signing the Treasurer's tax charge adjustments by PIN for October 2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The total adjustment for 2019 is \$158.72 and 2020 is \$442.68. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted

unanimously to sign the Treasurer's tax charge adjustments by PIN for October 2021. The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

## NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 22, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Neurilink, LLC in the amount of \$10,049.85 for Information Technology Department
- Neurilink, LLC in the amount of \$32,217.77 for Information Technology Department
- Carbon Networks in the amount of \$6400.00 for Information Technology Department

### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar LLC to be used 12/03/21, 12/05/21, 12/08/21, 12/09/21, 12/10/21, 12/12/21, 12/15/21, 12/21/21, 12/30/21; Moad LLC to be used 12/09/21, 12/10/21, 12/18/21

### MEETING WITH THE CITY OF STAR/CANYON COUNTY AREA OF IMPACT COMMITTEE REGARDING IMPACT AREA NEGOTIATIONS

The Board met today at 9:01 a.m. for a meeting with the City of Star/Canyon County area of impact committee regarding impact area negotiations. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, Spencer Kofoed, Richard Edgar, Kevin Wheelock, Mayor Trevor Chadwick, Councilman Michael Keyes, Councilman Kevin Nielsen, Attorney Chris Yorgason, Star City Planner Shawn Nickels, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Pam White arrived at 9:13 a.m. *(Copies of the two (2) maps and ordinance that were discussed today are on file with this day's minute entry.)* The committee reviewed the latest map that was agreed upon at the last meeting in October, 2021. Mayor Chadwick reviewed the changes on the map that included one small corner on the bottom to address the two properties that were not included at the last meeting. (This change was noted in



an October 22, 2021 email from Councilman Keyes to the committee of nine members and it stated, in part, there are 2 parcels that are not part of Leighton Lakes that should be included in the area of impact.) The properties belong to Earl Hafer, and Idaho Private Lands; the only properties they left out were the Leighton properties to the west. The map is based solely on the motion and approval at the last committee meeting. The committee also reviewed the latest draft of the ordinance dated November 17, 2021. Mayor Chadwick said they originally proposed the same ordinance the County is using for other Canyon County cities, and the only difference they added was that the City of Star's comprehensive plan would apply in the area of impact, and through discussion it came back to list Canyon County's comprehensive plan instead. Chris Yorgason said the ordinance defines the maps, the other purpose is to identify which plans and ordinance apply in the impact area. Commissioner Smith said if we are evaluating leaving the P&Z Commission or the Board and they've made application to us, we would only apply the County's comprehensive plan and our documents would be binding. The Mayor and the City would be able to provide testimony if they wanted an applicant to follow Star's documents, they could consider if they choose, but they don't have to. Unless it's a request for annexation. They added a piece to talk about Star's economic corridor access management plan (roadway map) and they want the County to consider and utilize the map for continuity for roads. Commissioner Smith asked if it lines up with Canyon Highway District's proposed impact fees. Mayor Chadwick said it does, and it lines up with the City of Middleton's for back-age and frontage roads. The bypass is another issue with the state of Idaho and Hwy 44's improvements. Chris Yorgason said in Section 9 it's written that the Canyon County Zoning Ordinance will also apply in the impact area. They used the Caldwell ordinance as a template, but they included the specific Star Subdivision Ordinance that would apply. They have identified landscaping and trees so that as subdivisions are built they will look like Star's subdivisions on the zoning and comprehensive plan even though they are in Canyon County. Discussion ensued regarding waivers, deferrals, and variances. Regarding applicable transportation plans, Commissioner Smith said we have not seen that in an ordinance that the County would comply, especially from the Board level. Zach Wesley said we could include some language to indicate we would consider the transportation plan in the impact area during our processes and not have it state *shall apply*, but *shall consider*. Mayor Chadwick said the City has put a lot of effort into this to make sure they have continuity through that side of the valley and not solely relying on Canyon Highway District. Commissioner Smith said the County follows Canyon Highway District's recommendations, and they are a signatory on the plat. Councilman Nielsen said the City and County are in the exact same position and they rely on the highway district just as the County does. It should say neither agency will try to change the plan that the highway district is already a part of or try to apply anything different than what the highway district is planning to do there. Commissioner Smith said that's fair. This map would replace the functional classification map; it's a preservation of the corridors. Zach Wesley said perhaps we could reframe that language so it fits within the bounds of what we have for everything else that way if there is a need for a waiver we wouldn't be bound by the map. Both Commissioner Smith and Mayor Chadwick like that idea. Councilman Keyes said although it's referred to as a plan, there are no other words beyond the map. Star is in the process of working on a full-blown transportation plan and they have a lot of those ingredients, but for this process they are looking to adopt this map. It's important to maintain these open corridors and they have worked to make sure they align with Middleton's corridors because getting east/west traffic off Highway 44 is going to be critical for

years to come. There was discussion regarding the coordinated efforts with all agencies working together on the transportation plan. Michael Keyes said the City of Star recently met with Canyon Highway District, the City of Middleton and the County to implement impact fees within the highway district and this map is the basis upon which those impact fees and the planning around it was based upon for the Star section of that project. Commissioner Smith referred to language in the ordinance regarding the conflicting language pertaining to the functional classification map. Discussion ensued. Zach Wesley said the ordinance leaves Star's map in the impact area as the controlling map subject to a waiver. He asked if we want to build in a process to resolve conflicts with the highway district's map. Commissioner Smith said if we put it in the ordinance that this is the map we will follow with the waiver possibility, but the highway district should respond. Mayor Chadwick said the highway district can be the ruling authority. Zach Wesley and Chris Yorgason will come up with suggested language on this issue. Mr. Yorgason asked if the highway district is required to follow the 2016 map, or are they allowed to make their comments based on the work that's been done? Commissioner Smith said the highway district is following whatever plans they have adopted up to that point, not anything the County has referenced. Mr. Yorgason said if the highway district adopts a similar map and when an application comes before the Board, the comments will reference the map not the 5-year-old functional class map. Commissioner Smith said we need to make sure our GIS person has the current map so that in that area we are only pulling in the correct map, not the old map and she thinks moving the language to that other section would accomplish that. She has seen times where the highway district and fire district have included things in their letters that were not required that the County has not enforced. Mayor Chadwick said it would be a form of "F". Commissioner Van Beek said the criticism she's heard is that with four highway districts in Canyon County some are operating with different standards when they are supposed to be commensurate with that and so this is an opportunity to clean that up and make sure everyone is on the same page and not overreaching on the enforcement or inclusion of things that are not outlined in the ordinance. Committee members Wheelock, Edgar, and Kofoed said today is the first time they have seen the ordinance. Commissioner Smith talked about having more time review the documents, but the committee's recommendation deadline is Sunday, November 28, 2021. Mayor Chadwick said we can approve the ordinance with the changes the council comes up with for the transportation portion of it. Commissioner Smith asked how we enforce the two impact areas (Star and Middleton) that overlap. Zach Wesley said the conclusion of the committee is to have a recommendation on the map and ordinance and then the County and Star each have time to adopt the recommended changes. State law requires the cities to have a conversation and try to work it out and if they can't work it out there is a process that can be followed. Commissioner Smith asked which ordinance applies when there is a conflict? If the committee passes the ordinance and map and then we have to adopt it within a certain time period, it will instantly conflict with the City of Middleton's map. Mr. Wesley said hopefully they can work through that other process before there is an actual application. Chris Yorgason said the comprehensive plan and the zoning ordinance won't change; the subdivision ordinance is the piece that will be the conflict. He doesn't know how the County would figure that out, but if we don't adopt it there isn't a way to get to the next stage. If nothing is adopted there is no overlap. He agrees with Zach Wesley. Mr. Wesley said that's the way the state law envisions the process working. It puts the County into a position where if the cities haven't worked it out and not gone through that process and they are coming

to us from a tie-breaker the Board would be able to make that call. Discussion ensued about the issue of overlap and the review process. Councilman Michael Keyes made a motion that the Committee of Nine recommend the Board adopt the ordinance as amended today. The motion was seconded by Commissioner Van Beek for discussion. She asked Mr. Wesley if he is comfortable this protects the County and is the right step to move forward with the amended language on the ordinance. Mr. Wesley said this is very close to what the County has agreed to with the City of Caldwell and the City of Nampa; it's not a question of protection but a question of the County and the City agreeing on what processes are applicable through the land use processes. With the change to the comprehensive plan this will be a similar arrangement to what we have with Caldwell and Nampa. Commissioner Van Beek said it keeps it consistent in protection only in that the County is not giving up its ability to make decisions in what happens on County ground. Councilman Keyes amended his motion include moving the economic corridor access and roadway connection map, as proposed, to Section 09-01-09. Commissioner Van Beek seconded the amended motion. Commissioner Smith said when looking at Section 09-01-09 from the planning perspective, it's difficult when they fill in the blanks with a date because they are constantly looking at old ordinances and the city has replaced ordinances, and so the words "*or as may be amended*" are helpful because it keeps things current. A roll call vote was taken with Commissioners Smith, White and Van Beek; Committee Members Edgar, Wheelock, and Kofoed; Councilmen Keyes and Nielsen; and Mayor Chadwick voting in favor of the amended motion which carried unanimously. The record shows that the committee accepted the correction to the map from the previous approval. The timeline is now set for adoption by the City of Star and Canyon County 60 days from today. The meeting concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD VOTE FOR 2021 CATASTROPHIC HEALTH CARE COST PROGRAM DISTRICT 3 BOARD MEMBERS

The Board met today at 10:05 a.m. to discuss and vote for the 2021 Catastrophic Health Care Cost Program District 3 Board members. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. Commissioner Van Beek asked Commissioner White about the meeting schedule and who she reports back to on the meetings. Commissioner White gave a brief overview on some of the discussion topics at recent meetings. Commissioner Van Beek made a motion to re-elect Commissioner White to the CAT Board. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

WEEKLY MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:09 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross.

Director Fultz discussed the following with the Board:

- He has had numerous discussions with HR and Controller Wagoner about bring on an in-house engineer position. They are in the final stages of creating the job description and pay range; they anticipate presenting it to the Board in the coming weeks. The hope would be to have someone start the first of the year. Based on a question from Commissioner White, Director Fultz spoke about some of the issues in contracting with an outside company for engineering work. Commissioner Smith said she's spoken with Controller Wagoner about understaffing within the DSD department and he expressed he would like to see a full approach vs. just a piecemeal. Director Fultz said he has met with the Controller to review his proposed org chart thru 2022 and 2023. Discussion ensued regarding potential personnel needs for the department. One position being considered is an engineering assistant. Commissioner Smith expressed that she would really like to see additional code enforcement personnel as that seems to be an area with a greater need. Commissioner White said she sees the value in an engineering assistant because that person can help with the backlog which in-turn affects revenue generation. Director Fultz said he would do an evaluation of the department for development of a full plan.
- Director Fultz said that Mr. Arthur has been working with the court on collecting fines.
- The new Economic Development person started today and Director Fultz gave brief background of her work history. As part of her responsibilities she will be reaching out to area mayors and economic developers.
- Director Fultz is still attending WAED meetings and they are working on handoffs on some projects. Mr. Fultz intends for the county to continue working with WAED for their assistance on grants.
- Two Planning & Zoning Commission interviews will take place in the upcoming weeks. Commissioner Smith said she may not be able to attend the interviews but would still like the Board to move forward with the interviews. She also stated that she is supportive of both candidates.
- An interview with a possible building inspector was conducted recently and Director Fultz anticipates making an offer.
- There is a joint workshop between the BOCC and P&Z regarding originality dates which will take place on December 15th.
- Meetings are being scheduled in December with area farmers regarding the comprehensive plan. Additionally, another series of workshops are being planned. A joint

workshop should happen in January or February with the comprehensive plan to be taken to P&Z in March/April and then to the Board in May. Commissioner Smith would like a report on the response from tax bill mailer.

- Several committees within DSD have been convened to work on recreating all SOPs among all the divisions to become more efficient and they are still looking at a possible project management position to keep things on track and working more efficiently. Director Fultz has continued working with IT on the online permitting process; they anticipate the project to start in January. The preference is to go with an online permit process but their mission statement is to serve the public and will still accept walk-in applications.
- They are currently in discussions with an outside person regarding training for the P&Z Commission and possibly other city planning and zoning departments. They are looking at possibly January for the training.
- At the request of Commissioner Van Beek, Director Fultz gave a brief overview of URA funds to build a jail based on a newspaper article that was written last week. The information in the article was incorrect and the Board may contact Mr. Decker to see about having a retraction/correction printed. Director Fultz said he will also speak with Mr. Decker about this.
- Commissioner Smith would like to meet with Director Fultz and Chief Timinsky regarding the fire ordinance.
- Commissioner Smith said she would like one of the planners to contact someone she knows at IDWR in order to have a contact when collecting data regarding decreases in well water.

The meeting concluded at 10:50 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 11:02 a.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd (left at 11:05 a.m.), Clerk Chris Yamamoto (left at 11:33 a.m.), DSD Director Steve Fultz (left at 11:33 a.m.), Interim Facilities Director Rick Britton (left at 11:33 a.m.), Controller Zach Wagoner (left at 11:33 a.m.), Chief Public Defender Aaron Bazzoli (left at 11:33 a.m.), Deputy P.A. Doug Robertson (left at 11:33 a.m.), Ms. Kinda (left at 11:05 a.m.) and Deputy Clerk Jenen Ross.

***Meeting to consider a hardship application on behalf of Jean Kinda Trust:*** Treasurer Lloyd explained this is actually more of a casualty loss but due to the loss happening on August 17, 2021 after the close of Board of Equalization it turns into a tax cancellation. The value at the time of loss was \$131,600 making the taxes \$1121.07. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to grant the hardship on behalf of Jean Kinda Trust.

*A request was made to go into Executive Session as follows:*

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 11:07 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, DSD Director Steve Fultz, Interim Facilities Director Rick Britton, Controller Zach Wagoner, Chief Public Defender Aaron Bazzoli and Deputy P.A. Doug Robertson. The Executive Session concluded at 11:33 a.m. with no decision being called for in open session.

At the conclusion of the executive session the action items were considered as follows:

***Consider new alcoholic beverage license for The STIL LLC dba The STIL:*** Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the new alcoholic beverage license for The STIL LLC dba The STIL (see resolution no. 21-235).

***Consider transfer alcoholic beverage license for County Line Wine Company LLC dba County Line Wine Company:*** Commissioner Van Beek stated this transfer is due to change in officers and both the mailing and physical addresses and Commissioner Smith noted this is a mobile bar service. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the transfer alcoholic beverage license for County Line Wine Company LLC dba County Line Wine (see resolution no. 21-234).

The meeting concluded at 11:37 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) - INTERVIEW AND CANDIDATE EVALUATION FOR DIRECTOR OF FACILITIES

The Board met today at 1:03 p.m. for an Executive Session to interview and evaluate candidates for the position of Director of Facilities. Commissioner Van Beek made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (a) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, HR Director Kim Foster, IT Director Greg Rast, Fair Director Diana Sinner, Controller Zach Wagoner, Captain Harold Patchett, and Deputy Clerk Monica Reeves. Tommy Heard participated

via Webex from 1:06 p.m. to 1:57 p.m. Rick Britton arrived at 2:07 p.m. and left at 2:59 p.m. Doug Pigman participated via Webex from 3:25 p.m. to 4:25 p.m. The Executive Session concluded at 4:34 p.m. While in open session Commissioner Smith noted that candidate interviews and evaluations will continue tomorrow. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 23, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claims 579363 to 579391 in the amount of \$30,891.53
- The Board has approved claims 579305 to 579324 in the amount of \$27,427.75
- The Board has approved claims 579779 to 579808 in the amount of \$115,062.17

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Air Science in the amount of \$1,387.88 for Canyon County Sheriff
- Boise Valley Economic Partnership in the amount of \$2500.00 for Development Services Department
- Full House Junk Removal in the amount of \$2250.00 for Development Services Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Hutching Enterprises LLC to be used 12/02/21

## MEDICAL INDIGENCY DECISIONS

The Board met today at 8:48 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-141; 2022-63 and 2022-64.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell (left at 9:10 a.m.), Captain Harold Patchett (left at 9:10 a.m.), Interim Facilities Director Rick Britton (left at 9:07 a.m.), Landfill Director David Loper and Deputy Clerk Jenen Ross.

***Consider signing declaration and notice of sole source procurement of a Trane Chiller Model CGAM for the Southwest Idaho Juvenile Detention Center:*** Director Britton explained this is a one-for-one replacement at the juvenile detention center and provided the reasons sole source is the best way to go. This will be a one-for-one switch out of units and there will be no re-engineering necessary. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the declaration and notice of sole source procurement of a Trane Chiller Model CGAM for the Southwest Idaho Juvenile Detention Center.

***Consider signing extension notice of temporary Detention Facility Equipment Lease Agreement:*** Controller Wagoner said this is the annual lease with ADS. The agreement is structured so that every year it is subject to appropriation of budget and assessment of need. The \$1.4M annual payment has been included in the FY22 budget and will be paid with American Rescue Plan monies. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the extension notice of temporary detention facility equipment lease agreement.

***Consider signing declaration and notice of sole source procurement of Stertil-Koni Heavy Duty Lifts:*** Director Loper said these are portable lifts they'd like for the shop to replace a stationary floor



mounted lift. These lifts will help with safety and allow better utilization of the shop space. The old lift may be set to go to auction. Purchase is part of the GSA purchasing and was included the FY22 budget. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the declaration and notice of sole source procurement of Stertil-Koni Heavy Duty Lifts.

The meeting concluded at 9:17 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND DISCUSSION REGARDING TRANSFER STATION

The Board met today at 9:17 a.m. with the Solid Waste Director to discuss general issues, set policy and give direction and to discuss a transfer station. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Landfill Director David Loper, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Director Loper felt this discussion was necessary based on an email he sent to Mr. Robertson and Mr. Laugheed with copies to Controller Wagoner and the Board in an effort to continue discussions with a business that had questions regarding the transfer station concept.

Commissioner Van Beek said what she took away from one of the last meetings is that the county is not interested in competing with private industry so there was some discussion about the subsidized cost of bringing in clean wood and the cost for it to be hauled out.

Director Loper said that in the email he sent he recommended and outlined the path forward in which the county could still operate the transfer station and not compete with recycling interests. The county would continue on with what is already being done at the landfill and when the county moves forward with a transfer station it would be structured so that it wouldn't compete with the recycling efforts; meaning the rates at the transfer station would be higher than a recycling company. Any wood that did come in would be put out for competitive bid for pick up just like is done at the landfill, so at that point the costs would be recovered. Wood waste picked up at the transfer station wouldn't be subsidized. Director Loper feels this is really a good middle ground, it provides good options for the community allowing them to make a choice but also incentivize the recycling of the wood. Commissioner Van Beek agrees it's a good middle ground and it is not putting the county in a position of favoring one private owner over another. Additionally, Director Loper's recommendation is to leave the fee structure at the landfill as it is in order to keep the wood out of the airspace.

Discussion ensued regarding the cost to have wood removed from the landfill. Currently, the landfill is paying approximately \$30/ton to have it removed. The cost to bring in wood waste is \$12.50/ton. Director Loper said that more defined numbers were provided in a previous email which he can resend to the Board if necessary. Mr. Robertson spoke about how many, many years are saved on the backend of landfill longevity by not filling it with wood, in turn it saves millions of

taxpayer dollars by extending the life of the landfill. Controller Wagoner said he is comfortable with the incoming and outgoing charges for wood waste as they end up being a wash when preservation of the airspace is account for. Director Loper anticipates costs for wood waste at a transfer station to be in the \$15-\$20 range at the minimum.

Director Loper said he has had additional conversations with the business owner who has reached out and it has been requested for Mr. Loper to compose an email with the concepts. The email referenced earlier was precipitated from this conversation. Mr. Loper has delayed in sending the email as he wanted to have this meeting with the Board to make sure everyone was on the same page. The email being referenced is dated November 12<sup>th</sup> and includes the landfill fee schedule and a draft. Commissioner Smith said that she has reviewed that email and it is good to go. The Board agrees that Director Loper should send the email.

