

FEBRUARY 2023 TERM
CALDWELL, IDAHO FEBRUARY 1, 2023

PRESENT: Commissioner Brad Holton, Chair
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

Commissioners attending IAC Midwinter Legislative Conference at the Riverside Hotel in Boise, Idaho.

FEBRUARY 2023 TERM
CALDWELL, IDAHO FEBRUARY 2, 2023

PRESENT: Commissioner Brad Holton, Chair
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

Commissioners attending IAC Midwinter Legislative Conference at the Riverside Hotel in Boise, Idaho.

FEBRUARY 2023 TERM
CALDWELL, IDAHO FEBRUARY 3, 2023

PRESENT: Commissioner Brad Holton, Chair
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 591900 to 591925 in the amount of \$14,960.00
- The Board has approved claims 591926 to 591953 in the amount of \$244,279.56
- The Board has approved claims 591954 to 591984 in the amount of \$269,594.15
- The Board has approved claims 591777 to 591817 in the amount of \$87,359.68
- The Board has approved claims 591818 to 591857 in the amount of \$78,596.96

- The Board has approved claims 591858 to 591899 in the amount of \$112,368.54
- The Board has approved claims 591985 to 592023 in the amount of \$230,830.88

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial in the amount of \$3699.30 for the Sheriff's Office
- SJX Jet Boats in the amount of \$21,267.00 for the Sheriff's Office
- Kurt USA in the amount of \$1530.00 for the Sheriff's Office
- Dell in the amount of \$1676.14 for the Information Technology department
- Carbon Networks, LLC in the amount of \$14,475.00 for the Information Technology department
- Right! System Inc. in the amount of \$2578.91 for the Information Technology department
- Campbell Tractor & Implement in the amount of \$12,700.00 for the Weed & Pest department
- MHS in the amount of \$1037.86 for the Misdemeanor Probation department
- Conrad & Bischoff in the amount of \$1750.00 for the Solid Waste department
- RBH Architects in the amount of \$20,940.00 for the Facilities department
- Idaho Electric Signs in the amount of \$3804.00 for the Facilities department
- Acco Engineered in the amount of \$16,037.00 for the Facilities department
- Acco Engineered in the amount of \$9806.00 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Joshua Gallup, Court Clerk II; Lea Durfee, Heavy Equipment Operator; Colin Welch, Juvenile Probation Officer; Larry Haney, Interpretive Specialist; Kenneth Nicodemus, Deputy Sheriff – CCNU 41006; Martin Flores, Lieutenant – Field Services Admin 41007.

COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form for Garrett Helsabeck.

DETAILED MINUTES TO COME AT A LATER TIME

BOCC Staff Workshop

FEBRUARY 2023 TERM

CALDWELL, IDAHO FEBRUARY 6, 2023

PRESENT: Commissioner Brad Holton, Chair
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

DETAILED MINUTES TO COME AT A LATER TIME

BOCC Staff Workshop

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(B)

FEBRUARY 2023 TERM
CALDWELL, IDAHO FEBRUARY 7, 2023

PRESENT: Commissioner Brad Holton, Chair
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PAYROLL FEBRUARY 10, 2023

The Board approved the February 10, 2023 payroll in the amount of \$2,280,942.43.

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Bonnie Peters, temporary Customer Service Specialist.

PUBLIC HEARING - REQUEST BY KENT MORGAN AND GINA MORGAN FOR A CONDITIONAL REZONE, AND A SHORT PLAT FOR COOPER SUBDIVISION, CASE NOS. RZ2021-0048 & SD2021-0060

The Board met today at 10:00 a.m. to conduct a public hearing in the matter of a request by Kent Morgan and Gina Morgan for a conditional rezone, and a short plat for Cooper Subdivision, Case Nos. RZ2021 and SD2021-0060. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Planner Samantha Hammond, DSD Planner Michelle Barron, COO Greg Rast, DSD Director Sabrina Minshall, Lance Warnick, Kent Morgan, and Deputy Clerk Monica Reeves. DSD Planner I Samantha Hammond gave the oral staff report. The request is for a conditional rezone of Parcel No. R29799018 from Agriculture to Rural-Residential, and a short plat for Cooper