In response to a question from Commissioner White, Director Loper provided reasons as to why this particular business is so invested. Additionally, Director Loper said that he is really only in favor of providing a full-service transfer station providing everything that is done at the landfill. He thinks that this particular person/business has some concerns that this might be a competing interest but he is doing what he can to mitigate the concerns.

The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH PUBLIC INFORMATION OFFICER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:31 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. The following topics were discussed:

- CGI has requested any relevant business materials in relation to the county for the video they're creating. Commissioner Smith suggested Valerie at Destination Caldwell may be a good source as they have information regarding the Sunnyslope Wine Trail and Ag-Venture. Additionally, the comprehensive plan would be good to share and Mr. Decker will point them in the direction of the local chambers of commerce. Commissioner Smith also suggested having CGI contact the Nampa and Caldwell Economic Directors, BVEP and Canyon County's new Economic Developer for their business materials.
- He will be meeting with the county's new Economic Developer next week to get her set up on her own social media accounts.
- There was an article put out last week by Rachel Spacek regarding urban renewal – the headline insinuated that the county may use urban renewal monies to build a jail which is inaccurate. Mr. Decker said that if the Board has any direct responses he can assist with those. Commissioner Smith thinks there needs to be progress on the jail in general but

doesn't think there is any correction to the story needed. Discussion ensued regarding a couple inaccuracies within the article but at this point it was decided to just let it be.

- Further discussion ensued regarding the CGI videos – Mr. Decker has some footage he will offer to them; Commissioner Smith noted that people don't travel places because it looks pretty, they travel places because it looks fun so she feels people need to be captured in the videos. Potential video subjects include: introduction, economic development, Sunnyslope Wine Trail/wine region/agri-tourism, Indian Creek Plaza, farm-to-fork, rodeos/western heritage/horse park, Canyon County Parks, Cultural and Natural Resources and education.

The meeting concluded at 10:53 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH PUBLIC DEFENDER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 11:02 a.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. The following topics were discussed:

- All of his office reports have been submitted to the PDC and he has worked with the conflict attorneys to help them get their information submitted. A meeting with the PDC is anticipated to happen in a few weeks and the grant process will start in January. Mr. Bazzoli recently met with Pine Technologies and is working with them to refine some of the reports.
- Nearly 1000 cases were taken in during October – broken down as: 22 child protection, 265 felonies, 2 guardianship, 106 juvenile, 51 mental, 526 misdemeanors.
- They've had 6 homicide cases in the last few months. They are trying to keep as many as possible in-house vs. conflicting out.
- Last week Mr. Bazzoli attended the executive leadership conference.
- Currently have two open attorney positions; one entry level and one felony.

The meeting concluded at 11:17 a.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner White made a motion to go into Executive Session at 1:03 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on

the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster (left at 4:20 p.m., rejoined at 4:35 p.m. and left at 4:58 p.m.), IT Director Greg Rast (left at 4:20 p.m.), Fair Director Diana Sinner (left at 4:20 p.m.), Controller Zach Wagoner (left at 4:20 p.m.), Captain Harold Patchett (left at 4:20 p.m.), Eddie Brathwaite (participated via Webex from 1:03 p.m. to 1:52 p.m.), Scott Carpenter (participated via Webex from 2:16 p.m. to 3:15 p.m.), Edwin Perez (participated from 3:27 p.m. to 4:03 p.m.) and Interim Facilities Director Rick Britton (participated from 4:59 p.m. to 5:15 p.m.). The Executive Session concluded at 5:18 p.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith said there will need to be another meeting next week for continued final negotiations and to discuss the next steps. The meeting concluded at 5:19 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 24, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - **OUT**  
                 Commissioner Leslie Van Beek, Vice Chairman - **OUT**  
                 Commissioner Pam White - **OUT**  
                 Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings held this day.

NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 26, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

Commissioners' Office closed for the Thanksgiving holiday

NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 29, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman - **OUT**  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$2,413.76 for Information Technology Department
- Motorola Solutions in the amount of \$11,880.48 for Trial Court Administration/District Court

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 10:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Pam White, Commissioner Leslie Van Beek participated via teleconference and left the meeting at 10:05 a.m., Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 10:16 a.m.), Capt. Mike Armstrong (left at 10:16 a.m.), Capt. Harold Patchett (left at 10:13 a.m.), Interim Facilities Director Rick Britton (left at 10:10 a.m.), DSD Director Steve Fultz (left at 10:06 a.m.), Assessor Brian Stender (left at 10:05 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing summary of ordinance no. 21-038 an ordinance of Canyon County providing for the transfer of powers necessary for creation of an urban renewal plan and revenue allocation area located partially within and partially outside the City of Caldwell, Idaho and approving execution of the intergovernmental agreement for roles and responsibilities under Idaho Code Section 50-2906; and providing for an effective date:*** Mr. Wesley explained this is a follow-up to the ordinance signed earlier this month. At that meeting a resolution, an inter-governmental agreement and a final ordinance were signed. Once the notice is published the ordinance will be legally effective. Commissioner Van Beek made a motion to sign the summary of ordinance no. 21-038. The motion was seconded by Commissioner Smith. A vote was taken with Commissioners Smith and Van Beek voting in favor and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote. The summary is scheduled to publish on December 3, 2021 in the Idaho Press and a copy is on file with this day's minutes.

***Consider signing legal notice inviting bids for Canyon County Fair pedestrian bridges project:*** Ms. Klempel explained this solicitation for bids is for prefabricated pedestrian bridges at the Fair. There will be an additional IFB for abutments once the bridge design/style is chosen. Mr. Britton and former Director Navarro have been researching these bridges and determined there are three vendors that can provide them. In speaking with Director Sinner, she is supportive of the plans as laid out by the Facilities department. Mr. Britton spoke briefly about the abutment portion of the project. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the legal notice inviting bids for the Canyon County Fair pedestrian bridges project. The notice is scheduled to publish on December 4<sup>th</sup> and 11<sup>th</sup>, 2021 in the Idaho Press and a copy is on file with this day's minutes.

***Consider signing addendum no. 1 to request for proposals for Thermal Imaging Kiosk for Dale Haile Detention Center:*** This addendum provides responses to questions received during the bid process. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign addendum no. 1 to the request for proposals for Thermal Imaging Kiosk for Dale Haile Detention Center.

***Consider signing an agreement with Post Falls Police Department for maintenance and data sharing of license plate recognition database:*** Mr. Laugheed said this has been reviewed by legal and CCSO and there is no legal reason not to sign. Post Falls holds the data as they host the server that the data feeds into. Cpt. Armstrong said this agreement is for data sharing and maintenance of the server. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the agreement with Post Falls Police Department for maintenance and data sharing of license plate recognition database (see agreement no. 21-121).

***Consider signing Historic Preservation Support Award agreements with GFWC Women's Century Clubs and Friends of Deer Flat Wildlife Refuge:*** Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign Historic Preservation Support Award agreements with GFWC Women's Century Clubs (see agreement no. 21-122) and Friends of Deer Flat Wildlife Refuge (see agreement no. 21-123).

Commissioner Smith asked about the contract with U of I. She would like to see parameters put on the programming. In regard to travel she would like to have some constraints in place that the travel benefits the County. Mr. Laugheed recommends going thru the agreement line-by-line to determine exactly what the Board would like in the agreement. Mr. Wesley explained that as of right now the extension office makes a request for a dollar amount and then it's theirs to use throughout the year as they see fit. Mr. Wesley will work on some draft language to be reviewed with the Board. Commissioner Smith will speak about this with Mr. Momont when she meets with him later today.

***Consider signing invitation for bids Canyon County Fair pedestrian bridges project:*** Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the invitation for bids for the Canyon County Fair pedestrian bridges project.

The meeting concluded at 10:25 a.m. An audio recording is on file in the Commissioners' Office.

#### NOVEMBER 2021 TERM

CALDWELL, IDAHO    NOVEMBER 30, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS ORDER NO. 2205

- The Board of Commissioners approved payment of County claims in the amount of \$1,767,028.01 for a County payroll

#### APPROVED CLAIM

- The Board of Commissioners approved payment of County claims in the amount of \$1,051.97 for a County Jury

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- MtnHome Auto Ranch in the amount of \$26,863.00 for Fleet Department

## APPROVED AUGUST AND SEPTEMBER 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Terms of August and September 2021 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

### CONSIDER FINAL PLAT FOR C-3 SUBDIVISION, AND CONSIDER RESOLUTIONS GRANTING REFUNDS TO DARREL BAERWALDT AND EMMANUEL LAGUNA FOR WITHDRAWN REZONE APPLICATIONS

The Board met today at 9:00 a.m. to consider the final plat for C-3 Subdivision, Case No. SD2021-0004, and to consider resolutions granting refunds for withdrawn rezone applications for Darrel Baerwaldt and Emmanuel Laguna. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Alec Eggurolo, interested citizens, and Deputy Clerk Monica Reeves. Mr. Eggurolo presented the final plat and offered comments. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the final plat for C-3 Subdivision. Director Fultz presented the Board with refund resolutions noting the applications were withdrawn and he recommended a refund to both parties in the amount of \$850. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolutions granting the refunds. (Resolutions No. 21-236 and 21-237.) The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

### PUBLIC HEARING TO CONSIDER A REQUEST BY SUBDIVISION MAKER LLC REPRESENTING ROCKETCHUN HOLDEN FOR A PRELIMINARY PLAT, CASE NO. SD2018-0025

The Board met today at 9:05 a.m. to conduct a public hearing in the matter of a request by Subdivision Maker, LLC, representing Rocketchun Holden, for approval of a preliminary plat and irrigation and drainage plan for Shady Rock Subdivision on Parcel R29542011F. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Darin Taylor, Rocky Holden, Lori Steele, Peter Juris, interested citizens, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The property is zoned "R-R" (Rural Residential), and the plat consists of four residential lots and one road lot. The 9.96-acre property is located at 9825 S. Shadyrock Lane in Nampa. It is within the Nampa impact area. Drainage will be maintained on site and all lots served by individual wells and septic systems. Mr. Lister reviewed agency comments, and noted some corrections that need to be made to the FCO's. The application was originally submitted as a short plat, however, because there will be improvements required by the City of Nampa we can only consider the preliminary plat today. The applicant will bring the final plat back later at a later date. He will also add language regarding waivers to be considered as



part of the preliminary plat approval. On October 21, 2021, the County Hearing Examiner recommended approval of the plat. Following his staff report, Mr. Lister responded to questions from the Board. Darin Taylor testified in support of the plat and stated he concurs with the staff report. He reviewed agency comments and said they will coordinate with agencies during the construction of the project. A right-of-way dedication has been included. The Nampa Planning Department opposed the request stating the project should have more lots; however, Mr. Taylor said it's a little late to do that now. He suggested the addition of a condition which states: Lot 2 shall only have access to Shady Rock Lane to the western boundary, there shall be no access on the north boundary. Following his report, Mr. Taylor responded to questions from the Board. There was also a review of minor changes that need to be made to the FCO's. Rocky Holden testified he has been planning this plat for a long time due to encroachment. Peter Juris, a representative of the Nampa School District, offered neutral testimony and said the district is advocating for sidewalks and access to create safe routes to school. Lori Steele testified in opposition to the request. She and her wife raise animals on their property, and although she understands development will occur she hopes the impacts will be mitigated. Her concerns include: water availability, and the inconsistencies in the application paperwork regarding irrigation, surface water, and easements. Her well went dry in 1992 and she is worried additional wells will cause more wells going dry. Darin Taylor offered rebuttal testimony and said they agree with safe access to schools, but said if they put in a sidewalk now it will be torn out once Lewis Lane is improved. Timing is a factor. The project is a quarter mile away from a school. With regard to proximity to city services, he said it is not close when considering extending sewer or water. He addressed the irrigation and easement issues which were raised by Ms. Steele and said landowners have used the pressurized irrigation system as part of watering their properties since the 1970s. In the 1990s, the landowners referred to easements and how to share expenses. In response to a question by Commissioner Smith, Mr. Taylor stated he would be agreeable to a condition that all lots shall be irrigated by the pressurized irrigation system and only one-half acre shall be irrigated by a domestic well. Commissioner White said she does not like the word *waiver* because that means it's not happening, and she asked Mr. Taylor if he would consider the word *deferral* instead. Mr. Taylor said the word *waiver* is a long-used term in law and it's why you see it in codes, it's the "right here and now." The word *deferral* is used in development agreements or local improvement districts, or impact fees. Although he likes the word *deferral*, we use *waiver* because it's in the codes. Mr. Lister said we are considering the word *waiver* because that's what is used in the agreement with the City of Nampa. Commissioner Smith had questions regarding irrigation. She wants a condition requiring construction drawings to be submitted, and a condition stating no more than one-half acre will be irrigated by domestic well. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to approve the preliminary plat for Case No. SD2018-0025, as presented with a couple of changes to the conditions of approval: delete the last sentence of Condition #4; add Condition #11 which states Lot 2 access to Shady Rock shall be limited to the western boundary with no direct access on the northern boundary; and add Condition #12 that states in accordance with Idaho Code, only one-half acre may be irrigated by domestic well. The Board shall approve the waivers for curb, gutter, and streetlights as recommend by the City of Nampa. All other requirements of the Nampa impact area agreement shall be met. Construction plans are required to be submitted with the final plat. The motion was

seconded by Commissioner White and carried unanimously. The hearing concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY JAY WALKER REPRESENTING TODD CAMPBELL FOR A DEVELOPMENT AGREEMENT MODIFICATION TO AGREEMENT #20-168, CASE NO. DA2021-0002

The Board met today at 10:08 a.m. to conduct a public hearing in the matter of a request by Jay Walker, representing Todd Campbell, for a development agreement modification to Agreement No. 20-168, approved as part of Case No. CR2020-0005. Today's Case No. is DA2021-0002. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Jay Walker, Hethe Clark, Todd Campbell, Danielle Strollo, Dean Waite, Brian Person, Michelle Hasenyager, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she lives one mile from the property but it will not impact her ability to make a fair and impartial decision. Commissioner Smith disclosed that she knows the daughter of Michelle Hasenyager who is attending today's hearing. Commissioner Van Beek disclosed that Bill Hasenyager worked for her family at one point.

Dan Lister gave the oral staff report. The applicant, Jay Walker representing Todd Campbell, is requesting a development agreement modification to agreement #20-168, approved as part of Case #CR2020-0005. The modification removes the restriction for development to not exceed 48 residential lots. The properties, consisting of approximately 108 acres, are located at 19618, 19611, 19503 and 19595 Northside Boulevard in Caldwell; also known as Parcels R34252, R34263012, R34263010, R34263 and R34263011. On October 12, 2021, the Board of County Commissioners heard this case and upon hearing testimony and reviewing all information the Board could not find a necessity required by the code to allow the removal of Condition #2A 1 from the approved development agreement. The Board found the requested modification is a substantial modification to the findings for Case No. CR2020-0005 and therefore a new conditional rezone is required. On October 14, 2021 a letter of reconsideration was received from Hethe Clark, the applicant's legal representative, requesting the Board not to require the conditional rezone to start from the beginning but to treat the development agreement modification request as a modification to the conditional rezone which would include the review of all conditional rezone criterion, not just the modification criterion. Although the Board found this to be a substantial change to that conditional rezone, it requested the case come back through a denial because of the applicant's lack of proof of necessity for the modification. Mr. Lister reviewed the fees process for a modification. He said staff has provided FCO's for the denial of the request based on there being a substantial change, and there is no necessity. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Hethe Clark testified the property is south of the Highway 20-26 corridor and is part of what the City of Caldwell plans for its highway corridor area. Mr. Campbell has acquired some additional

property so the 98 +/- acre area is no longer accurate and so they want to revisit the density because one of the constraints they were dealing with before was that the nutrient property suggested they needed bigger lots and they have done a detailed study and it's not requiring the larger lots anymore and now they can get closer to the density that Caldwell will be having in that area. They are going from 51 lots (48 lots in the R-1 area plus 3 lots in the R-R area), to a total of 73 lots, and from 1.5 acres to 1.1 acres so the distinctions are not as significant as may have been portrayed. They would be making an application for the zone they already have, it would just be to modify the conditions of approval associated with that zone. The necessity points to the justification and they have a good reason to ask for this. There is an additional study showing that although services currently do not exist, additional density could be provided and they would be consistent with Caldwell's planning without running afoul of the nutrient pathogen study requirements. Following his testimony, Mr. Clark responded to questions from the Board.

Jay Walker testified there is an obvious need to change what was presented by the previous owners because there was an additional acquisition of property and much of what they provided at the time was solely for the sale of the property with limited engineering and pre-engineering work to justify the layout the presented to the Board at that time, and there are reasons why it has to be modified. The previous application was solely for a change from an agricultural zone to a residential rezone zone with not much attention applied to the layout, and it had to be redone, it would not have worked as it was provided.

Testimony in opposition was as follows:

Brian Person testified his concerns are about the cumulative effects and when infrastructure and services are at, or beyond, capacity and the resulting impacts to traffic and schools.

Michelle Hasenyager testified she was initially in support of the original plan because it was going to be more like ranchettes, but she is opposed to the increased numbers because it's a big jump, and although she understands they need to make some changes with the additional acreage that was purchased, she doesn't like the number itself because it impacts wells, septic systems, and traffic.

Dan Lister offered additional comments about staff's analysis and findings, and the process for a modification.

Hethe Clark and Jay Walker offered rebuttal testimony. Mr. Clark said ITD has plans for the Highway 20-26 corridor improvements and it looks like the area up to Middleton Road will be done by 2022. They applicant will have to do a TIS. The City of Caldwell has plans for a minimum of 8 units per acre within this corridor. In terms of process, the P&Z Commission recommended approval, and staff recommended approval, and there is confusion about the question of whether an adequate analysis was done. The applicant is going to come back with a preliminary plat that will answer all the questions that have been raised today. Mr. Walker said the adjustments in making the preliminary plat, or a viable layout, in consideration of a more detailed engineering analysis did protect those R-R zoned two-acre, three parcels, and even though Mr. Campbell acquired those they met that condition of rezone and they are retained as two-acre minimum.