Subdivision. The subject property is located on the south side of Kuna Road, east of Southside Boulevard in Nampa and is the result of multiple land divisions that occurred on the original parcel without going through a land use process. In 2006 a conditional use permit was approved to divide approximately five acres into the subject parcel and a second parcel subject to conditions of approval that required the applicant to plat within three years and be completed within five years, however, they did not comply with the conditions of approval and it was not platted, therefore, the CUP has expired. The application is for the property to obtain a building permit. Ms. Hammond reviewed the comprehensive plan goals and policies as well as the conditional rezone analysis. There are currently 10 subdivisions within the area with a combined total of 109 lots with an average of 2.21 acres per lot. The future land use designation is agricultural and the property is considered to be 100% best suited soils and prime farm ground if irrigated. The site is located within a nitrate priority area. If approved, the final plat will be brought back for BOCC review. The proposed plat is for a one-lot subdivision on approximately three acres, with a proposed building envelope of 1.75 acres. There was a review of agency responses. The P&Z Commission recommended approval of the applications subject to conditions of approval. Following her testimony, Ms. Hammond responded to questions from the Board. Lance Warnick testified on behalf of the applicant. This is a simple process where the applicant is asking for an unbuildable lot to be recognized as a buildable lot. The conditional rezone gives the County the options to limit to the development to a single lot. The P&Z Commission asked to have a building envelope created that would restrict the home and outbuildings to the 1.75-acre portion of the site so the rest could remain in agricultural use and the developer has agreed to that. Once they have an approval letter that gets attached to the subdivision engineer report application it will give the health department the ability to process the application and sign the final plat. The property is in a nitrate priority area, but there is not a need to do a nitrate priority study unless there are more than four lots. There are letters of support from neighboring property owners. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Commissioner Van Beek supports the staff report and the application as presented, and she made a motion to approve the rezone for Case No. RZ2021-0048 and the short plat for Case No. SD2021-0060 as well the FCO's, the development agreement, and the ordinance. The motion was seconded by Commissioner Brooks. Both Commissioner Van Beek and Commissioner Brooks vacated the motion and the second in order to have separate motions. Commissioner Van Beek made a motion to approve the rezone for Case No. RZ2021-0048 for Kent and Gina Morgan's requested conditional rezone, and to sign the FCO's, development agreement, and ordinance. The motion was seconded by Commissioner Brooks and carried unanimously. Commissioner Van Beek made a motion to approve the FCO's for Case No. SD2021-0060 for Kent and Gina Morgan. The motion was seconded by Commissioner Brooks and carried unanimously. (Commissioner Holton clarified that the motion should include the language from staff that was included in the case packet. Commissioner Van Beek agreed that was the intent of her motion.) The FCO's for both cases were signed today, but the ordinance and development agreement will be brought back at a later date. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close the hearing at 10:29 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING ADDENDUM NO. 1 FOR THE REQUEST FOR QUALIFICATIONS FOR WAREHOUSE AND SHELTER PROJECT

The Board met today at 10:35 a.m. to consider signing addendum No. 1 to the RFQ for warehouse and shelter project. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Facilities Director Rick Britton, Deputy PA Oscar Klaas, COO Greg Rast, and Deputy Clerk Monica Reeves. The addendum includes language stating new drawings will modify the design of the warehouse to include the following: additional square footage added; addition of a heated flooring system; and addition of an awning for outdoor storage on the west side of the building. Other minor clarifications were made. There was discussion that email communication should go through the department head who is overseeing the project rather than coming to the BOCC. Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to sign Addendum No. 1 for the RFQ for the warehouse and shelter project. Director Britton is hoping to have a contractor selected by February 28, 2023, with the goal to break ground in June or July. There was discussion regarding the review committee as well as questions about upcoming projects. The meeting concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner Van Beek made a motion to go into Executive Session at 12:00 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) regarding records exempt from public disclosure and to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Brooks. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast and Brian Baughman and Shannon Kinney with The Hartwell Corp. The Executive Session concluded at 1:50 p.m. with no decision being called for in open session.

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

The Board met today at 3:00 p.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Fair Director Diana Sinner (left at 3:06 p.m.), DSD Director Sabrina Minshall (joined the meeting at 3:30 p.m.), DSD Planning Official Dan Lister (joined the meeting at 3:30 p.m.), DSD Office Manager Jennifer Almeida (joined the meeting at 3:30 p.m. left at 3:41 p.m.), DSD Code Enforcement Supervisor Eric Arthur (joined the meeting at 3:30 p.m. – left at 3:38 p.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider James Johnson Entertainment Contract for the 2023 Canyon County Fair: Director Sinner said James Johnson Entertainment will perform balloon stunt on the smaller stages all 4 days of fair. This is a standard agreement prepared by the PA's Office. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the James Johnson Entertainment Contract for the 2023 Canyon County Fair (see agreement no. 23-020).

The Board took a brief break at 3:06 p.m. to 3:30 p.m. Once back on the record the Board took up the following action items:

Consider Order Form with Thomson Reuters for CLEAR Software: This is a 3-year contract for 3 users and Mr. Arthur outlined some of the benefits which include additional officer safety in being able to know who they are attempting to contact, demonstrate to court and PA that due diligence is being done, along with clear information as to who the property owner is which may also be beneficial to the Assessor's Office. Director Minshall confirmed that this has been accounted for in the DSD budget. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the order form with Thomson Reuters for CLEAR Software (see agreement no. 23-021).

Consider resolutions for refunds associated with fees paid to Development Services: Ms. Almeida provided a review of each of the refund resolutions detailing the refund amount calculations. The resolution for refunds were considered as follows:

- Refund to Jesse Ferrer in the amount of \$2125.00 for fees associated with a withdrawn comprehensive plan map amendment. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution approving the refund. See resolution no. 23-011.
- Refund to Wade Willers/Amity Storage LLS for fees associated with a withdrawn application for a comprehensive plan map amendment. Upon the motion of Commissioner Van Beek and second by Commissioner Brook the Board voted unanimously to sign the resolution approving the refund. See resolution no. 23-012.

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

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 3:42 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) regarding records exempt from public disclosure and to communicate with risk manager regarding pending/imminently likely claims. *(Note for the minutes: the motion was made as subsection (i) but stated as communicate with risk manager regarding pending/imminently likely litigation.)* The motion was seconded by Commissioner Brooks. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek Deputy P.A. Zach Wesley,

Deputy P.A. Oscar Klaas, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister and COO Greg Rast. The Executive Session concluded at 4:42 p.m. with no decision being called for in open session.

The meeting concluded at 4:42 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2023 TERM

CALDWELL, IDAHO FEBRUARY 8, 2023

PRESENT: Commissioner Brad Holton, Chair
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Robert Whitney, Deputy Sheriff – Courts & Transports 51002; Ivan Kowalczyk, Planner I.

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 3/18/23.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- CDW in the amount of \$2093.84 for the Information Technology department
- Apple in the amount of \$1759.00 for the Information Technology department
- Dell in the amount of \$23579.40 for the Information Technology department
- ACCO Engineered Systems in the amount of \$33,093.00 for the Sheriff's Office

MEETING WITH THE IDAHO DEPARTMENT OF JUVENILE CORRECTIONS DISTRICT LIAISON FOR REVIEW OF THE 2022 CANYON COUNTY ANNUAL JUVENILE JUSTICE REPORT

The Board met today at 10:01 a.m. with the Idaho Department of Juvenile Corrections District Liaison for review of the 2022 Canyon County Annual Juvenile Justice report. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Director of Juvenile Probation Elda Catalano, Joe Langan with the Idaho Department of Juvenile Corrections and Deputy Clerk Jenen

Ross. Mr. Langan provided a handout (which is on file with this day's minutes) and reviewed the following information with the Board:

Youth Arrests

- Breakdown of arrests and petitions for the past 3 years and the type of charge
- 1377 charges were filed in Canyon County in 2022 – breakdown of felony, misdemeanor and status offense

Probation and Diversion

- Releases vs. intakes and success rates

Intake

- Overview of the area's average youth offender – age, race and gender

September 30th One Day Snapshot

- Snapshot of youth on probation, diversion and in IDJC on the same day over the previous 3 years
- Overview of numbers through restorative practices

State Funds

- Funds from the state – JCA, tobacco & cigarettes and lottery
- State Behavioral Health Funds – SUDS and CBAS
- Juvenile Justice budget - % of state funding

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

CONSIDER APPOINTING CANYON COUNTY'S REPRESENTATIVE TO THE CALDWELL URBAN RENEWAL BOARD

The Board met today at 10:31 a.m. to consider appointment of Canyon County's representative to the Caldwell Urban Renewal Board. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks and Deputy Clerk Jenen Ross. Commissioner Van Beek noted that she had previously volunteered to be part of this Board but it seemed the Caldwell City Council was looking for something different. Commissioner Brooks volunteered to participate on this Board and upon the motion of Commissioner Holton and second by Commissioner Van Beek the Board voted unanimously to appoint Commissioner Brooks as Canyon County's representative to the Caldwell Urban Renewal Agency Board (see resolution no. 23-013). At the request of Commissioner Holton, Commissioner Brooks will ask the CURA Board if an alternate member can also be appointment as to be sure there is always county representation at the meetings. The meeting concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER FEDERAL SURPLUS PROPERTY ELIGIBILITY APPLICATION (IDAHO STATE AGENCY FOR SURPLUS PROPERTY)

The Board met today at 11:00 a.m. to consider the Federal Surplus Property Eligibility Application (Idaho State Agency for Surplus Property). Present were: Commissioners Leslie Van Beek and Zach Brooks, Facilities Director Rick Britton, Facilities Office Manager Becky Kearsley and Deputy Clerk Jenen Ross. Ms. Kearsley explained that this application allows the county to take advantage of property at a lower cost. This is a 3-year contract which the state has requested elected official authorization on. The Facilities department has been using this service for several years, previously the signature of the Facilities Director was sufficient. Additionally, a list has been compiled and included of county employees authorized to use the service and make purchases. It has been requested that Commissioner Holton sign the form as he is the Board member with the longest term. Commissioner Brooks made a motion to authorize Commissioner Holton to sign the Federal Surplus Property Eligibility application (Idaho State Agency for surplus property). The motion was seconded by Commissioner Van Beek and carried unanimously. A copy of the application is on file with this day's minutes. The meeting concluded at 11:03 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 11:15 a.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek and Zach Brooks, Indigent Services Case Manager Kellie George and Deputy Clerk Jenen Ross.

Commissioner Brooks made a motion to approve the release of liens on case no. 2022-501. The motion was seconded by Commissioner Van Beek and carried unanimously.

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the cremation for case no. 2023-37.

A funeral home has requested payment for cremation on case no. 2023-38 as there has been no cooperation from the family, however, Indigent Services has identified that there is a bank account with unknown funds and a vehicle valued at approximately \$2100. This case does not meet the eligibility criteria for county assistance and upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial. Per the *Death Flow Chart*, information regarding assets will be forwarded to the funeral home offering them the opportunity to make contact with the Treasurer as the ex officio public administrator to collect payment.