There will be no lot less than the one-acre minimum; they will be estate lots that will be a great transition from what the City of Caldwell is anticipating as density and it will support a smooth transition and it will not accentuate disparity between uses next to each other. He testified they utilized Analytical Laboratories, Inc., in their testing that included nitrate levels in the three existing wells and they looked at the well logs and the drawdown from their usage, they took samples and had conversations with IDWR and in the preliminary review with the experts they have sufficient capacity. There is a water source and aquifer that is sufficient for the water quality and capacity that is needed for the wells. Commissioner Smith said the Board has been imposing agricultural buffers and have reviewed the impacts subdivisions do make and it includes 100-foot setbacks and you wouldn't be able to do that on this property and so increasing the number of lots and making that finding for the character of the area and having that buffer is a change. The process should be an amendment to the conditional rezone so the FCO's can be re-established. Mr. Walker said through the process the Board will have the opportunity to hear and condition the plat. As directed by staff they submitted an application for a development modification, and they would have done it otherwise, if directed. Hethe Clark said the applicant followed the process that was identified. The P&Z recommended approval and staff recommended approval initially, and the new staff report was done at the Board's direction after the last hearing. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek said this project looks appealing and there is a lot scheduled for this area; it's productive farm ground and she voted to make it a transition area with custom homes. The infrastructure is behind. She does not know what the right answer is for the balance between farm ground and personal property rights. It comes down to the Board deciding what it can do to help preserve the character of the area and meet the transportation needs, or, if it goes all the way back through. It's still in an impact area, the only way to look at this is to write conditions given the increase in revenue to help pay for things where services are not close for water and sewer. Pulling water and sewer that far would be tough. She does not have a decision yet. Commissioner White said the problem with traffic in the area is scary to her. The homes are magnificent, rural estate homes and she has no problem with 51 lots, but she hasn't decided if she likes the proposal for 20 additional lots. Commissioner Smith believes the original development agreement complies with the FCO's, and the requested change would substantially change the FCO's. The developer submitted a request for reconsideration to change the FCO's, but that is not a part of the application and the ordinance doesn't have provisions for the Board to do that, and it wasn't legally noticed that way for this change. She does not have a necessity for this change. The ordinance has a narrow scope for that because there are no standards for approval, and the times she would change a development agreement would be if it still complied with the original FCO's. If she were making a motion she would approve the FCO's and deny the development agreement as presented by staff. Commissioner Van Beek asked if there is a way to attach conditions that modify the development agreement. Commissioner Smith said that's a substantial change and would require another hearing. Commissioner Van Beek said we have a developer who has a product and she would vote for it over what Caldwell has proposed. Commissioner Smith said the Board already approved this at the current density and noted in the FCO's that this was a transitional area for agriculture, and evaluating what those uses are. Commissioner Van Beek said whether this has 51 lots or 73 lots, the threshold for evaluating this with a traffic impact study is not met. She objects to the letter from Canyon Highway District, specifically the last

paragraph regarding the variance process. What if the developer doesn't want to go back through the hearing process and he sells to a lower quality housing project that would be unfortunate and if the City of Caldwell were to pick this up and provide services that would be inconsistent. The County has greater control at this point in evaluating what the transition zone and what should look commensurate with this. Commissioner Smith talked about the Board's decision at the last hearing and said adding conditions of approval would be a substantial change. Commissioner White made a motion to deny the changes to the development agreement, as presented by staff in the FCO's. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 11:44 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER DECISION REGARDING THE APPEAL FILED BY MARK STEVENS, CASE NO. PI2021-0425APL

The Board met today at 11:45 a.m. to consider the written decision in the matter of the appeal by Mark Stevens of the Director's decision for Case No. PI2021-0425APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The case was heard on November 17, 2021 where the Board denied the appeal and upheld the Director's decision for the interpretation of a variance. Staff was directed to include in the document the discussion on the interpretation of the variance and why the applicant was not successful in approval for the appeal. Dan Lister said the Board wanted to remove anything regarding provisions for variances and what they can do. As options staff wanted to stick to what was being appealed, which is the definition of variance and why a plat setback couldn't be varied through our ordinance. Staff changed the analysis breaking down that understanding of the ordinance into two parts: modification based on our chapter and code, and modification based on other ordinance provisions. The next paragraph talks about why those do not meet either of those and then it goes to denial. He took out the other items and stuck to the Board's reasoning noted at the hearing. Commissioner Van Beek made a motion to sign the order denying the appeal for Case No. PI2021-0425APL. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 11:50 a.m.

#### MEETING REGARDING NATIONAL OPIOID LITIGATION SETTLEMENT PROCESS

The Board met today at 11:50 a.m. regarding the national opioid litigation settlement process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Treasurer Tracie Lloyd, Controller Zach Wagoner, PIO Joe Decker and Deputy Clerk Jenen Ross.

Mr. Laugheed clarified that the Prosecutor's Office does not represent the County or the Board, he is just trying to give an overview of what Crueger Dickinson, LLC has provided to the Board. He summarized the history of how engagement with Crueger Dickinson came to be. The agreement

with Crueger Dickinson is a contingency fee agreement, meaning the county pays nothing until a settlement is reached. Crueger Dickinson has been communicating with Joe Decker and it is now at a point the Board needs to make decisions about participating in the settlement agreement, hiring other outside counsel to relitigate or walking away. Crueger Dickinson's recommendation is to sign the settlement agreement. The anticipated settlement amount is \$26 billion although it is unknown how much of that will be awarded to Idaho's participating entities; any fees will be paid from monies awarded. Additionally, any settlement received will need to be in its own fund as they are restricted use.

The action items were considered as follows:

***Execute as a Board the Idaho Settlement Resolution:*** This is the administrative tool to memorialize what has happened so far from Crueger Dickinson's perspective. It denotes how the monies will be handled, noting that the account is separate from the general fund and not co-mingled. Mr. Laugheed believes that the agreement signed in 2018 designated 25% of the settlement toward attorney fees, however there was a recent ruling that anything over 15% was unreasonable, this resolution and the other agreement make clear that 15% is the cap. This resolution gives Commissioner Smith legal authority to sign documents on behalf of the Board, however that authority would be exercised on a case-by-case basis in order to create a public record. Mr. Laugheed said he has reviewed the document and doesn't see any legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Idaho settlement resolution (see resolution no. 21-238).

***Authorize as a Board that the Chair execute the Idaho Allocation Agreement Sign-On:*** This agreement will allow for local governments to exercise more control of the funds. The agreement defines that monies have to be used for an approved purpose, the governing body has to sign-off, outlines the reporting and accountability requirements which affects the participating local government and health districts. By signing this agreement, it is an assurance to the state and court that the county is following the rules that have been established. Mr. Laugheed said there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize as a Board that the Chair execute the Idaho Allocation agreement sign-on (see agreement no. 21-124).

Generally, class action lawsuits are inclusive unless opted out of, this one requires affirmative action by the participating governments has to be taken to release all the claims there would otherwise be. This makes clear that the county is agreeing to their terms and will not bring a separate lawsuit against them.

***Authorize as a Board that the Chair execute the Janssen Settlement Participation Agreement:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize as a Board that the Chair execute the Janssen Settlement Participation agreement (see agreement no. 21-125).

***Authorize as a Board that the Chair execute the Big 3 (“Distributor”) Settlement Participation Agreement:*** This would release the county claims outside of the settlement agreement and won’t pursue any other litigation against any of the “Big 3”. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize as a Board that the Chair execute the Big 3 (“Distributor”) Settlement (see agreement no. 21-126).

Mr. Laugheed said that the necessary record will be forwarded on to the Attorney General and Crueger Dickinson so they can finalize the county’s participation.

The meeting concluded at 12:12 p.m. An audio recording is on file in the Commissioners’ Office.

#### EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (D)

The Board met today at 1:08 p.m. for an Executive Session to consider a personnel matter. Commissioner White made a motion to go into Executive Session at 1:08 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Interim Facilities Director Rick Britton, and Deputy Clerk Monica Reeves. The Executive Session concluded at 1:47 p.m. with no decision being called for in open session.

#### MEETING TO FINALIZE UPON DEATH FLOWCHART AND CONSIDER SIGNING A RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR THE CREMATION OR BURIAL OF THE INDIGENT DECEASED IN CANYON COUNTY

The Board met today at 1:49 p.m. to finalize the upon death flowchart and to consider a resolution adopting policies and procedures for the cremation or burial of the indigent deceased in Canyon County. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Coroner Jennifer Crawford, Treasurer Tracie Lloyd, Indigent Services Director Yvonne Baker, and Deputy Clerk Monica Reeves. Director Baker said the most current resolution was adopted in 1997 and today’s draft was prepared to help clarify the process for applications for cremation assistance and defining what services are approved in the maximum amount paid of \$1,000, and the process that the County takes in coming to a decision. The group reviewed the draft resolution adopting policies and procedures; the application for cremation assistance; the FAQ’s for the burial cremation process; and the upon death flowchart. (Copies of the documents are on file with this day’s minute entry.) There was discussion regarding the requirements of the Treasurer’s Office, the Coroner’s Office, and the Indigent Services Department and their respective roles when it comes to the indigent deceased and the public administration of estates. Modifications were



suggested to some of the forms. Commissioner Van Beek said she and Director Baker will meet with the funeral directors and field the questions they can. Treasurer Lloyd believes that will create more questions than answers. Director Baker said there have been a lot of misunderstandings and she knows the funeral homes will not like a lot of the answers or the direction the County has chosen, but that's why she wants to be a part of this to let them know about the new application and a resolution so we can make the process clear. The resolution has been reviewed by Legal, there are a few changes to be made to the flowchart, and the FAQ sheet and assistance application are ready. Coroner Crawford said she's waiting for the finalized rotation application. Commissioner Van Beek said she had asked the PA Civil Division if they would work with Coroner Crawford on the language she wanted and have it ready yesterday. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to table this item to December 3, 2021 at 11:00 a.m. to include the changes to the documents. The meeting concluded at 2:22 p.m. An audio recording is on file in the Commissioners' Office.



THE MINUTES OF THE FISCAL TERM OF NOVEMBER 2021 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this 5<sup>th</sup> day of April, 2022.

CANYON COUNTY BOARD OF COMMISSIONERS

Leslie Van Beek

Keri K. Smith

Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Jenen Ross, Deputy Clerk

DECEMBER 2021 TERM  
CALDWELL, IDAHO    DECEMBER 1, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings held this day. Commissioners Smith and Van Beek attended the 75<sup>th</sup> Annual Associated Taxpayers of Idaho Conference.

DECEMBER 2021 TERM  
CALDWELL, IDAHO    DECEMBER 2, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claims 579810 to 579849 in the amount of \$62,911.52

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Edu Business Solutions in the amount of \$1,870.20 for the Information Technology Department
- Manage Engine/Zoho Corp., in the amount of \$12,114.00 for the Information Technology Department
- Quadient, Inc., in the amount of \$2,636.08 for the Information Technology Department

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change forms for Nicole Ahlstrom, Benefits and Training Coordinator; Rich Soto, HR Investigator; Leah Kalk, Part-time Mental Health Clinician; Paula Rohde, Housekeeper; and William Moore, Interpretive Specialist.

#### MEETING WITH THE INTERIM DIRECTOR OF FACILITIES TO DISCUSS GENERAL ISSUES SET POLICY AND GIVE DIRECTION

The Board met today at 8:44 a.m. with the interim Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, IT Director Greg Rast, Interim Facilities Director Ricky Britton and Deputy Clerk Jenen Ross. Mr. Britton said that the concrete cutting was done this morning prior to the office opening and the BOCC office space is a dusty mess they are working to clean. Due to fumes and dust while the floor was being cut a couple of the maintenance staff felt light-headed so they were sent for an evaluation. Floor boxes will be installed and Mr. Britton is working with Director Rast on that portion. The hope is to have the floor portion done tomorrow and then they will begin work on the countertop and building up the desk. Completion for the facilities portion is anticipated at about 2 ½ weeks. Discussion ensued regarding the paneling behind the Commissioner's desk and the main office; consensus is to just sheetrock and paint at this time since it won't really be seen. It will only be a minor expense and can be changed in the future. Facilities will do as much as they can in anticipation of the AV equipment. Director Rast said the AV equipment has been ordered but there is a 14-week ETA on the equipment with 4-5 business days for installation although he is going to try to get it done over a weekend to minimize the amount of time the meeting room is out of commission. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:53 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2022-69, 2022-67 and 2022-68. Commissioner White made a motion to issue initial denials with written decisions on the cases as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously. Liens and lien releases were presented for Board signatures. The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-984

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2021-984. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Attorney Bryan Nickels on behalf of St. Alphonsus and Deputy Clerk Jenen Ross. The applicant did not appear. Following testimony provided by Mr. Nickels and Board discussion Commissioner Van Beek made a motion to deny the case. The motion was seconded by Commissioner White and carried

unanimously. The hearing concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-764

The Board met today at 9:06 a.m. to conduct a medical indigency hearing for case no. 2021-764. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Attorney Bryan Nickels on behalf of St. Alphonsus, Applicant and spouse and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker, Commissioner Van Beek made a motion to approve the case. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:10 a.m. An audio recording is on file in the Commissioners' Office.

#### MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:21 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to continue case no. 2021-828 to January 6, 2022 and case no. 2021-957 to February 1, 2022. The motion was seconded by Commissioner White and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to approve case no. 2021-899.

Neither the hospital nor the applicant appeared on case nos. 2021-888 and 2021-921 and they do not meet the eligibility criteria for county assistance. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to deny the cases as read into the record.

The meeting concluded at 9:24 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-847

The Board met today at 9:25 a.m. to conduct a medical indigency hearing for case no. 2021-847. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Applicant, Interpreter Laura Leavitt and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker, Commissioner Van Beek made a motion to approve the case with a written decision to be

issued within 30 days. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

*Note for the record: As properly noticed the Board met today at 10:03 a.m. for a legal staff update. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 10:04 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Controller Zach Wagoner, Elections Supervisor Haley Hicks and Elections Specialist Brandi Long. Commissioner White left the meeting at 10:20 a.m., Ms. Hicks and Ms. Long left at 10:44 a.m. and Controller Wagoner left at 10:49 a.m. The Executive Session concluded at 11:07 a.m. At the conclusion of the executive session Commissioner Van Beek made a motion to continue the executive session to 3:00 p.m. today. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 11:08 a.m. The executive session resumed at 3:24 p.m. Present were: Commissioners Smith and Van Beek, Ada County Commissioner Rod Beck, Controller Zach Wagoner, Elections Specialists Brandi Long and Robin Sneegas. The executive session concluded at 4:07 p.m.

DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 3, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 579890 to 579912 in the amount of \$19793.02

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial in the amount of \$2899.40 for Canyon County Sheriff

#### EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 8:32 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster and HR Investigator Rich Soto. The Executive Session concluded at 9:25 a.m. At the conclusion of the executive session Commissioner Van Beek made a motion to continue the meeting to 1:00 p.m. today.

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:30 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Sheriff Marv Dashiell (left at 9:33 a.m.), Deputy P.A. Doug Robertson (left at 9:33 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Open Proposals - Thermal Imaging Kiosk for Dale Haile Detention Center:*** Three bids were received as follows:

- Command Sourcing, Inc.  
Received December 2, 2021 at 11:25 a.m.
- Tek 84  
Received November 30, 2021
- Adani Systems  
Received December 1, 2021

All bids were received timely and the Sheriff's Office with the PA's Office will evaluate the criteria and make a recommendation to the Board at a later time.

***Consider new alcoholic beverage license for Casa Anejo LLC dba Casa Anejo:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign

the resolution granting a new alcoholic beverage license for Casa Anejo LLC dba Casa Anejo (see resolution no. 21-241).

The meeting concluded at 9:35 a.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION – CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE

Commissioner White made a motion to go into Executive Session at 9:35 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce. 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, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Director of DSD Steve Fultz and Economic Development Specialist Tammi Halcomb. The Executive Session concluded at 10:19 a.m. with no decision being called for in open session.

#### REVIEW OF DEPARTMENT PRIORITIES

The Board met today at 10:20 a.m. for a review of department priorities. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Smith said this was related to a request from the PA's Office to identify priorities. Commissioner Smith indicated that she has not had a chance to review the spreadsheet that has been compiled. After discussion amongst the Board and instruction from Commissioner Smith to Commissioner Van Beek about what she'd like to see included in the spreadsheet the Board decided they will reschedule this meeting to another time. The meeting concluded at 10:23 a.m. An audio recording is on file in the Commissioners' Office.

#### CANVASS NOVEMBER 30, 2021 ELECTION - CANYON COUNTY ELECTIONS OFFICE

The Board canvassed election results for the November 30, 2021 runoff election. The official documents were presented by Elections staff and were signed in the Elections Office.

#### MEETING TO FINALIZE DEATH FLOW CHART PROCESS AND CONSIDER AN ACTION ITEM

The Board met today at 11:04 a.m. to finalize the death flow chart process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Coroner Jennifer Crawford, Treasurer Tracie Lloyd, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Yvonne Baker and Deputy Clerk Jenen Ross. Discussion and the action item were as follows:

Commissioner Van Beek said that an updated document has been sent to everyone for review. Coroner Crawford, Treasurer Lloyd and Director Baker are supportive of the revised document. Coroner Crawford said she will work with Mr. Robertson on the application and Mr. Robertson spoke about how the process will work. There is a small formatting change to be made on the website. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution for policies and procedures for the cremation or burial of the indigent deceased in Canyon County, Idaho (see resolution no. 21-248). The meeting concluded at 11:12 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH LOCAL MAYORS TO DISCUSS COUNTY GROWTH

The Board met today at 11:50 a.m. for a meeting with local mayors to discuss County growth. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Greenleaf Mayor Brad Holton, DSD Director Steve Fultz, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, City of Star Mayor Trevor Chadwick who participated via Webex, and Deputy Clerk Monica Reeves. There was a small turnout for today's meeting so Commissioner Smith offered to send a personal invite with a detailed agenda for the next meeting in the hopes of having more participation from other mayors. Today's topics included:

##### **Committee of Nine – Star Impact Area Negotiations**

Commissioner Smith said the Committee of Nine for the Star Impact Area completed its task and now the City of Star and Canyon County will potentially adopt those recommendations which will then cause overlapping boundaries, and then Star and Middleton will negotiate. Mayor Chadwick said the attorneys have worked out the details of the transportation component and he is awaiting the final document. Commissioner Smith said the County will get its document to the City of Star and will soon set a date.

##### **Impact Area Agreements**

Commissioner Smith asked Mayor Holton if he has thought about the sizes of those impact areas and reducing the area so we can help protect residential growth in key agricultural areas. Mayor Holton said he has considered it and they are making progress on it.

##### **Status of the Comprehensive Plan Update**

Director Fultz said after hosting workshops and open houses they have extended the timeline. There are a lot of different comments coming in, and most are people saying they didn't know



about the process, so they have extended the timeline and are hoping to have the Board review it by May 2022. Between now and February they will have open meetings, may have more open houses throughout the communities. In March they plan to have a joint workshop with the P&Z Commission and the Board for further discussion. In April they plan to present to the P&Z Commission for review and execution and then to the Board. It's been their plan to have a working living document that will be reviewed every year for adjustments. A flyer giving public notice about the comp plan update was mailed with 90,000 tax notices in the hopes of receiving more public comment, however, there have been very few responses have been received. Todd Lakey sent an email representing the Building Contractors Association which listed ideas, issues, and concerns as well as suggested adjustments. Director Fultz will meet with the Board of Realtors to get input, and he will reach out to the Farm Bureau, the Coalition for Ag's Future and others. Commissioner Smith said Senator Lodge wants to make sure the Sunnyslope area is protected, that the hillsides on the right-facing slopes not be included in the nonviable areas. On the flipside, Senator Lakey is very concerned about taking property rights away. Mayor Holton said it would be in a good format if DSD requests from all city and county P&Z Commissions to review and provide comment on the plan.

### **Impact Fees**

Commissioner Smith gave an update on the passing of the urban renewal district for Caldwell and how it ties into our next plan for impact fees. When she ran for office one of her platforms was public safety, but we have not made a lot of progress on the public safety front. We are never going to fund the jail with just one funding source, so she's been trying to creatively come up with ways to get different pieces of the pie and when she shared those ideas with other elected officials it was heavily criticized because it wouldn't be enough to fund the jail. She wants to take multiple pieces of that pie and put them together, and one of those pieces is the urban renewal district formation. It's in the area where the jail was planned and by bringing in infrastructure it improves that area, and it would create a mechanism for additional jobs in the area. There was discussion about the need to have an identified payment source. Commissioner Smith is waiting on a legal interpretation on whether we can include the jail trailers/pods as having met the overcrowding need. Since they were put in and COVID hit and they started managing the population differently we are fluctuating between 70%-79% so we have capacity and that's a good thing for impact fees because now we have a new baseline. The PA's Office is working on an RFP and she believes it will be the start to establish that new baseline of what is the need right now and then we can hire someone to work on the impact fee. Impact fees will never pay for a new jail it's only a portion as a funding source. One of the funding sources she wants to look at is the sunseting of the Caldwell Urban Renewal where the current allocation area has a huge amount. She wants to look at how we are doing that so we don't have to ask for additional property tax to set aside, but then that money can be devoted to public safety. Commissioner Van Beek agrees. Commissioner White wants to look at the possibility of using the opioid settlement funds for anti-drug programs, or community needs for crisis centers, etc. Mayor Holton said every step counts and the impact fee isn't the solution but it's a base step that needs to be implemented. We need to take one bite at a time. Commissioner Van Beek spoke of how we need to do all we can to identify a source and have a dedicated account, and she referenced the millions spent on employee salaries. Mayor Holton spoke of the importance of having competent people who feel secure in their position to

do the job, and as leaders we must defend our staffing because we need quality employees. Commissioner White spoke about local option sales tax and how people travelling through the area contribute to that. There was discussion about looking at a bed tax and how Pocatello has seen incredible benefits from its bed tax. Commissioner Smith said we may not get the state to allow us to do local option tax, but with the Sunnyslope wine trail and the Ag venture trail and promoting that tourism that could be our funding mechanism, maybe half of one cent from the bed tax that funds agricultural endowment. Mayor Holton said there are two stipulations to make a use tax work: 1. you're a destination area like Sun Valley or McCall, or, 2. if you are a border county like we are where we are the first major fuel stop between here and Oregon, except for the Black Canyon area. The Board wants to look into the tax.