The meeting concluded at 11:24 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

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

MEETING WITH MEMBERS OF THE BOARD OF COMMUNITY GUARDIANS

The Board of County Commissioners (BOCC) met today at 3:01 p.m. for a meeting with the Board of Community Guardians (BOCG). Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Chief Operating Officer Greg Rast, Deputy PA Alex Klempel, Clerk Chris Yamamoto, Controller Zach Wagoner, Indigent Services Director Yvonne Baker, Case Manager Kellie George, BOCG Members: Clair Roper, Mary Jo Campbell, Dottie Neher, and Susan Puga, Guardianship Monitor Janet Caufield, HR Director Kate Rice, and Deputy Clerk Monica Reeves. The BOCC requested the meeting to talk about how to move forward now that Clair Roper has resigned from the manager position of the BOCG. A draft resolution has been prepared that discusses how we'll move forward with the BOCG and the BOCC as a cooperative joint effort with the County Coordinator positions. Clair Roper spoke about her role on the BOCG and what the board members do and how they assist their wards. She said there is some confusion because the BOCG members are not aware of how they are going to move forward with the management. Yvonne Baker said a lot of this began with wanting to help Clair Roper while she was recuperating from a fall, and because she has indicated a step back from being the BOCG manager. Director Baker and Kellie George work in the Canyon County Indigent Services which is part of the Clerk's Office, and the role they anticipate playing is not a management role, it's an administrative role. Indigent Services has always been a part of the BOCG since its inception in 1987, and in 2010 when the office got really busy and was not able to provide assistance to the BOCG a lot of that assistance started to come from the Prosecuting Attorney's Office and so Ms. Baker and Ms. George envision getting back to that assistance to the BOCG. They are not here to manage the BOCG, but rather to assist with referral applications, helping to investigate and find the information to present to the BOCG. Staff works with Health and Welfare in assisting with Medicaid eligibility for the wards, and they have met with the social security office to get benefits started for the wards, and to assist with the paperwork to become a payee for the wards. Clerk Chris Yamamoto reiterated that the County sees its role as administrative, not management. He spoke about how one of the roles of the BOCC is to appoint members to the BOCG but that hasn't been done in a long time and it needs to be taken care of and we need protocols in place of "who does what." Director Baker said staff would also help to assist with the annual reports and getting the information needed to get the reports filed, and to assist as a conservator to make sure that for the wards Ms. Roper has been paying on to take those over and make sure the expenses are paid, and also to assist with the annual report to the BOCC. Neither Director Baker nor Kellie George can be on the BOCG or be a voting member. Commissioner Brad Holton said he doesn't want to break anything that's working, but wants to see the report and help the BOCG keep things running smoothly. Mary Jo Campbell spoke about her role as a guardian for wards and the financial reports she files. She does not see how the County will be able to assist the guardians; it sounds mainly like it would be assisting Ms. Roper. She spoke of how the BOCG's biggest need is for volunteers. Ms. Roper said the BOCG started in 1987 due to the efforts of Mike Neher and he solicited volunteers. They originally had

a chairperson, a secretary, and a treasurer. There was no manager. Volunteers were not easy to come by and were limited to a certain number of years to serve and when Ms. Roper had reached the number of years she could serve, the office on aging suggested making her a board manager and that is how they have operated ever since. Dottie Neher had questions regarding mileage reimbursement. Director Baker said the BOCG will need to elect a treasurer to carry on those duties. The BOCG will submit to the chair of the board and request payment just like has been done in the past. Susan Puga asked if the County Coordinators will tell the members when the reports are due. Kellie George said yes, they will; they are tracking the initial guardianship dates, and will assist with the administrative work. Director Baker read the questions that were submitted by board member Marilyn Freeman who couldn't attend today's meeting:

What is going to change with the BOCG when Clair Roper leaves? This question was been answered in today's discussion.

What is Kellie and Yvonne's role with the BOCG, and what will they be doing? This question was been answered in today's discussion.

Members have their finances for their wards, will this change? Director Baker said she and Ms. George can assist with the process. Clerk Yamamoto said the work that Director Baker and Ms. George do in the County Indigent Services Department makes them uniquely qualified to assist.

What will be the difference between the volunteers the County Coordinators get versus the board members now? Director Baker said staff can assist with having applications for folks to complete if they want to be a guardian or board member and staff can bring it to the board for consideration.

It was pointed out that BOCG members have served longer than 8 years and they have to reapply. Director Baker said staff will work with the Prosecuting Attorney's Office in renewing those terms and will do a resolution similar to the one that was put in place when members were originally appointed to the BOCG.

Why wasn