### **Road Safety**

Mayor Holton said there was an accident on Old Highway 30 and Highway 44 where the Middleton exit had cars backed up for miles with emergency vehicles trying to get there. It was a blockade in our planning and we have a throttle point where we are continuing to have Middleton and Star growth and it's a logistical safety nightmare we're contributing to so we have to figure out a way to get a different arterial past that exit.

The next meeting will be held after the new year with the following topics: a status report on comp plan with an update on where we're at with the Ag groups; follow-up discussion regarding the bed tax (Director Fultz will look into it); and Commissioner Smith will give another update on where we're at with the jail. The meeting concluded at 12:46 p.m. An audio recording is on file in the Commissioners' Office.

### **EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE**

At 1:03 p.m. the Board returned to Executive Session (as continued from earlier this morning) to discuss a personnel matter and records exempt from public disclosure, pursuant to Idaho Code, Section 74-206(1) (b) and (d). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster, and Deputy Clerk Monica Reeves. The Executive Session concluded at 2:06 p.m. with no decision being called for in open session.

DECEMBER 2021 TERM  
CALDWELL, IDAHO    DECEMBER 6, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Miller Paint Co. in the amount of \$3181.63 for Facilities Department

COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Assessor Brian Stender, Norman Hunt, Dan Ledwic, Larry Olmsted and Sr. Admin Specialist Terri Salisbury.

The Commissioners provided feedback on the following topics that were discussed:

- Development of Blessinger Road in Star
- Gravel pit near Blessinger Road in Star
- Growth in Canyon County
- Jail and impact fees
- House Bill 389

The meeting concluded at 9:57 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND CONSIDER ACTION ITEM

The Board met today at 10:00 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, HR Director Kim Foster, Chief Deputy Sheriff Marv Dashiell (left at 10:03 a.m.), Director of Juvenile Detention Sean Brown and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing resolution declaring certain property as not necessary for County use and for the exchange of County property:*** Chief Dashiell said they would like to trade in older firearms for credit toward the purchase of new firearms. The purchase amount is \$17,944 with \$8,860 in trade-in credit. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution declaring certain property as not necessary for county use and for the exchange of county property (see resolution no. 21-240).

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 10:05 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner 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, Prosecutor Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, HR Director Kim Foster and Director of Juvenile Detention Sean Brown. The Executive Session concluded at 12:17 p.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

CONSIDER SIGNING DECEMBER 6, 2021 AGENDA ITEMS

The Board met today at 1:36 p.m. to consider signing the December 6, 2021 action items. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, Chief Deputy Sheriff Marv Dashiell, HR Generalist Ellen Cahalan, DSD Admin. Specialist Bonnie Puleo and Deputy Clerk Monica Reeves. Commissioner Keri Smith arrived at 1:39 p.m. The items were considered as follows:

**Consider resolution granting refund to Cody Stone for a withdrawn zoning ordinance amendment, comprehensive plan amendment and development agreement application:** Director Fultz said Mr. Stone is requesting a refund in the amount of \$3,735. He submitted an application and upon further review he realized it would be more applicable to apply for a nonviable land division. No significant staff time was spent on this. Upon the motion of Commissioner White and the second

by Commissioner Van Beek, the Board voted unanimously to grant the refund to Cody Stone. (Resolution No. 21-242.)

**Consider signing resolution granting refund to Legends Mechanical for a withdrawn application:** The applicant has withdrawn his application and is seeking a refund in the amount of \$345. No staff time was spent on this matter. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to grant the refund to Legends Mechanical. (Resolution No. 21-243.)

**Consider resolution approving title and job description change for position in the Sheriff's Office:** The request is to approve a title change and job description from a sergeant position to a forensic services supervisor position. Chief Dashiell worked with HR to develop a new job description for the forensic services supervisor. The supporting documentation is on file with this day's minute entry. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the title and job description change for a position in the Sheriff's Office. (Resolution No. 21-244.)

**Consider signing FCO's for Shady Rock Subdivision, Case no. SD2018-0025:**

Dan Lister reviewed the FCO's noting that staff added the waiver of the subdivision improvements as part of the consideration. Additionally, Condition #4 was modified to only consider the access requirements for fire and nothing else. Condition #11 was requested by the applicant for the existing driveway that they can only access the western boundary of the private road lot and not to the north. Condition #12 states the final plat shall include a note referencing IC Section 42-111(a) regarding the use of domestic wells for irrigation. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the FCO's for Shady Rock Subdivision.

**Consider signing FCO's for LTD Stro, LLC, Case Nos. OR2021-0015/RZ2021-0032:**

On November 15, 2021, a public hearing was held on the request by LTD Stro, LLC, for a comprehensive plan map amendment to change the designation of Parcel No. R30395 from Agriculture to Residential. As well as a request for a rezone to the parcel from Agricultural to Single Family Residential. The Board approved both requests and staff was requested to prepare a revised finding to acknowledge the area of city impact. Today the Board reviewed the documents provided by staff. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the FCO's for Case Nos. OR2021-0015/RZ2021-0032. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the ordinance directing amendments to the zoning map. Due to an error, neither the ordinance nor the resolution associated with the comprehensive plan map amendment were included on today's agenda and therefore could not be considered today. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to withdraw the approval of the ordinance so that it could be re-noticed and placed on the Board's agenda at a later date. The meeting concluded at 1:54 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(B) AND (D)

The Board met today at 2:00 p.m. for an Executive Session to consider a personnel matter. Commissioner White made a motion to go into Executive Session at 2:01 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster, HR Investigator Rich Soto, Deputy PA Alex Klempel, Deputy PA Doug Robertson, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:45 p.m. While in open session Commissioner Smith noted that no decisions were made; however, there is additional business and she requested today's Executive Session be continued to December 7<sup>th</sup> at 2:15 p.m. for a personnel matter related to Idaho Code, Section 74-206 (1)(b) and (d), as well as continue the Executive Session pursuant to Idaho Code, Section 74-206 (1)(b), (d), and (f) to December 8<sup>th</sup> at 9:00 a.m. Today's Executive Session was continued to the identified dates as requested by Commissioner Smith and upon the motion of Commissioner White and the second by Commissioner Van Beek. The motion carried unanimously. An audio recording of the open portion of this meeting is on file in the Commissioners' Office.

DECEMBER 2021 TERM

CALDWELL, IDAHO    DECEMBER 7, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 579948 to 579985 in the amount of \$71,485.17
- The Board has approved claim 580150 in the amount of \$1,956.09
- The Board has approved claims 580087 to 580111 in the amount of \$17,961.01
- The Board has approved claims 580034 to 580072 in the amount of \$75,664.26
- The Board has approved claims 579986 to 580033 in the amount of \$161,618.05
- The Board has approved claims 579913 to 579947 in the amount of \$48,326.47
- The Board has approved claims 579850 to 579889 in the amount of \$199,744.36

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Command Sourcing, Inc., in the amount of \$11,994.00 for the Sheriff's Office

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Ricky Britton, Director of Facilities and Maintenance; and Santiago Ramos, Juvenile Detention Officer

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:48 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White, Customer Service Specialist Kelly Galloway and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-70; 2022-81; 2022-152 and 2022-82.

Case no. 2022-72 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with a written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Smith and carried unanimously.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING TO CONSIDER A REQUEST BY MATT WILKE REPRESENTING KELLEY FAMILY REVOCABLE LIVING TRUST FOR A CONDITIONAL REZONE; CASE NO. RZ2021-0018

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Matt Wilke, representing Kelley Family Revocable Living Trust, for a conditional rezone of parcel R37527011 from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single Family Residential). The request includes a development agreement limiting future development to no more than 26 residential lots that will be irrigated by a pressurized system and include landscaping requirements. The property is located at 25683 Duff Lane, Middleton. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Matt Wilke, Alan Mills, Spencer Kofoed, Deputy Clerk Monica Reeves, and interested citizens. Dan Lister

gave the oral staff report. The Board previously heard this case on September 30, 2021 as a straight rezone and tabled the item to allow the applicant time to submit a development agreement that limits the number to a median lot size of 1.69 acres which Commissioner Smith found acceptable. Commissioner Van Beek found the 1.45 average lot size to be acceptable. The applicant has amended the application to include a development agreement which includes a conceptual site plan limiting development to no more than 26 residential lots which is a 1.43-acre gross average lot size, or 1.15 with improvements. They will provide agricultural disclosures to all future homeowners, and landscaping that is commensurate with Thoroughbred Estates which is east of the subject property. All lots will have pressurized irrigation. Staff still recommends denial of the application and has provided an analysis showing a rural residential zone is more commensurate with this area; however, the P&Z Commission approved the request without a development agreement. Staff has provided FCO's based on the recommendation of the P&Z Commission with the added development agreement and conditions. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Matt Wilke testified in favor of the request. The average lot size is 1.43 acres (gross acreage not including the roads). The landscaping will include a low-profile berm and the project will mirror the landscape plan for Thoroughbred Estates. The rezone includes 37.41 acres. The driveway coming into the development was going to curve but it's been adjusted to be straight after adjusting a neighboring boundary. There are 15 nearby subdivisions that have similar or smaller lots to the proposed development. The developer met with the City of Middleton and they told him they aren't interested in this site because it sits too low and it will be difficult to get sewer and water to that hole. He spoke of the soil types and the test holes that have been dug on the property, and the nutrient pathogen study shows they can have 26 lots.

Spencer Kofoed testified about the project design. He was the developer of Thoroughbred Estates and was asked to help develop this and make it a future phase of Thoroughbred Estates. This property does not fit in the City of Middleton's future plans for water and sewer. He will do a landscape plan and is willing to do berms for a buffer. The plan is to have smaller lots up front and gradually go back to larger lots to make sure the Wagner Farm has a buffer. City services will come halfway between Purple Sage Road and Galloway on the edge of Middleton Road.

Alan Mills testified the project will have agricultural disclosures and there will be a note on the plat with the right-to-farm and it will be included in the CC&Rs. This will be a compatible use; there are higher density projects in the area than what this proposal will consist of. We should strive for diversity and variety of housing types. The density fits the area really well and there is further high density coming from the west. Hobby farms surround the property, but there are not any bonafide agricultural operations that are going to be affected and he doesn't see a real need for buffering.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek likes the development as presented and finds it to be appropriate and commensurate with what's going in the area. She



likes Spencer Kofoed's track record and his quality of product. They have done what the Board asked which was to have a development agreement and limit the number of lots. She believes the one-acre lot size is a well-suited fit. Commissioner White likes it because we have seen the product the developer offers and they are working to be a good neighbor. It is being modeled after Thoroughbred Estates and will have its own look and feel. Commissioner Smith agrees with staff's findings and she believes rural residential is more appropriate. The letters that were provided state they want a one to two-acre lot size, but this is a 1.1-acre request. The average lot size of platted subdivisions in the area is 2.7 acres and so at a rural residential average of 2.0 acres that is still less of a density than the surrounding area. The average lot size of the lots within the notification is 1.6 acres. She would be supportive of a request that had the average lot size at not less than 1.5 acres, but also at the current density it's hard to have a horse on a one-acre parcel in that zone. Compatibility is an issue for her and for those reasons rural residential is much more commensurate with the area. Commissioner Van Beek made a motion to approve the request by Matt Wilke representing Kelley Family Revocable Living Trust, for a conditional rezone for Case No. RZ2021-0018 and to sign the FCO's, the development agreement and the ordinance. The motion was seconded by Commissioner White. Commissioner Smith was opposed to the motion to approve. The motion carried by two-to-one split vote. (Agreement No. 21- 127 and Ordinance No. 21-039.) The hearing concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING- REQUEST BY MASON & ASSOCIATES INC., REPRESENTING GENE AND JOANN MONAGHAN FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE, CASE NOS. OR2021-0016/CR2021-0004

The Board met today at 10:20 a.m. to conduct a public hearing in the matter of a request by Mason & Associates Inc., representing Gene and Joann Monaghan, for a comprehensive plan map amendment (Case OR2021-0016) to a 25.89-acre parcel (R29997) to amend the future land use designation from Agriculture to Residential. The request includes a conditional rezone (Case CR2021-0004) with a development agreement to amend the zoning map from an "A" (Agricultural) zone to an "R-1" (Residential Single Family) zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, Danny Schuster, Gene Monaghan, Will Mason, Claudia Haynes, Kim Yanecko, Dave Hargreaves, Ashley Beverage, Chad Beverage, Carla Zechanelli, Dave Karen, Eric Lauritzen, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that Mr. Hargreaves was the vice principal when she was in middle school.

Elizabeth Allen gave the oral staff report. The property is located at 15303 Lakeshore Drive in Caldwell and is a portion of the original parcel known as Lot 4, of Government Lot 6 of Shilo Ranch. In 1996 an administrative lot division created four parcels. The applicant requested an approval of an irrigation plan, waivers of sidewalks, streetlights, curb and gutter, and fire hydrants at the time and requested that the water allotment for the irrigation from Highline Canal be discontinued and the water for five acres be turned back to the district. The County does not have any formal

records indicating when the remaining water rights were removed besides notes in appraisal documents. In 1997 approval of a transfer of development rights was completed and it transferred two building permits from an adjacent property onto the property. It was owned at the time by Saxton Fruit Farms. In 2002 a record of survey was completed using those two building permits that were relocated to create the smaller parcels, and the remaining parcel, which is the subject property, was left as an undevelopable agricultural lot. There is an existing structure on the site that was constructed in the early 1990's, and it appears there is a residential structure on site. The applicant lives on the property and based on historical documents the original structure is a shell utility building that was in poor condition as of 2009. Ms. Allen reviewed the staff analysis. The property is zoned agriculture as are the properties in the immediate vicinity. There is one platted subdivision located within one mile of the subject property. She provided a review of the agency comments. On September 16, 2021 the P&Z Commission recommended approval of the comprehensive plan map amendment. On October 7, 2021 the P&Z Commission recommended denial of the conditional rezone. Staff recommends the Board deny the requested comprehensive plan map amendment and conditional rezone as provided in the FCO's. Following her report, Ms. Allen responded to questions from the Board.

The following people testified in favor of the request:

Danny Schuster testified that for over a year they tried to sell the property but no farmers would look at it after researching it and finding there were no irrigation rights and that it hasn't been farmed in over years. The applicant tried to farm the land but it never worked for him because it is not good viable ground. This is a unique piece of property the highest and best use is residential; it has no water rights and therefore is not compatible with agriculture. He spoke with the Wilder Irrigation District who said there are people who have been waiting since the 1980s to get their water rights back. When the applicant gave up water rights 18 years ago the intent was not to turn it residential. Individual wells and septs will be used for the development. They have hired SPF Water Engineering to show that the water draw will be minimal. There are 21 homes on 1 to 1.5 acre lots that are not being farmed and the trends indicate there is a need for change in the designation. According to Mr. Schuster they will build beautiful homes on the property.

Will Mason gave testimony regarding groundwater and the study performed by SPF Engineering in September of 2011. The groundwater is ten feet below the ground surface.

Gene Monaghan testified that he was raised on a 2,300-acre cattle and wheat ranch in Oregon and has lived here for nearly 40 years. He purchased the land from a church in Boise to raise horses and for family members and friends to live on. He had irrigation rights. He installed a new weir and bought irrigation equipment. He buried an irrigation main line the full length of the property and he ran irrigated test plots and seeded some of the plots to orchard grass, but it was hopeless. It's alkaline ground, and watering alkaline ground doesn't make it agriculture. He released the water rights back to the irrigation district – he did not sell them. He was told the previous owners hadn't grown crops in more than 40 years. He said a study by the County rated its potential agricultural use as only 3% as prime useable ground, and NRCS rated it to sustain 1.5 animals. They hired SPF Engineering to do a water use study on how the drawdown of wells would

affect the water table and it shows that leaving all the pumps running on every well for 24 hours a day for an entire year would only lower the water table two feet within a 500-foot radius, and at a mile radius it would be 9/10 of a foot and that would be temporary. His taxes doubled from last year and are going up based on comparisons with neighboring land that is income-producing. How can land value double in a single year when it's worthless and cannot sustain its own tax base? Without house lots the land has no value. He is not creating a subdivision on farm land, he is adding lots to a 20+ home subdivision that already exists and it does not change any farmland.

The following people testified in opposition to the request:

Claudia Haynes provided testimony on behalf of the Canyon County Alliance for Responsible Growth. She spoke of how adequate water supply is essential for fire protection for any residential development and said whether the land has water availability is not a question. Agriculture and residential development do not work together. Neighbors have reported several accidents in the area involving vehicles and farming equipment. There is a dirt road that accesses eight houses and the road is not paved, although a section of the road has been paved it's only wide enough for one car. There are four gravel pits, a large dairy, and large agricultural operations in the area. The County has approved over 450 houses in the area that have not yet been built and she is concerned about the impacts on traffic and wells at this time. Ms. Haynes spoke about the Amens who have a crop dusting business and they fly over 5,500 acres and because there are no setbacks this development would be a problem for their business. She spoke of how the staff report notes 26 policies and goals of the comprehensive plan that do not comply with this request.

Dave Hargreaves is a neighbor who has lived in the area for 46 years and he owns five acres and has raised cattle on his property. He enjoys living in a rural atmosphere and is concerned the development will have negative impacts on traffic and irrigation water. When he purchased his land in 1975 he needed five acres in order to obtain a building permit in that area. He testified the applicant has already subdivided land in the area and gave up his water rights which caused problems with acquiring water for properties around him. He asked the Board to consider the other members of the neighborhood and deny this crowded rural subdivision.

Ashley Beverage testified she has lived in the area for 14 years and is concerned the development will drastically change the community. She spoke of the previous splits by Mr. Monaghan which has resulted in a total of 21 homes (including the latest proposal). Ms. Beverage said the land in the area is drought tolerant and has adapted to areas with sagebrush, and how even with the relinquishment of the water rights there is still the ability to water and create greater yields in pasture. She said a general study was done to help determine how many cows per acre the land could support - this was not a specific study as was suggested by the applicant - and the study found that 20 acres will support 11 cows, not 1.2 or 1.5 as was stated today. We must protect agriculture and not set an expectation that if you give up your water rights you get to develop your land.

Chad Beverage testified that he is a licensed waste water treatment operator (Class 3) and has a lot of experience with the EPA and DEQ regulations. He reviewed the SPF memorandum from 2011

and said the data is outdated and is not representative of the current situation. There are concerns about nutrient loads and toxicities in the area. The last study for the nitrate priority level was in 2014 – the loading can change year to year, and it enters the ground in three ways: through irrigation; through land application of fertilizers, or also septic systems. He said decisions are being based off old data and it's going to create health concerns for the new residents coming in. He spoke of the health dangers associated with arsenic in the water. There are no regulations on single domestic wells, all users do so at their own risk and many have no idea what's in their drinking water. Residents are left to pay for the impact to the roads, utility expansion, and increased property taxes, and future health issues due to poor planning and negligence when homes are sold without proper drinking water treatment systems and no warning of continued monitoring. If the request is approved, the Board should require a community well treatment and fire suppression systems and require annual maintenance and testing.

Carla Zechanelli is concerned about the wildlife in the area being displaced by the rezoning of the property and how development will push rodents to seek a new area. She asked if the soil has been tested for fungus and spoke of how Valley Fever which is a fungal lung infection that can be devastating and it's caused by a fungus that lives in soil.

Dave Karen testified about flood plain problems and how there are drainage problems on his property. He asked if the proposed entrance, which infringes on Farner Road, has been corrected because if approved it will unknowingly allow a second unapproved access road to this project. The applicant has said he will widen and pave the existing lane but what's to stop him from putting asphalt in the drainage ditch and creating a two-lane second entrance? The development would create a need for service and delivery trucks to use our lane. The objections are many: rights-of-ways, wells going dry, infrastructure, and farmers rights. Mr. Karen said if his well goes dry he cannot to put in a new well. We need to preserve the heritage of farmland and mini-farms and open spaces on the south side of the lake.

Eric Lauritzen gave testimony regarding the safety to the infrastructure on the south side of Lake Lowell, and he spoke about the heavy truck traffic in the area and the resulting traffic concerns. The area is served by the Marsing volunteer fire department. He believes the request should be denied until infrastructure can be improved for the added safety of rural community living.

Kim Yanecko gave testimony regarding well and water information. She attended a community meeting where IDWR appeared, and as part of her testimony today she referenced information and graphs from that meeting. IDWR appears to only report about how the aquifer is recharging at the end of every season but if you look at the drawdown it's quite a significant drop. They are not reporting on the bottom line. In the height of irrigation, it's dropping probably 10-50 feet and up to 100 feet depending on which area you are looking at. Some residents have wells between 50-150 feet so during the summer when IDWR is not reporting on those numbers there are people who have a cone of depression that could potentially be expanded greatly when you only have that short area for their well. We are talking about a very small area of irrigation where the canal is irrigating the area and clearly, they don't have canal rights so there is no irrigation that's contributing back to the aquifer. IDWR cannot give a number on the proximity and how far down

that drawdown is because the variables are so great, but you can see that if you put three homes together you have a very large drawdown that expands in width and depth. IDWR has a map showing the well history in the area, but she's not sure how any studies can be done if information was pulled from IDWR because they do not have accurate numbers wells listed for developments that have already been approved and we don't know what the impact of the other homes is going to be and we're talking about 600 homes. She said Taylor Jene was pulling water the other day from a well driller. They provided the data after the irrigation season and those shallow wells will be impacted quickly when you add in another small subdivision with one-acre homes. Ms. Yanecko spoke of a resident in the area who has detectable arsenic in her body. She said there are a lot of unanswered questions as to the guarantee of water, guarantee of safety in the soil and the water, and the impact on our environment and wildlife.

Rebuttal testimony was offered by Danny Schuster. As far as water with SPF, Will Mason had shown him something that said it was up-to-date with the information on the wells, and not just back to the 1960's. Mr. Monaghan did not subdivide or administratively split the small lots, that was someone else. As far as the releasing of water, it did not affect the existing homes, it only affected his 26 acres. Regarding the study by the NRCS report saying the land would support 1.2 cows, that was with no irrigation. There are people who have waited 40 years to get their water rights back. Mr. Monaghan did not give up his water rights to develop; he tried to farm, but it was hopeless and so there was no need for him to have the water so he released it to somebody else who could use it. Regarding nitrate levels, Mr. Schuster said SWDH does not consider this a high nitrate priority area. From the soils tests they have seen in this area it has not shown fungus in the soil, but they would move forward and do more when they are creating the subdivision and doing the lots. As far as drainage, once there are approvals, they can address drainage and move forward with that. They will deal with the highway district as the approvals go forward. They will not be entering this subdivision through the existing road; they will create a road as it shows on the plat to the east part of the property. They have nothing to do with the existing access; anything northwest of the Donaldson Drain will not be part of this subdivision, it will remain as a large 8-acre lot with an agricultural exemption.

Will Mason was asked to answer technical questions from the Board. The well drillers logs are to base the soil types. They looked at IDWR's monitoring wells in the area and did a hydrograph, and if you look at the SPF report on page 6 they talk about the hydrographs from the monitoring wells and they have taken those monitoring well data points from the late 1960s to the 2011 range. The closest well is located two miles from the subject property, and the farthest well is four miles out. They did three monitoring wells and the recommendation for the wells was to go to a depth between 100 feet and 150 feet. He has not seen the information Ms. Yanecko referenced from Dennis Owsley with IDWR, but said she provided a document showing the wells in the adjacent properties were not shown in the report they gave but according to Mr. Mason the report they gave was not to itemize every well. They talked about the drawdown within 500 feet of the center of the proposed development and one mile out so that would cover the wells shown in that area.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek doesn't find a path forward

given the information the Board continues to accumulate in working with the local mayors, particularly in Nampa where the ongoing studies for this area and the area of impact are under scrutiny. She appreciates that the owner has interest in maximizing the highest and best use for this, however, adding homes in an area that is predominately agriculture with tenured agriculturists would eventually change the nature and character of this area particularly since there are a number of homes slated for development. The questions on water that would need to be answered would stand in prioritization of the order received and so she appreciates Kim Yanecko bringing the information and she would need to evaluate it at a deeper level. Where this had code enforcement issues it would be difficult to move forward with additional development given the condition of the property. Land becomes less viable when you voluntarily give up water rights. She is deeply concerned about the development on the north side of the lake – there are projects going in and it adds to the cumulative effects. She does not have a feel on the load for individual wells and septs and what that looks like out there and is probably not in support of this application. Commissioner Smith agrees with staff's findings and the P&Z Commission's recommendation because the character of the area is not predominately single family residential; it is predominately agricultural. The uses for the lake are also not compatible with an R-1 zone in that area. The Board recently directed staff to consider amendments to the zoning ordinance that would allow for nonviable farm ground to be split again. If this land hasn't been divided since 1996 it could be eligible, with a future amendment, and so the Monaghans should watch for that. If they do make application for that, the neighbors will be notified to comment – although it won't have a public hearing process, but they could comment and it would not be at the density that is being requested currently, but it would allow for some additional splits on the property. As for what the applicant can do for future approval, she said it's a timing issue for the city to get closer to this development, or other transitional zoning options, and to explore nonviable splits as the ordinance permits in the future. She has no changes to staff's FCO's. Commissioner White agrees with staff's findings, but struggles because of personal property rights and it bothers her that someone cannot profit from their land. She sees where this property is going and how it's moving, but she is not comfortable saying it would be compatible with the area. She does not support the proposal. Commissioner Van Beek made a motion to follow the recommendation by DSD staff to deny the comprehensive plan map amendment and conditional rezone request for Case Nos. OR2021-0016 and CR2021-0004. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith said the applicant has the right, per Idaho Code, to ask the Board to reconsider its case and once that is complete, they also have the right to appeal to District Court. The hearing concluded at 12:20 p.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 2:22 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public

disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel and Director of Weed and Pest AJ Mondor. The Executive Session concluded at 2:45 p.m. with no decision being called for in open session.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 8, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves

#### APPROVED CLAIMS

- The Board has approved claims 580112 to 580143 in the amount of \$30661.00
- The Board has approved claim 580151 in the amount of \$62.56
- The Board has approved claims 580073 to 580086 in the amount of \$7771.00
- The Board has approved claims 580144 to 580149 in the amount of \$1451.67
- The Board has approved claims 580112 to 580143 in the amount of \$30661.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- MRSA-UV in the amount of \$123276.65 for Emergency Management
- Portside Land Surveying in the amount of \$2300.00 for Facilities Department
- Apex Integrated Security Solutions in the amount of \$41499.77 for Facilities Department
- Dell in the amount of \$17058.56 for Information Technology Department
- Nemo-Q Inc. in the amount of \$7479.00 for Information Technology Department

#### EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206 (1)(B), (D) AND (F)

The Board met today at 9:02 a.m. for an Executive Session, which was continued from December 6, 2021. Commissioner White made a motion to go into Executive Session 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 communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Smith and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Pam White, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Deputy PA Zach Wesley, Deputy PA Alex Klempel, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. Commissioner Leslie Van Beek arrived at 9:05 a.m. Prosecutor Taylor, Clerk Yamamoto, and Controller Wagoner left at 9:55 a.m. The Executive Session concluded at 10:03 a.m. with no decision being called for in open session.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) FOR CANDIDATE INTERVIEWS FOR P&Z COMMISSION

The Board met today at 10:08 a.m. for an Executive Session to interview and evaluate candidates for the Planning and Zoning Commission. Commissioner Van Beek made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (a) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Steve Burton, and Deputy Clerk Monica Reeves. Mr. Burton left at 10:40 a.m. Harold Nevill arrived at 10:55 a.m. and left at 11:35 a.m. Commissioner Smith left at 10:56 a.m. The Executive Session concluded at 11:40 a.m. While in open session Commissioner Van Beek said the discussion will resume on December 13, 2021 at a meeting with Director Fultz. An audio recording of the open portion of this meeting is on file in the Commissioners' Office.

DECEMBER 2021 TERM

CALDWELL, IDAHO     DECEMBER 9, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - **Attending IAC training in Weiser**  
                 Commissioner Leslie Van Beek, Vice Chairman - **Attending IAC training in Weiser**  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves

APPROVED PURCHASE ORDER

The Board approved the following purchase order:



- Idaho Correctional Industries in the amount of \$10,283.00 for the Sheriff's Office

CONSIDER SIGNING NOTICE OF INTENT TO AWARD CONTRACT FOR THERMAL IMAGING KIOSK FOR DALE HAILE DETENTION CENTER

The Board met today at 9:01 a.m. to consider signing a notice of intent to award contract for the thermal imaging kiosk for the Dale Haile Detention Center. Present were: Commissioner Pam White, Commissioners Keri Smith and Leslie Van Beek via conference call, Sheriff Kieran Donahue, Captain Harold Patchett, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. (Commissioners Smith and Van Beek were attending the *"Idaho Open Meeting Law Training"* hosted by the Idaho Association of Counties in Weiser.) Proposals for the County's thermal imaging kiosk RFP project were received from: ADANI Systems, Inc.; Command Sourcing, Inc.; and Tek84, Inc. The proposals were reviewed by the Sheriff's Office and they prepared grade sheets and decided the proposal that best meets the County's needs while complying with procedures and meeting specifications is Tek84. The letter says it is the County's intent to contract with them and it will go out to all proposers, and there is a comment period where they have a chance to make comments or objections, or ask questions. After that time, we will start the contracting process with Tek84. Commissioner Smith reviewed the information provided by the Sheriff's Office and she supports the recommendation. Commissioner Van Beek agreed. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the notice of intent to award the contract to Tek84 for the thermal imaging kiosk for the Dale Haile Detention Center. The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 10, 2021

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**  
 Commissioner Leslie Van Beek, Vice Chairman  
 Commissioner Pam White - **OUT**  
 Deputy Clerks Monica Reeves

APPROVED CLAIMS

- The Board has approved claims 580193 to 580231 in the amount of \$613857.54
- The Board has approved claims 580152 to 580192 in the amount of \$83602.33

There were no meetings this day.

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:

- R&H Wholesale Supply Inc. in the amount of \$1041.05 for Misdemeanor Probation

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecutor Bryan Taylor, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Chief Deputy Sheriff Marv Dashiell (left at 9:07 a.m.), Facilities Director Rick Britton, HR Director Kim Foster, Controller Zach Wagoner, Landfill Director David Loper (arrived at 9:16 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing dispatch services agreement with City of Caldwell/Canyon County:*** Chief Dashiell explained this is a renewal on an existing agreement for dispatch fees with the City of Caldwell. The annual cost is \$300K which will be in place for the next two years. 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 dispatch services agreement between the City of Caldwell and Canyon County (see agreement no. 21-128).

***Consider signing change order with Motorola Solutions related to project Canyon County Microwave and MPLS upgrade:*** Chief Dashiell said there was a contract entered into 2 years ago to upgrade radio towers. It was originally thought the project would be done this year but due to supply issues it has gone longer; money was allocated in the FY2022 budget to finish the project. There is no change to costs just to the timeline; anticipated completion is quarter 2 or 3 of the new year. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the change order with Motorola Solutions related to project Canyon County Microwave and MPLS upgrade.

***Consider signing letter of intent to lease space located at 525 Main Street, Caldwell between JJJ Properties, LLC and Canyon County:*** Mr. Robertson explained this letter is non-binding on the county, it is simply stating the county's intent. Director Britton is currently working to collect information on what it will take and the cost to retrofit the space. He explained that it is Director

Fultz's desire to have individual, walled offices however, that significantly increases the cost specifically in regard to HVAC and sprinklers. Funds would need to be included in the FY2023 budget for the renovation but Controller Wagoner has indicated there is money available this year. Mr. Robertson recommends not signing the letter as he feels it is still too early in the process. Director Britton indicated he would like to get more defined numbers. Commissioner Smith thinks that perhaps Director Fultz needs some additional direction on wants vs. needs in a new office space and requested Director Britton work with Director Fultz. Commissioner Van Beek thinks there needs to be more information. The letter of intent was not signed by the Board at this time.

***Consider signing ordinance and resolution for LTD Stro; Case Nos. OR2021-0015/RZ2021-0032:***

Commissioner Smith said she has reviewed the documents and they appear to match the approvals and what was requested at the hearing. Commissioner Van Beek said she has not had a chance to review the documents. This action item will be taken up again at 11:00 a.m.

***Consider new alcoholic beverage license for Montucky Brewing LLC dba White Dog Brewing Co.:***

Commissioner Smith noted this license is for the new location on Indian Creek Plaza to serve beer and wine, no hard alcohol will be served. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the new alcoholic beverage license for Montucky Brewing LLC dba White Dog Brewing Co. (see resolution no. 21-247).

***Consider transfer alcoholic beverage license for JTT Enterprises Inc dba The Dutch Goose:***

Commissioner Smith said there was a license signed on July 26, 2021 but the business is now reopening and transferring to the Dutch Goose. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the transfer alcoholic beverage license for JTT Enterprises Inc. dba The Dutch Goose (see resolution no. 21-246).

Controller Wagoner provided a background about the management of the unemployment insurance. A balance for this service has been maintained by IAC. No claims have been paid from the fund but it did pay for a 3<sup>rd</sup> party group to work as a middleman. Several years ago, the county stopped putting money into the fund but IAC has started requesting money again. After a review by Zach Wesley it was determined that there is no legal reason for IAC to have the money. Further discussion ensued as to continuing the relationship with IAC or to put the money back into the general fund. The Board does not see the need for a middleman and feels HR can handle that. Commissioner Van Beek would like more information on how the money would impact the budget. Controller Wagoner said there wouldn't be an impact to the budget but that another meeting would be more appropriate for that discussion, today they just wanted to make the Board of the situation and that the contact information will be updated to Kim Foster.

The meeting concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO TAKE COMMENT REGARDING SOLE SOURCE PROCUREMENT PROJECTS AND  
CONSIDER ASSOCIATED ACTION ITEM

The Board met today at 9:41 a.m. to take public comment regarding sole source procurement of two purchases and consider associated action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper, Facilities Rick Britton, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Each project was taken up as follows:

***Public hearing to receive comment regarding the sole source procurement of Trane Chiller Model CGAM***

No comments were received and no member of the public appeared to offer comment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize the purchase of a Trane Chiller Model CGAM for the Southwest Idaho Juvenile Detention Center.

***Public hearing to receive comment regarding the sole source procurement of Stertil-Koni Heavy Duty Lifts***

No comments were received and no member of the public appeared to offer comment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize the purchase of a Stertil-Koni Heavy Duty Lifts. Director Loper submitted a purchase order which was approved on December 15, 2021 for this purchase.

The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE DIRECTOR OF FACILITIES TO DISCUSS GENERAL ISSUES, SET POLICY, GIVE  
DIRECTION AND CONSIDER AN ACTION ITEM

The Board met today at 10:05 a.m. with the Director of Facilities 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, Facilities Director Rick Britton, Controller Zach Wagoner (left at 10:21 a.m.), Deputy P.A. Zach Wesley (left at 10:21 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing change order with HC Company for work related to Fair Expo building:*** Director Britton explained that due to the timeline in place for this project and other on-going projects, for facilities staff to do some of this work it will push right into the set-up for fair. He would like for HC Company to work with their outside contractors for the framing, drywall and insulation. Additionally, Mr. Britton believes that the contractors will be able to get better pricing on materials. With facilities staff doing the work there will be overtime costs and he does not want to be the reason the contractor misses their deadline for which there are monetary consequences.

Director Britton has spoken with Director Sinner and she is in favor of plan. Controller Wagoner said he is also fully supportive of this plan. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the change order with HC Company for work related to the Fair Expo building. A copy of the change order is on file with this day's minutes.

As part of his regularly scheduled meeting Director Britton updated the Board on the following:

- Current projects in process include:
  - BOCC meeting room which could be done by the end of the week; Facilities has been in close communication with IT to make sure everything is prepared for when that equipment is ready to be installed.
  - 2 of 6 courtrooms are complete. He is working with the TCA on schedules as jury trials begin again. The goal is to have all the courtrooms finished by April.
  - The Coroner's office is nearly complete.
  - Walls in the booking area were removed for the thermal scanner, all work was done in-house by facilities staff.
- The steel Fair expo building has been pushed out about 10 days but once it arrives the Facilities team will start erecting it.
- Purchase orders for the BOCC entrance and the public entrance storefronts have been forwarded to the contractor it is now just a matter of waiting on the materials. It is anticipated to still be another 3 weeks out.
- The grounds crew is working on the gun range fence; posts have been set, fabric and gates will be done shortly after and then that project will be complete.
- He has been working with legal on several items including an AV project, concrete polishing, pedestrian bridges, pod 5 roof, Trane chiller, warehouse project design and the county master plan. Both the masterplan and the jail need projects are priorities for the Facilities department.
- Commissioner Smith would like updates on staffing needs and additional conversation on an assistant director and supervisor positions.
- Director Britton spoke about some of the safety precautions he's working to get in place for his department.

The meeting concluded at 10:33 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE DIRECTOR OF INFORMATION TECHNOLOGY TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:33 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, IT Director Greg Rast, Business Manager Caitlin Pendell, Project Manager Shawn Adamson, Development Manager Rick Fisher, Operations Manager Mark McMinn, Business Analyst Terrence Martinez and Deputy Clerk Jenen Ross.

Director Rast provided a book to the Board summarizing 9 projects that have recently been completed. The projects included: Auditors Repository, HR Repository, PTR Workflow, Annex of Weed & Pest, CAPS Building permit application, HRMS, Microsoft Office 2019, Treasurer PIN and Use of Force. A copy of the presentation is on file with this day's minutes. Commissioner Smith asked about the development of a QR code for land use hearings in order for participants to view the materials. In response to a question from Director Rast, the Board said the new OnBase claim approval process is going well.

The meeting concluded at 10:56 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING ORDINANCE AND RESOLUTION FOR LTD STRO; CASE NOS. OR2021-0015/RZ2021-0032 – CONTINUED FROM 9:00 A.M.:

The Board met today at 11:05 a.m. for the continued consideration of an ordinance and resolution for LTD STRO, Case nos. OR2021-0015/RZ2021-0032 which was continued from 9:00 a.m. today. The Board has had time to review the documents and upon the motion of Commissioner Van Beek and second by Commissioner Smith voted unanimously to sign the ordinance and resolution for LTD STRO, Case nos. OR2021-0015/RZ2021-0032 (see ordinance no. 21-040 and resolution no. 21-245). The meeting concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH ADMINISTRATIVE DISTRICT JUDGE AND TCA TO DISCUSS GENERAL ISSUES

The Board met today at 1:35 p.m. for a weekly meeting with the Administrative District Judge and TCA to discuss general issues.

A request was made to go into executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*Note for the record: As properly noticed the Board met today at 1:35 p.m. for a meeting with the ADJ and TCA.*

Commissioner Van Beek made a motion to go into Executive Session at 1:36 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner 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, Judge Van Velde, TCA Jamie Robb, Controller Zach Wagoner and HR Director Kim Foster. Commissioner Pam White joined at 2:02 p.m. The Executive Session concluded at 2:22 p.m. with no decision being called for in open session.

At the conclusion of the executive session other topics discussed included:

- Jury trials started again last week
- Judge Vander Velde will issue and order doing away with social distancing but still requiring masks; the situation is reviewed on a regular basis
- Sanitizing lights will be added to the courtrooms

The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*Note for the record: As properly noticed the Board met today at 2:35 p.m. for a monthly meeting with the HR Director. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 2:37 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and HR Director Kim Foster. The Executive Session concluded at 3:48 p.m. with no decision being called for in open session.

#### MEETING WITH DIRECTOR OF JUVENILE PROBATION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 3:48 p.m. with the Director of Juvenile Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Probation Elda Catalano, Controller Zach Wagoner, Director of Juvenile Detention Sean Brown and Deputy Clerk Jenen Ross.

Commissioner White explained that last week she was the only Commissioner in the office when Director Catalano stopped by to discuss a possible solution to the staffing shortage in the juvenile detention center.

Director Catalano said she has 6 staff members who would like to help in juvenile detention center. They will remain doing their own jobs but would be paid overtime for the hours they work in juvenile detention. Director Brown spoke about how those employees will fill a great need. He will offer a brief training but the staff from juvenile probation are already POST certified. He also updated the Board on where he is at in hiring new employees. Discussion ensued about how exactly the juvenile probation employees would be paid – it was decided they will be paid time and half for any overtime hours; there will be no accumulation of comp. time and any vacation/sick hours used will affect overtime pay as usual. Controller Wagoner requested the names of 6 employees be provided to him so that payroll can be changed accordingly. Both the Controller and Board are supportive of this plan; it will take effect today as it is the first day of the new payroll cycle.

The meeting concluded at 4:06 p.m. An audio recording is on file in the Commissioners' Office.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO    DECEMBER 14, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White - OUT  
                 Deputy Clerk Jenen Ross

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Irma Estrada, Sr. Administrative Specialist

There were no meetings held this day.



DECEMBER 2021 TERM  
CALDWELL, IDAHO     DECEMBER 15, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerk Monica Reeves

APPROVED CLAIMS

- The Board has approved claim 580359 In the amount of \$85.00
- The Board has approved claim 580358 In the amount of \$59.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Stertil-Koni in the amount of \$58,445.52 for Solid Waste Department
- Commercial Tire in the amount of \$13,021.00 for Solid Waste Department
- Carolina Software, Inc., in the amount of \$22,135.26 for Solid Waste Department
- Apex Integrated Security in the amount of \$11,323.89 for Facilities Department
- Waxie Sanitary Supply in the amount of \$3,778.18 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Marissa Sandoval, Clerk I

CONSIDER ADDENDUM NO. 1 TO THE INVITATION FOR BIDS FOR THE CANYON COUNTY FAIR PEDESTRIAN BRIDGES PROJECT; AND CONSIDER SIGNING FINAL PLAT FOR SHORE SUBDIVISION NO. 2, CASE NO. SD2021-0052

The Board met today at 8:51 a.m. to consider signing the December 15, 2021 action items. Present were: Commissioners Keri Smith and Pam White, Deputy PA Alex Klempel, Facilities Director Rick Britton, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, other interested citizens, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Addendum to Invitation for Bids Canyon County Fair Pedestrian Bridges Project:*** Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the addendum.

***Final plat for Lake Shore Subdivision No. 2, Case No. SD2021-0052:*** Dan Lister reported all conditions for this phase have been met. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously sign the final plat for Shore Subdivision No. 2. The meeting concluded at 8:54 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY NORMA BATES FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0039

The Board met today at 9:01 a.m. to conduct a public hearing in the matter of a request by David Ferdinand, representing Norma Bates, for a conditional rezone of parcel R29569 from an "A" (Agricultural) Zone to an "R-1" (Single-Family Residential) Zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, David Ferdinand, Alan Mills, Spencer Kofoed, other interested citizens, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The subject property is located on the corner of Lake Shore Drive and S. Powerline Road in Nampa, and consists of approximately 33 acres. It is agricultural only and has no development permit associated with it. The development agreement includes: a restriction on the number of residential lots to no more than 30 lots; a right-to-farm disclosure to future property owners; subdivision improvements unless waived by the City; and a pressurized irrigation system that will serve the property. The applicant will connect to Nampa water service and with that comes a pre-annexation agreement. City sewer is not available. The property is within the County's future land use map area showing residential, and it's on the cusp of the area of city impact where it becomes agricultural as it goes south. On Nampa's impact area it is shown to be low-density residential with a future land use of 1.01 to 2.05 units per acre. If the R-1 designation is approved, they will be allowed to divide up to one-acre lot sizes or 12,000 square foot lots if connected to city water or sewer. The average lot size within the vicinity is 7.57 acres, and to the south, east and west are large agricultural parcels with best to moderately suited soils. There are 38 subdivisions within a one-mile radius with a 1.05-average lot size. Mr. Lister reviewed the rezones and divisions that have been approved in the area noting that earlier this year that the applicant divided their property with a rezone to an R-R zone. This is high nitrate priority area and domestic wells in this location are showing signs of nitrate contamination, however, they will be connected to city water which will address the nitrate issue by being served by the city which is treated. They will utilize a pressurized irrigation system. This is still prime farm ground surrounded by large agricultural rights. The property does not have a development right, it has been divided and slated as ag only although it is located in Nampa's impact area and is shown on the comprehensive plan as residential although it is on edge of where we are retaining future use for agricultural uses and preservation and therefore there is a transition between those designations. The City of Nampa has said the R-1 zone meets their comprehensive plan and their future goals especially with the connection of city services. Mr. Lister reviewed the agency comments. On November 4, 2021, the P&Z Commission recommended approval of the request with conditions. Staff found the request is consistent with the criteria and is recommending approval with the conditions in the development agreement. Following his report, Mr. Lister responded to questions from the Board. Commissioner Smith said she met with Governor Little

and they talked about irrigation water priorities and how most communities have the right to meter irrigation water to subdivisions and he's surprised Canyon County doesn't do that. We meter to farmers but not to subdivisions. She said the issue of fire sprinklers and water supply has been a hot topic, and the Upper Deer Flat Fire District is still requiring one or the other. A possible solution would be increasing the irrigation system pump to have an identified water supply. She said the language in the development agreement should clarify that if subdivision improvements are to be waived, it has to be by the Board, per County code. Commissioner Smith wants to discuss landscaped entryways, fire and water supply issues, and metering on irrigation.

The following people testified in support of the request:

David Ferdinand testified about the neighborhood meetings that were held and how the developer listened to the neighbors' concerns and brought back the Bates property in transition in the impact area. The development agreement was presented and in order to remain compatible with the other projects in the area they altered their project to restrict the number of residential lots to no more than 30. They have worked with the highway district on the entrance, and they will connect to Nampa municipal water services and install fire hydrants. The comprehensive plan designates the parcel as residential on the future land use map, and Nampa designates it as low-density residential. The project will have pre-annexation and pre-hookup agreements. Tradition Capital Partners has been developing the area a long time and they are quality builders. They have not considered the issue of water metering. They will provide the right-to-farm disclosure and there will be a 25-foot landscaped buffer on the larger lots on the perimeter of the property. Commissioner Smith said 2022 will potentially be the worst drought year we've seen in over a century and farmers are regulated on water usage but there are no limits on subdivisions and that contributes to part of the problem so she's trying to think of how we can start ticking away at some of the water management issues.

Spencer Kofoed responded to questions about water rights and water metering, and the plans for a pressurized irrigation system. A preliminary nutrient pathogen study has been done, and a full one will be done as well. He discussed landscaping plans and said fire suppression will be provided via fire hydrants (if available).

Alan Mills gave testimony regarding the market demand and tax benefits.

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 application and said the developer and applicant have demonstrated good faith in working with the County to meet the conditions of approval. She recommends the removal of Condition No. 2A, and install fire hydrants, if available, as well as add a condition to include some type of entrance landscaping including a monument. Commissioner Smith said this is a high nitrate priority area with concerns and there are quite a few subdivisions that have required a community sewer. Commissioner Van Beek said as much as there is an argument for community treatment systems, there is also an argument against them because of filtration systems. Spencer Kofoed was asked to provide additional testimony regarding community systems. He spoke of the problems he has experienced with HOA's managing them and said he's had better experiences with individual septic systems.

Commissioner Smith, who sits on the SWDH board, spoke about the new process the health department is following for nitrate priority areas and their enforcement of the DEQ standards. They are requiring monitoring wells be put in place where they could be monitored for up to one year. She noted the process is not new, they are following the rules that are in place. It's adding a lot of burden on to development especially in Canyon County and Gem County, due to the highwater table and high nitrate priority areas. She understands Mr. Kofoed has experience with better functionality for individual septic systems, however, this could be a long process for him. There are good examples of community systems that function well. Discussion ensued. Mr. Kofoed does not want the Board to add a condition for a community system. Commissioner Smith suggested a condition that states the subdivision engineering report consider both options and that the best option is allowed. Commissioner Van Beek favors Mr. Kofoed's argument that they are compromising with lower density as opposed to higher density and the size of the lot should dictate that the individual wells would manage the effluent. She does not have enough evidence that the community systems work well enough and she does not believe a system is a fit for this transitional area and she doesn't want to encumber quality developers. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony (again). Board deliberation continued. Mr. Lister advised that the owner is not here to sign the development agreement so the FCO's, agreement, and ordinance will have to be put on the agenda at a later date. Commissioner Smith asked staff to update the FCO's based on today's discussion. Commissioner Van Beek wants to remove Condition No. 2E from on attachment A on the development agreement and include language to install fire hydrants if they are available, and include landscaping per Mr. Kofoed's agreement to have a landscape entry with a monument sign. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the conditional rezone and the development agreement with the recommended changes as stated on the record. The approval documents will be brought back at a later date. The hearing concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING TO CONSIDER A REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION LLC FOR A REZONE, CASE NO. RZ2021-0012

The Board met today at 10:18 a.m. to conduct a public hearing in the matter of a request by Preston Reynolds of Reynolds Brothers Construction LLC, for a rezone of Parcels R37497010, R37497010A, R37497010B, and R37497010C from an "A" (Agricultural) zone to an "R-1" (Residential) zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Elizabeth Allen, John Cotner, other interested citizens, and Deputy Clerk Monica Reeves. The applicant was unable to appear due to a family emergency so he requested a continue to a later date. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to December 22, 2021 at 9:30 a.m. The proceeding concluded at 10:19 a.m. An audio recording is on file in the Commissioners' Office.

#### REVIEW OF DEPARTMENT PRIORITIES

The Board met today at 4:06 p.m. for a review of department priorities. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. Commissioner Smith said the Board received an email from the Prosecutor's Office regarding the Board identifying priorities for its office as well as its departments on work that needs to be performed by the PA. Commissioner Van Beek sent email to department heads and asked for feedback and then she compiled a list of current projects and requests for legal services throughout the year. (A copy of the list is included with this day's minute entry.) Some are not projects-in-motion, but rather an ascertainment of what the departments need on an ongoing basis. The priorities were identified as follows:

**BOCC**

RFP Amendment to DLR for jail

RFP for space needs/master plan

Establish a process for outside agencies to apply for funding; i.e., an application form requiring approval:

<b>New application form for FY2023:</b>	<b>Not necessary to fill out new application form:</b>
Advocates Against Family Violence	COMPASS
Boise Valley Economic Partnership	Southwest District Health
Caldwell Veterans Council	West Valley Humane
Canyon Recovery Community Center	
Canyon Soil Conservation District	
Genesis Community Health	
Metro Community Services	
Nampa Family Justice Center	
National Service Programs of Jannus	
Third District Youth Court	
Treasure Valley Partnership	
University of Idaho Extension	
Valley Regional Transit	
Western Alliance for Economic Development	

**IT:**

Identify specific Deputy PA for IT

**Parks:**

Deer Flat National Wildlife Refuge Urban Plan/MOU

Private land and Snake River Canyon – land acquisition for Parks Dept.

**Weed/Pest:**

Waiver for spraying weeds on private property

The meeting concluded at 4:25 p.m. An audio recording is on file in the Commissioners' Office.

JOINT WORKSHOP WITH THE BOARD OF COMMISSIONERS AND THE P&Z COMMISSION  
REGARDING UPDATING THE ORIGINALITY DATE FROM 1979 TO 2004

The Board met this evening at 5:01 p.m. for a joint workshop with the Planning and Zoning Commission and DSD staff regarding updating the originality date from 1979 to 2004 (to be known as the 2004 Date of Originality Ordinance Amendment). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, DSD Planner III Kate Dahl, DSD Planner II Elizabeth Allen, DSD Planner I Cassie Lamb, DSD Planner II Katie Phillips, P&Z Commissioners Rob Sturgill, Ron Amarel, Brian Sheets, and Patrick Williamson, Claudia Haynes, TJ and Sheena Wellard, Alan Mills, and Deputy Clerk Monica Reeves. The purpose of tonight's workshop is for DSD staff to present a proposal where both bodies (BOCC and P&Z Commission) could ask questions and interact; it is not an opportunity for public comment at this time. Staff expects to hear from citizens and will include those comments in the record for the hearings that will take place after the first of the new year before the P&Z Commission as well as by the Board of Commissioners. Public comment will be taken at both hearings.

In October of 2020, the Board asked staff to look into a text amendment to change the original parcel date from September 6, 1979 to September 6, 2004. An original parcel is any parcel of land created prior to September 6, 1979. The zoning ordinance allows a parcel that predates the 1979 date to apply for a land division through an administrative land division process consistent with Chapter 7, Article 18 of the code. The land division application process is only for original parcels divided into fewer than five parcels. Mr. Lister explained the process an applicant must go through when requesting a land division.

Dan Lister, Elizabeth Allen and Kath Dahl reviewed the proposed changes:

#### Impacts of changing the date of originality

##### **Negative impacts:**

- Increased staff workload
- Farmland fragmentation
- Doubling the density
- Traffic impacts

##### **Positive impacts:**

- Reduction in comprehensive plan and rezone requests
- Easier process for applicants
- Help farmers get the extra house

There was a roundtable discussion on the proposed ordinance changes. Staff will finetune the definitions, and simplify some language. Several ordinances will be updated once the comprehensive plan has been updated.

#### Options for consideration:

- Including the original parcel date (September 6, 1979)
- Platted/Un-Platted parcels

- Divisions created by CUP
- Divisions created by relocation
- Ag preservation standards

There was discussion regarding the options staff presented. Commissioner Van Beek said there are some subdivisions that were not developed and they are sitting as platted parcels which would make a density issue in some agricultural areas. She wants staff to develop it into more than just bullet points so the Board can have a better understanding. Commissioner Williamson agreed and asked if staff can give more substance to explain the bullet points. The original parcel date for 1979 for platted parcels within city limits sounds appealing, but he is curious about the platted subdivisions that haven't been developed in rural areas and how to go about dealing with that; for example, in the Sunnyslope area where land is platted and it's less than an acre in size, that is a nonconforming use so how do you deal with that. Do we want to open that can of worms? Dan Lister said that's the hard part, some are approved and have development rights and we cannot take them away, but we can stop the splitting of that and we can still give them their development rights and if they want to enact the plat they can. Part of the comprehensive plan is to identify a TDR (transfer of development rights) program for those areas and possibly finding ways to send those development rights somewhere else and preserve that land, or, have other mechanisms to preserve those areas. Those are things staff is working on. Commissioner Smith said part of this comes from agency feedback where they are not that worried about the divisions for family splits, per se, but they are very worried about old subdivisions that are on ag ground with no services. Commissioner Williamson said most lots in the Sunnyslope area are barely big enough for a single-wide trailer and vehicle and cannot meet SWDH standards for septic systems and wells. Commissioner Smith said they do not meet the minimum lot size so they would not qualify for another administrative land division. There have been a lot of parcels created over the last three decades that are one-acre in size and those aren't eligible anymore either. This is for larger parcels. Commissioner Van Beek spoke about the need for balance and how it's not about allowing development of one at the expense of another. Mr. Lister said staff wanted to provide the information and options, and hear questions and concerns and then staff will tailor the staff report and text amendment to answer those things so when it comes to the public hearing those issues are addressed. Commissioner Smith said we need to address the platted parcels to include an option and be clear about what our intent is. She likes the 2004 date for the subdivision ordinance because of the amount of work that happens. Staff should come up with a proposal for re-platting because in some cases she can see where if you do have those old platted subdivisions there isn't any infrastructure so planning that out is important. Staff has a good solution for handling the unplatted platted parcels but she wants more thought put into how we are going to handle the platted parcels and what that will look like with the proposal. Commissioner Sheets has a concern about having dates being different versus what's inside an impact zone versus outside of it. The concern is the impact zones keep changing and there is a lot political pressure to change them and to the extent it's a political question whether something gets a new originality date, he sees where there could be some incentives to start manipulating those kinds of impact areas so to the extent we want to minimize those political questions for that he would not want to necessarily have two different standards based on the impact zone. Commissioner Van Beek said that is a good point

and the Board is considering having all the cities involved so we can see what their areas of impact are doing and how the County is growing and what that looks like.

No Board action was required or taken. The workshop concluded at 6:37 p.m. An audio recording is on file in the Commissioners' Office.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO    DECEMBER 16, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Chad Woodruff and Holden Layton, Juvenile Detention Officers

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:50 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-83; 2022-103; 2022-167; 2022-180; 2022-85; 2022-106 and 2022-96.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.



## LEGAL STAFF UPDATE AND ACTION ITEM

The Board met today at 9:37 a.m. for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Nicole Ahlstrom from HR (via conference call), Prosecutor Bryan Taylor, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Deputy PA Alex Klempel, and Deputy Clerk Monica Reeves. The action item was considered as follows:

***Consider signing Acceptance of Group Dental Insurance Contract with Willamette Dental of Idaho, Inc.:*** Zach Wesley said this is the annual renewal and it's how we have accepted rate adjustments. They have asked for 5.9% increase which would take the per employee rate from \$108.95 to \$115.40 for those 200+ employees who are enrolled. We pay per employee not per family. It has been reviewed by the health plan trustees who voted to approve, and did not recommend the employees pay the difference in cost. Commissioner Van Beek asked why the employees are not paying the \$6.45 increase. Mr. Wesley said the County routinely absorbs these regular increases, and the majority of the health plans are paid by the County as part of our benefits program. Controller Wagoner said the County employees who are on Willamette Dental are contributing financially, as opposed to those who are on Delta Dental and do not contribute. There is generally a reason why someone is on Willamette Dental, typically because they need more care so if those people were to shift from Willamette and move to Delta Dental where we are paying claims it could be more expensive. It's financially beneficial to have them on Willamette. Nicole Ahlstrom said for 2022, there are 227 employees who have elected to have coverage under Willamette Dental. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign and accept the group dental insurance contract with Willamette Dental of Idaho. (Agreement No. 21-129.)

## EXECUTIVE SESSION – PERSONNEL MATTER; RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION; COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION; AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*Note for the record: As properly noticed the Board met today at 9:44 a.m. for a legal staff update. A request was made to go into Executive Session to discuss records exempt from public disclosure and attorney-client communication, and to communicate with the legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 9:45 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). 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, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Deputy PA Alex Klempel, and Deputy Clerk Monica Reeves. Clerk Yamamoto left at 10:10 a.m. Mr. Wesley, Ms. Klempel and Mr. Robertson left at 10:35 a.m. Prosecutor Taylor left at 11:10 a.m. The Executive Session

concluded at 11:13 a.m. While in open session Commissioner Van Beek made a motion to amend the previous motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (b), (d), (f), and (i) – personnel matter; discuss records exempt from public disclosure and attorney-client communication; communicate with the legal counsel regarding pending/imminently likely litigation; and communicate with the risk manager regarding pending/imminently likely claims. 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 amended motion. The motion carried unanimously. No decisions were made in Executive Session; however, there was a review of the petition to intervene related to the legislative boundaries. The document will be filed with the Idaho Supreme Court related to the County's opposition to the L03 map. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the petition submitted by Deputy PA Klempel. The meeting concluded at 11:15 a.m.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### MEETING TO DISCUSS SPECIAL WASTE MANAGEMENT PLANS FOR ACCEPTANCE OF MATERIALS CONTAMINATED WITH CHRONIC WASTING DISEASE

The Board met today at 9:01 a.m. to discuss special waste management plans for acceptance of materials contaminated with Chronic Wasting Disease (CWD). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Solid Waste Director David Loper, Mitch Kiester and Andrew Ramsey from SWDH, Aaron Scheff, Taylor Enos, and Matt Beeter from IDEQ, Tricia Hebdon from Idaho Fish & Game, and Deputy Clerk Monica Reeves. Tricia Hebdon is the coordinator of the health program for all wildlife and she reported that Chronic Wasting Disease has been in the west since 1967, and that in the 1980s and early 1990s it started to spread into wild populations and was found in game farm domestic elk and deer. In 2000 it had spread to multiple states and multiple domestic cervid (deer, elk) facilities, and in 2003 the EPA sent a memo directing DEQ and others in how to deal with prion diseases. Fish and Game began a surveillance program in 1991 and collected over 18,000 samples, and three years ago they put together a new plan to look at how many samples they needed to detect the disease at a very low infection rate. This year they detected two deer from the Riggins area that tested positive for CWD, but no other animals have tested positive thus far. There are only two landfills in the state (one in Burley and one in Pocatello) that have plans in place to dispose of the waste so they are asking for a facility on this side of the state to help make sure the materials are safely taken care of. Ms. Hebdon said research has shown it can jump to humans, but there is a lot of surveillance going on to monitor it. There are recommendations from the CDC and the World Health Organization that says if you hunt in areas that have CWD they recommend the animal be tested and if it tests positive you should not consume the meat. There was further discussion about the disease process and the disposal process for destroying diseased waste. If unable to incinerate, finding a solid waste system that allows them not to be unearthed is the best. The other alternative is a digester. If carcasses are left on the landscape they can be scattered and that can remain in the soil for up to 30 years. Idaho doesn't have incinerators, but if they did we should still bury the waste. Director

David Loper said it will be a burial solid waste disposal process not an incineration process. The original memo from DEQ in 2019 said their preference was to have a lined facility, but Canyon County's landfill is unlined. Commissioner Van Beek said AIDS came from the monkey population and mad cow came from the bovine population so what is the length of time it takes to determine if there's a genetic mutation in the RNA or the DNA? It might be a problem if we buried it in our landfill and it comes to the surface. Ms. Hebdon said a lot of research is being done and they would still want to bury incinerated waste. Matt Beeter said they are re-evaluating whether lined landfills are the best option because of the active management of the leachate that comes out the bottom. There was discussion of lined vs. unlined landfills and the positives and negatives of that. It's likely future guidance will not involve liner-type situations where there is a collection of leachates on the liner. Ms. Hebdon said they have a statewide working group whose first meeting is tomorrow, and the concept of digesting or incinerating is going to require many different levels and the fish and game department doesn't have any jurisdiction over solid waste or incineration. They have had conversations with the Dept of Ag and others about how people are disposing of carcasses in general and what is the best mechanism is that. They have looked at large-scale incinerators for carcasses and the cost is about \$450,000. Mr. Better said fish and game's approach isn't to eliminate the waste because that is not possible, ultimately the goal is to manage it and most of all Idaho counties will have to deal with this in some way so the future guidance will be less directed at trying to find a few options for disposal and more towards how to get each county to have a disposal program that is protected. Director Loper said the purpose of the meeting is for information purposes only, and the direction he is hoping to gain is to work with fish and game, SWDH, and DEQ and submit a request to SWDH to grant temporary approval to take limited amount of fish and game waste in Region 3, per their memo, for the short term. For the long term we will have update to update the landfill operating plan and move through the solid waste statutes. Once we receive interim approval from SWDH we can move forward taking waste and have systems in place to protect our staff and equipment. They will dig a hole and bury the waste and they will GPS the location so they know where it's at so they never dig into it. Mitch Kiester sees no concerns with that plan as long as there is approval from Matt Beeter and DEQ. Mr. Beeter said DEQ moves forward through a pilot project and it allows Director Loper to work through any kinks in his processes before he goes to public comment to amend his operating plan. Through the working group other options might come online and through more national research we may learn more, and are hopefully working on other solutions that may involve landfills, but possibly not within the cells. He said Director Loper can request authority to follow the memo as part of the pilot project and they will approve it for a certain period of time, typically for one to two years, and in the interim he can work out any kinks and integrate any new information about disposal that might come about during that time. Commissioner Van Beek said she isn't hearing that the risk is being managed at a level where she's comfortable just saying go ahead. She wants to look at a contract, and know how our employees are going to be protected, and know what happens if there is in an event. Ms. Hebdon said they presented the information to the Board in 2019 because CWD was slowly creeping this direction, and there is a lot of information and that is why they started a statewide working group to have these discussions. Hunters are going to put things into the solid waste stream and so we have to educate them so they make sure waste is going to a safe location. They don't want people dumping waste on the landscape because that creates hotspots that can pass the disease to deer, moose, and elk. Director Loper will look at the

operational procedures his department would follow to ensure the safety of staff and the public and then we can continue the discussion from there. No Board action was required or taken. The meeting concluded at 9:35 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY WEED & GOPHER MEETING TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 11:15 a.m. for a monthly weed & gopher meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Director of Weed & Gopher AJ Mondor, Code Enforcement Officer Eric Arthur, Director of Development Services Steve Fultz and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Projects legal is still working on
- Current case load and how taking over weed complaints from Code Enforcement is going
- Transition of new staff
- Owl boxes and availability of a lift from Fleet

The meeting concluded at 11:27 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY CODE ENFORCEMENT MEETING TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 11:27 a.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Code Enforcement Officer Eric Arthur, Director of Development Services Steve Fultz, Planning Official Dan Lister (arrived 12:06 a.m.; left 12:10 p.m.) and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Abatement process
- Current case load
- Working with HR to get additional staff hired
- Update of FEMA process

When details of a specific case were discussed the Board went into Executive Session as follows:

#### EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND POTENTIAL LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 11:50 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss records exempt from public disclosure and potential litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, White and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Code Enforcement Officer Eric Arthur, Director of Development Services Steve Fultz, Planning Official Dan Lister (arrived 12:06 p.m.; left 12:10 p.m.) and Sr. Administrative Specialist Terri Salisbury. The Executive Session concluded at 12:29 p.m. with no decision being called for in open session.

While in open session direction was provided by the Board on three properties that were brought up in executive session to move forward with certificate of non-compliance on two properties, and to refer one property to the Prosecuting Attorney's office for enforcement.

The meeting concluded at 12:31 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO    DECEMBER 17, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- R&H Wholesale Supply in the amount of \$3796.85 for Facilities Department
- A-Gem Supply Inc. in the amount of \$3897.00 for Facilities Department
- W2W Flooring in the amount of \$2644.00 for Facilities Department

#### EXECUTIVE SESSION – 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 9:02 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss 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, attorney Bruce Castleton, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:20 a.m. with no decision being called for in open session.

## DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 20, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hyland Software, Inc. in the amount of \$5285.00 for Information Technology
- Right! Systems Inc. in the amount of \$5365.48 for Information Technology
- Smart Deploy in the amount of \$4620.00 for Information Technology
- Idaho Tower in the amount of \$2473.68 for Information Technology
- Idaho Tower in the amount of \$2473.68 for Information Technology
- Axon Enterprises in the amount of \$21131.40 for Canyon County Sheriff

### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Jodi Edwards; Clerk I; Marisela Garcia, Clerk I; Johnathan Hum, Clerk I; Becky Snow, Clerk I

### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Tower Grill to be used 12/31/21; Raising Our Bar to be used 1/1/22; 1/15/22; 1/22/22

#### FILE TREASURER'S REPORTS IN MINUTES

- The Board filed the Treasurer's monthly report for October 2021

#### 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, Pam White and Leslie Van Beek, Deputy P.A. Doug Robertson (left at 9:13 a.m.), Deputy P.A. Zach Wesley, Facilities Director Rick Britton (left at 9:03 a.m.), Fair Director Diana Sinner (left at 9:03 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:07 a.m.), Assessor Brian Stender (left at 9:13 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Open Bids - Canyon County Fair pedestrian bridges project:*** One bid received on December 20, 2021 at 8:05 a.m. from Bridge Brothers. The bid will be reviewed for compliance with IFB and a recommendation will be brought back to the Board at a later time. A copy of the bid is on file with this day's minutes.

***Consider signing resolution declaring certain property as not necessary for County use and for the exchange of County property:*** Chief Dashiell explained that his Office has an overstock of abandoned firearms that have been collected for a number of reasons. They have gone thru all the appropriate channels and exceed necessary timelines for returning any property. They would like to turn the firearms over to a licensed dealer for credit. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution declaring certain property as not necessary for County use and for the exchange of County property (see resolution no. 21-250).

***Consider authorizing the execution of a memorandum of agreement with the Idaho Department of Parks and Recreation and the Canyon County Assessor for selling recreation registration program products:*** Assessor Stender explained that the Parks and Recreation program separated from ITD at about the same time ITD's new system went live so the DMV needed to focus on that portion. The DMV would now like to start selling the recreation registration program products; for each sticker sold the county will receive \$1.50. Mr. Robertson indicated that Ms. Klempel had reviewed the contract, a couple of revisions were made and accepted by Parks and Rec. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board authorized Assessor Stender to sign the memorandum of agreement with the Idaho Department of Parks and Recreation and the Canyon County Assessor for selling recreation registration program products.

The Board took a brief break from 9:13 a.m. to 9:18 a.m.

***Consider signing Canyon County historic preservation support award agreements with Nampa Public Library Foundation and Greenleaf Historical Society:*** Upon the motion of Commissioner Van Beek

and second by Commissioner White the Board voted unanimously to sign the Historic Preservation support award agreements with Nampa Public Library Foundation (see agreement no. 21-130) and Greenleaf Historical Society (see agreement no. 21-131).

***Consider transfer alcoholic beverage license for Umbra LLC dba Mongolian BBQ Nampa:*** Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the transfer alcoholic beverage license for Umbra LLC dba Mongolian BBQ Nampa (see resolution no. 21-249)

Zach Wesley spoke about a quote from the Canyon County Health Benefit Plan Fiduciary Liability policy. This is a policy that is kept in effect to protect the funds in the health benefit trust and the trustees in their fiduciary capacity. Last year the cost was \$4255, this year it has increased to \$4492 due to increases to the assets of the plan. The Health Trustee Board is comprised of a representative from each Office and runs until they are no longer employed. The Board is supportive of Mr. Wesley signing the letter.

The meeting concluded at 9:24 p.m. An audio recording is on file in the Commissioners' Office.

#### WEEKLY MEETING WITH PUBLIC INFORMATION OFFICER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:30 a.m. for a weekly meeting with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross.

Discussion topics were as follows:

- A brief summary of the time tracking report was provided. Reports will be provided weekly.
- Discussion was had regarding the Sheriff's interview on KIDO last week; the Board feels there was some misinformation given. Once the entire Board has had an opportunity to listen to the interview they will decide on a path forward.
- Commissioner Smith asked about statistics to know what kind of impact the comprehensive plan mailer had on traffic to the website.
- Commissioner Smith requested B roll photos from Destination Caldwell for the CGI video. Mr. Decker said that as CGI reaches out to area businesses the office may receive calls confirming the legitimacy. Mr. Decker will take those calls if necessary. Additionally, he has prepared a letter that could be sent to the area businesses about the video. The Board is supportive of a letter being generated.
- The next KBOI interview is scheduled for January 12<sup>th</sup> and Commissioner Smith is scheduled to be the guest.



The meeting concluded at 9:42 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH DIRECTOR OF JUVENILE DETENTION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:05 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown and Deputy Clerk Jenen Ross.

Commissioner Van Beek spoke about the plan to have a mediator come in to discuss judges' orders play out. Director Brown would be happy to participate in that meeting.

- They had 32 kids in custody this weekend and today have 28 in custody.
- A church group will be coming in today to hand out blankets and on the 23<sup>rd</sup> the Public Defender's department will put on a party of the juveniles.
- Currently there are 5 vacant positions but several new employees will be starting in the coming weeks. Juvenile Probation has been helping out and is greatly appreciated.
- There are two people he would like to move into a supervisor and assistant supervisor positions but they have both been with the county long enough that there would be no increase in pay for the additional responsibility. The Board thinks there should be a pay differential and instructed him to get HR Director Foster involved.

The meeting concluded at 10:15 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH FLEET DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:52 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross.

- Commissioner Van Beek asked about a cage being held at Fleet for the Weed and Pest department; Director Tolman provided some additional information.
- Several staff members have been out sick recently but everyone is back today. Discussion ensued about COVID sick leave pay and when an employee can return to work. Commissioner Smith explained what Directors were instructed earlier in the year regarding employees using their own sick leave. She suggested following guidelines provided by

SWDH, a negative test before returning is not necessary and that 10 days from onset of symptoms employees may return to work.

- New cars are coming in slowly and most of the upfit equipment has arrived.
- Wilder PD would like to buy a K9 vehicle when it comes offline. The vehicle is currently being used as a back-up but is soon to be replaced and the county has no use for it. The Board is okay with Director Tolman coming up with a fair market value to sell the vehicle to Wilder PD.
- There was a catalytic converter stolen from a fleet vehicle recently.

The meeting concluded at 11:16 a.m. An audio recording is on file in the Commissioners' Office.

WEEKLY MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY, GIVE DIRECTION AND CONSIDER AN ACTION ITEM AND MEET WITH FEMA REGARDING COMPLIANCE PROCESS

The Board met today at 3:05 p.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy, give direction, to consider an action item and meet with FEMA regarding compliance process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Steve Fultz, PIO Joe Decker, Assessor Brian Stender (left at 3:26 p.m.), Ryan Morgan, Deputy P.A. Zach Wesley (arrived at 3:10 p.m. and left at 3:35 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider a refund request by Cody Lords for an ordinance amendment and rezone application fee:***

Director Fultz explained that Mr. Lords submitted an application but upon review and due process it fits better under the non-viable ordinance. The case has already been thru hearings with both P&Z and the BOCC and a fair amount of staff time has been used. Staff's recommendation is to deduct that amount from the total paid of \$3,350 and refund \$1,150. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution refunding Cody Lords for a withdrawn ordinance amendment and rezone application fee (see resolution no. 21-251).

Director Fultz addressed space needs and presented another option to the Board. They have looked at a site in downtown Caldwell but estimates to upgrade the space could be between \$200K and \$1M so they've continued to look at other sites. One location they've looked at is the former Rite Aid store. The building is about 28000 sq. ft.; DSD needs only about 8000 sq. ft. leaving the remaining 20,000 sq. ft. for possible use by the registration portion of the DMV. Assessor Stender spoke about how he would like to be able to expand the DMV into another location. There has been talk of opening an appointment only office in the admin building but if an additional space is an option they will abandon that original plan. Director Fultz said the lease rate would be approximately \$92,000 annually. Commissioner Smith is concerned with the DSD office being that far away and would require a lot of mileage, she likes that the location on Main St. is within walking

distance. Mr. Decker mentioned that at one time the Clerk was looking to move the elections office which would open up their current space. At this point there is still a lot to evaluate and Commissioner Van Beek requested additional information from Assessor Stender regarding their space needs.

*A request was made to go into Executive Session as follows:*

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 3:37 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Ryan Morgan with Keller and Associates, PIO Joe Decker and Deputy P.A. Zach Wesley (left at 3:35 p.m.). The Executive Session concluded at 3:58 p.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner White made a motion to continue the meeting to 9:00 a.m. on December 21, 2021. The motion was seconded by Commissioner Smith and carried unanimously.

DECEMBER 2021 TERM  
CALDWELL, IDAHO    DECEMBER 21, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2206

- The Board of Commissioners approved payment of County claims in the amount of \$1,892,207.88 for a County payroll

APPROVED CLAIMS

- The Board has approved claims 580267 to 580288 in the amount of \$12,690.34

- The Board has approved claims 580333 to 580357 in the amount of \$21,729.77
- The Board has approved claims 580404 to 580437 in the amount of \$150,625.61
- The Board has approved claims 580438 to 580462 in the amount of \$6,885.74
- The Board has approved claims 580463 to 580479 in the amount of \$22,143.46
- The Board has approved claims 580480 to 580524 in the amount of \$75,589.66
- The Board has approved claims 580525 to 580569 in the amount of \$34,897.00
- The Board has approved claims 580570 to 580614 in the amount of \$205,058.91
- The Board has approved claims 580615 to 580630 in the amount of \$10,761.00
- The Board has approved claims 580631 to 580665 in the amount of \$77,209.82

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Platt Electrical in the amount of \$17839.99 for Facilities Department
- Johnson Controls Fire in the amount of \$1430.00 for Facilities Department

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:49 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White, Leslie Van Beek, Director of Indigent Services Yvonne Baker and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-126; 2022-178; 2022-158; 2022-128; 2022-129 and 2022-127.

Lien releases were presented for Board signatures.

The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH THE FAIR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, GIVE DIRECTION AND CONSIDER AN ACTION ITEM

The Board met today at 9:02 a.m. with the Fair Director to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Fair Director Diana Sinner, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing Canyon County Fair's entertainment consultant agreement with Romeo Entertainment Group:*** Director Sinner said she has worked with Romeo for a number of years to book the mainstage act and that this has been a longstanding, good relationship. Mr. Wesley explained this is a standard agreement that has been used in the past. The agreement works in two phases – first Romeo Entertainment Group will work as the county's agent and then there will be secondary agreements once the acts are formally engaged. Mr. Wesley addressed Commissioner Van Beek's questions regarding indemnification. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Canyon County Fair's entertainment consultant agreement with Romeo Entertainment Group (see agreement no. 21-132).

Director Sinner provided updates on the following:

- Fair staff
  - New hire – Samantha Ball is the new Agricultural Programs Coordinator
  - Extension/Fair MOU
  - New for 2022 Fair – Bacon Buddies; considering creating a sensory-free day for those with sensitivities.
  - Office Coordinator – Lindsay Thompson
  - Vacant position – Event Coordinator
- 2022 Fair
  - Main Stage Entertainment
  - Grounds Entertainment
  - Sponsorship update
- Building rental
  - Booked thru May
- Expo building/events center site improvements
  - Pedestrian bridges bid opening; all bids seemed to come in significantly under budget.
  - City of Caldwell installed new restrooms adjacent to the parking lot across from the Expo Building
  - City of Caldwell is working on a sewer relocation project

Director Sinner recently attended the annual Fair convention and felt it was very beneficial for her to attend this year.

The meeting concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

## CONTINUED MEETING TO REVIEW FEMA COMPLIANCE PROCESS

The Board met today at 9:19 a.m. for a continued meeting to review the FEMA compliance process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. PIO Joe Decker and Ryan Morgan with Keller and Associates joined the meeting at 10:03 a.m.

Commissioner Smith said that she participated in call yesterday which included several representatives from FEMA. She explained she was fairly assertive with them in the way that the county has work with them since February. They said they had no other option than to put Canyon County on probation due time restraints as there are no extensions and there are expectations on them from their head office. Commissioner Smith indicated to them that the county would like to submit all the available information including the LOMA paperwork and two certificates of non-compliance, additionally she sent reference directly from their website and based on the timeframes the county did the best it could. She requested that the CAV be closed and if they want to they can add the two final remaining items to the new CAV. FEMA said they would review the provided information and get back to the county today. In the meantime, the county has until the 10:00 a.m. deadline to send everything and FEMA will call later to let the county know whether it will be on probation or if the CAV is closed.

Director Fultz spoke about how the county originally did have a lack of communication but over the most recent timeframe the county has been in communication weekly, if not more, and it is taking FEMA an extended period of time to respond. An email was received this morning from Suzanne [Sarpong] letting the county know that the 5116 E. Cherry Ln. property issue is considered resolved. He also noted from the meeting yesterday, FEMA stated that if the county was put on probation they would need to see substantial compliance after 6 months which would prevent probation status. In looking at the efforts the county has made over the past 6 months he feels there is substantial compliance in regard to this particular CAV.

Mr. Wesley explained the certificate of non-compliance needs to issued by the Board.

The Board took a break at 9:27 a.m. and went back on the record at 10:03 a.m. allowing Mr. Wesley time to prepare the appropriate documents. Once back on the record, PIO Joe Decker and Ryan Morgan with Keller and Associates joined the meeting.

Mr. Wesley has prepared certificates of non-compliance for two properties located at Howe Rd., parcel no. R35989010A and Boise River Rd., parcel no. R38552010, Mr. Wesley provided some history of the properties and the situations.

Commissioner White made a motion to approve signing the certificate of non-compliance for Howe Rd., parcel no. R35989010A. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Van Beek made a motion to approve signing the certificate of non-compliance for Boise River Rd., parcel no. R38552010. The motion was seconded by Commissioner White and carried unanimously.

Once the documents are recorded they will be sent to FEMA; Mr. Morgan has sent the other remaining documents.

This meeting has been left open as FEMA has indicated they will respond around 1:00 p.m. today.

This portion of the meeting concluded at 10:28 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH PUBLIC DEFENDER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:31 a.m. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek (left the meeting at 9:32 a.m.), Chief Public Defender Aaron Bazzoli participated via conference call, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Mr. Bazzoli updated the Board on the following:

- Recently he met with Prosecutor Taylor and the ADJ – right now there are 14 people with pending 1<sup>st</sup> and 2<sup>nd</sup> degree murder charges. The PD's office represents 10 of those people, the remaining are a mix of private counsel and conflict attorneys.
- Controller Wagoner spoke about the costs for conflict counsel and how it will be a financial burden on the taxpayers without help from the state and/or ELF (emergency litigation funds) monies. He feels Mr. Bazzoli is saving as much taxpayer money as possible by keeping clients in house.
- Discussion ensued regarding the effort to stay within the budgeted amount for conflict counsel. Mr. Bazzoli said they make the effort but noted there is the risk of conflict attorneys not accepting a case due to the low hourly rate. In that situation the courts would have to step in and then there is the risk of having the higher rate. He feels this at least gives his office and the Board some ability to control the rate. Mr. Bazzoli suggested the rate be moved closer to \$90-\$100/hour. The Board would like to have Mr. Bazzoli prepare a document with the rate that he thinks will work best.
- He sits on a number of legislative committees, one of which is the Idaho Association of Criminal Defense Lawyers, one of the hot topics this year has been the Public Defense Commission. At the last IAC meeting there was quite a bit of dispute in going into a state-run system. The IAC has proposed legislation which would change the make-up of the PDC to include public defenders as well as commissioners and go from 9 members to 16 members.

The meeting concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:17 a.m. for a meeting with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper and Deputy Clerk Jenen Ross. The following was discussed:

- Commissioner Van Beek asked about a letter that was received in regard to a transfer station. Director Loper has met with the company who wrote the letter and can provide a memo to the Board regarding the proposal. Director Loper will coordinate a meeting to include Deputy P.A. Robertson to discuss further with the Board.
- A brief review of the following topics was provided to the Board:
  - Waste amounts were up 23.94% in November
  - Landfill expansion/Geotech drilling
  - Transfer station
  - Beautification project
  - Stuart well water right/dust control
  - Chronic Wasting Disease (CWD) – Commissioner Van Beek expressed her concerns in taking this waste. Director Loper will continue to work on a plan for accepting this type of waste.
  - Auction of BMC West trusses

The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH DIRECTORS OF JUVENILE PROBATION AND MISDEMEANOR PROBATION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER AN ACTION ITEM

The Board met today at 10:40 a.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Probation Elda Catalano and Deputy Clerk Jenen Ross.



*Director Catalano addressed the following:*

***Consider signing Juvenile Justice Annual Financial Report 10/1/20-9/30/21:*** Director Catalano explained this is an annual report that is submitted to the Idaho Department of Juvenile Corrections. The report is prepared by auditor's office and accounts for all the funding that is received with regard to the Juvenile Corrections Act Fund. This report also outlines the overall budget. Director Catalano provided a review on the numbers in the report (a copy of the report is on file with this day's minutes).

Commissioner Van Beek spoke of the cost of mediation to come. She anticipates the cost to be approximately \$1600, divided between Judge Onanubosi's budget and Director Catalano and Brown's budgets would be just over \$500 each.

Director Catalano said her department is getting pretty busy. She has an open probation officer position and receiving a lot of applications but not all meet the minimum requirements. She also has an opening for an entry level administration specialist.

They are getting a lot of first-time offenders into the program which are being handled thru the diversion program in cooperation with the Prosecutor's Office. There are a lot of problematic kids that remain in the court system that they are trying to determine what to do with. Director Catalano intends to meet with the new Caldwell mayor at the beginning of the year to discuss collaboration ideas for getting graffiti cleaned up so that the county doesn't bear all the cost.

Discussion ensued regarding the mediation. Commissioner White asked if the ADJ had been kept in the loop on this situation just as a matter of good communication and transparency. Commissioner Van Beek doesn't know that there is a need to do that. She feels that the three people involved are at a level of leadership that they could come together and work out the situation with a qualified mediator. Director Catalano said that in the past she has communicated with the TCA and the ADJ about communication problems. She is not opposed to doing that but she is not the lead on the mediation so she has left that to Commissioner Van Beek. Commissioner Smith feels that there is a lot she is missing and suggested with named personnel the meeting could go into executive session. Commissioner Van Beek said there has been a request submitted which everyone was included on. She didn't want something formal; something formal feels like there is a problem that can't be solved and she doesn't believe that to be true. Director Catalano said she is unaware of the email referenced by Commissioner Van Beek; Commissioner Van Beek will double check the email to make sure all parties involved were included.

In response to a question from Commissioner Smith about turnover, Director Catalano said with the exception of the administrative staff recently she has not had any turnover.

***Director Breach updated the Board on the following:***

A camera project is currently in process; they have been purchased, are in IT being programmed and should be installed within the next month.

A lock for ILETS room being installed which will allow for badge access vs. keyed entry.

Director Breach is working on a cost of supervision project which involves the courtesy cases they send to other counties. Valley County has a system in place that he is trying to learn more about to see if it can be implemented in Canyon County.

Christmas festivities will be happening this week in his department.

A new PO is onboarding this week.

In response to a question from Commissioner Smith about turnover, Director Breach said that they had one person leave in the spring and one out on long-term FMLA.

Commissioner Van Beek asked about space needs and considering that in the long-term master plan. Director Breach spoke about the spaces they changed over to office space simply out of necessity.

The Board went off the record at 11:00 a.m. and back on at 11:01 a.m. to consider the action item.

Commissioner Van Beek made a motion to sign the Juvenile Justice Annual Financial Report 10/1/20-9/30/21. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 11:02 a.m. An audio recording is on file in the Commissioners' Office.

**MEET WITH COUNTY TREASURER TO DISCUSS A CASUALTY LOSS APPLICATION FOR HEINRICH LICHER AND MARION REYES**

The Board met today at 11:04 a.m. with the County Treasurer to discuss a casualty loss application for Heinrich Licher and Marion Reyes. Present were: Commissioners Keri Smith, Pam White and

Leslie Van Beek, Treasurer Tracie Lloyd, Heinrich Licher, Marion Reyes, and Deputy Clerk Monica Reeves. Treasurer Lloyd said the applicants had a garage fire on October 7 and they are applying for the casualty loss exemption pursuant to Idaho Code, Section 63-711. There is a proration of value and \$44,100 would be the amount exempted after the casualty loss which calculates to a cancellation of \$567.77. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the casualty loss application for Heinrich Licher and Marion Reyes in the amount of \$567.77 as presented by Treasurer Lloyd. The meeting concluded at 11:07 a.m. An audio recording is on file in the Commissioners' Office.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO    DECEMBER 22, 2021

PRESENT:      Commissioner Keri K. Smith, Chair - **OUT**  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White – **Participated via conference call**  
                 Deputy Clerks Monica Reeves

#### CONTINUE PUBLIC HEARING – REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION, LLC FOR A REZONE, CASE NO. RZ2021-0012

The Board met today at 9:49 a.m. to go on the record to continue the public hearing regarding Preston Reynolds' request for a rezone from an "A" (Agricultural) zone to "R-1" (Residential) zone. Present were: Commissioners Leslie Van Beek, Commissioner Pam White via conference call, and Deputy Clerk Monica Reeves. The Board was previously scheduled to hear this case on December 15, 2021 but the applicant had a family emergency and was not able to attend so the hearing was continued to today, December 22. Staff was informed that Mr. Reynolds would not be available for today's hearing so a new date of January 4, 2022 was requested. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to January 4, 2022 at 10:00 a.m. The proceeding concluded at 9:50 a.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2021 TERM  
CALDWELL, IDAHO     DECEMBER 23, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White - **OUT**  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Remarkable-CC in the amount of \$1941.00 for Information Technology
- Elevate in the amount of \$1560.00 for Information Technology
- Trane in the amount of \$72986.13 for Facilities Department
- Cintas in the amount of \$2412.15 for Solid Waste Department
- Priority Dispatch in the amount of \$1960.00 for Canyon County Sheriff

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Henry Briggs, Hazardous Waste Screener; Tim Wood, Sergeant-Inmate Control; Dion Brady Trimble, Deputy Sheriff-Patrol; Travis Russell Downer, Deputy Sheriff-Inmate Control; Brian Wagoner, Deputy Sheriff-Inmate Control; Ethan James Calderwood, Deputy Sheriff-Inmate Control; Carmen Pagan, Deputy Sheriff-Inmate Control; Kyra Venicia, Internship; Jarred Harlbert, Deputy Attorney I-Criminal; Tony Thompson, Part-time Investigator

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 1/8/22

#### MEETING TO DISCUSS PUBLIC ACCESS (WEB SITE DISPLAY OPTIONS)

The Board met today at 10:05 a.m. to discuss public access (web site display options) and to consider an action item to approve funding for public access enhancement. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Treasurer Traci Lloyd and Deputy Clerk Jenen Ross.

Assessor Stender explained that the goal is to upgrade the public facing information for both the Assessor and Treasurer as the offices work hand-in-hand. During the budget cycle the current provider, Aumentum, was not providing good service and IT was going to build a program. Since

that time Aumentum has had a change in personnel and Canyon County has moved up on their priority list. The upgraded system would be inclusive for both the Assessor and Treasurer and allow taxpayers to make payments. Aumentum has provided a quote with two options which Assessor Stender provided a breakdown of. A copy of the quote is on file with this day's minutes.

Assessor Stender and Treasurer Lloyd spoke about how the upgraded program would be much more user friendly and the benefits it will provide to their offices.

This upgraded program was not budgeted for because it was going to be done in-house so approval is needed to move forward and start the contract negotiation process. It will still be 2-3 months before they program goes live.

Option 2 would be the preferred option so that tax payments can be incorporated.

Commissioner Smith is supportive of moving forward and feels this is a good use of funds.

Once this is approved Assessor Stender will work with Deputy P.A. Doug Robertson and Director Rast to get the contract moving forward.

Commissioner Van Beek made a motion to approve the funding for public access enhancement, option no. 2 as presented by the Assessor and Treasurer. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 10:30 a.m. An audio recording is on file in the Commissioners' Office.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO     DECEMBER 27, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - **OUT**  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White - **OUT**  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS ORDER NO. 2207

- The Board of Commissioners approved payment of County claims in the amount of \$1,766,300.93 for a County payroll.

There were no meeting held this day.

DECEMBER 2021 TERM  
CALDWELL, IDAHO     DECEMBER 28, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White - **OUT**  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Tek 84 in the amount of \$154,000 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change forms for Aiden Lorenz, Temporary elections help

There were no meeting held this day.

DECEMBER 2021 TERM  
CALDWELL, IDAHO     DECEMBER 29, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - **Participated via conference call**  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White - **OUT**  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 580666 to 580699 in the amount of \$161,856.56
- The Board has approved claims 580777-580735 in the amount of \$44,696.88

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change forms for Zane Cooper, Interpretive Specialist; Brendan Blowers-De Leon, Interpretive Specialist; Matthew Warren, Juvenile

Detention Officer; Isabel Gonzalez, Juvenile Detention Officer; Robert Martinez, Juvenile Detention Supervisor; Tom Moore, Juvenile Detention Assistant Supervisor; Myron Emly, Juvenile Detention Assistant Supervisor; and Martha Williams, Communications Officer, Dispatch; Isaac Hodges, Deputy Sheriff; and Andy Kiel, Deputy Sheriff

#### CONSIDER DECEMBER 29, 2021 ACTION ITEMS

The Board met today at 10:05 a.m. to consider signing several action items that were scheduled for this morning. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith via conference call, Deputy PA Doug Robertson, Controller Zach Wagoner, Parks Director Nicki Schwend, Outdoor Recreation Planner Juli McCoy, Misdemeanor Probation Director Jeff Breach, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, HR Generalist Jennifer Allen, and Deputy Clerk Monica Reeves. The items were considered as follows:

- ***Idaho State Historic Preservation Office Certified Local Government FY2022 sub-grant application*** - Juli McCoy reported that grant funding is through the National Park Services and is administered by the State Historic Preservation Office. One of the recommendations in the Historic preservation plan is to do an agricultural and rural resources survey of the County because it's growing so quickly and the resources are rapidly disappearing. The point of the surveys is to find the properties that are national register eligible so that either we or some of the entities we work with can work on getting some of these properties listed on the national register. Phase 1 is complete (from Bowmont Road to the Melba area) and Phase 2 will soon start in the Middleton area. Today's grant application will complete Phase 3 which is the Middleton area to Parma. The grant request is \$13,000 and the matching share is \$30,212 (\$25,000 in the budget and \$5,200 for in-kind donations.) Director Schwend said they are able to use the HPC grants to meet the match requirements for this grant. The PA's Office has reviewed the grant application paperwork. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to sign the Idaho State Historic Preservation Office Certified Local Government FY2022 sub-grant application.
- ***Consider resolution creating a CAFO siting advisory team to view the property located at 7511 Warren Spur Road in Melba, and to sign a letter to the Idaho State Department of Agriculture requesting a CAFO Siting Advisory Team review*** – Elizabeth Allen explained the request noting that Canyon Cattle Feeders submitted a CUP to expand their CAFO from 5,000 head to 8,000 head. Discussion followed. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the resolution and sign the letter requesting a CAFO siting advisory team to view the property. (Resolution No. 21-252.)

- Resolution to approve the title, job description and salary range a new engineer position in Development Services*** – Director Fultz spoke of the challenges DSD is having in securing engineering services, and also the issues that have accelerated the need for those services. He has worked with HR and the Controller in creating a job description and general salary range for the position. He also wants to develop a job description for an engineering assistant, for this budget year, to help with the floodplain areas, project management, and assisting through the process with subdivision opportunities. The caseload continues to increase and the department is in dire need of the positions. Commissioner Smith agrees and said the level of service needs to improve based on the fees citizens are paying. Commissioner Van Beek agrees. Controller Wagoner said the position was not approved in the budget but he understands things happen and we need to be able to respond and thankfully we have the financial resources to respond to this. It will not affect property taxes. The revenues are provided by DSD fees and it's imperative that the fees are structured in such a manner that services can be provided timely, accurately, and professionally. Commissioner Van Beek said we are already spending money for engineering services and that budget was exceeded last year so it's a change of dollars whether we outsource it or bring it inhouse. Controller Wagoner said the cost will be higher but he thinks it will be offset by greater value to the department and the residents by having this inhouse. Jennifer Allen confirmed that HR was involved in the creation the job description. Commissioner Smith said there are some other positions and she committed to the Controller that the Board would not come back and ask for multiple positions for DSD, however, they are incredibly understaffed and doing what they can and she apologized, but there will be more requests in the future. Director Fultz said a full caseload should be 15 and so if each planner was carrying 15 cases they would be at 90 cases, but currently the department is at 150 cases. On Monday he will bring an updated org chart which will warrant further discussion about how to service the citizens in a more efficient way. Controller Wagoner said it would be appropriate to look at the fee structure and make sure the fees are equitable and fair. Commissioner Van Beek agrees. Director Fultz said on the building side they have not had any fee increases since 2002 so they are likely looking at significant fee increases. He wants to structure it to have annual review rather than doing huge increases every 20 years. Some planning fees will be minor and others could be significant based no manhours. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the job description, title, and salary range for the engineer position as presented. Director Fultz reported that he has met with the Facilities Director about making some adjustments to their space to help through the interim. (Resolution No. 21-253.)
- Resolution classifying records of the Canyon County Misdemeanor Probation and authorizing destruction of closed offender supervision files*** – Director Breach said the resolution is for destroying paper records for cases that were closed in 2019, it doesn't destroy anything



that is kept in Odyssey, which is where the vast majority of the department's records are kept. The PA's Office has reviewed the resolution. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the resolution classifying records of the Canyon County Misdemeanor Probation and authorizing destruction of closed offender supervision files. (Resolution No. 21-254.)

- ***Request by Tyler Hess for a final plat for Timber Hills Subdivision, Case No. SD2021-0012***- The applicant requested this item be tabled. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to reschedule the matter to December 30, 2021 at 11:00 a.m.

The meeting concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

#### DECEMBER 2021 TERM

CALDWELL, IDAHO DECEMBER 30, 2021

PRESENT: Commissioner Keri K. Smith, Chair - **Participated via conference call**  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White - **OUT**  
Deputy Clerks Monica Reeves

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Nicholas Sampson, Building Inspector

#### CONSIDER A REQUEST BY TYLER HESS FOR A FINAL PLAT FOR TIMBER HILLS SUBDIVISION, CASE NO. SD2021-0012

The Board met today at 11:08 a.m. to consider Tyler Hess's request for approval of the final plat for Timber Hills Subdivision, Case No. SD2021-0012. Present were: Commissioner Leslie Van Beek, Commissioner Keri Smith via conference call, DSD Planning Official Dan Lister, Tyler Hess, and Deputy Clerk Monica Reeves. Dan Lister reported the preliminary plat was approved on August 12, 2020 with conditions. A final plat summary was provided showing that all eight conditions have been satisfied. The only remaining item was a letter of credit regarding the tiling of a canal that would occur at a later date. Commissioner Smith asked if the property, which is in the Middleton impact area, complied with the impact area agreement and do we have to meet their

subdivision standards. Mr. Lister said their subdivision requirements do not supersede ours; they get a review but that's it and there is no comment letter from the City of Middleton. IN response to a question about why the ditch was proposed to be tiled, Tyler Hess said it was Black Canyon Irrigation District wanted them to tile it and the tile is on backorder due to supply issues, but he expects the pipe to be here next month at which point it will be completed. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the final for Timber Hills Subdivision, Case No. SD2021-0012, and to authorize Commissioner Van Beek to sign the plat. The meeting concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF DECEMBER 2021 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this 8<sup>th</sup> day of April, 2022.

CANYON COUNTY BOARD OF COMMISSIONERS

Leslie Van Beek

Keri K. Smith

Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk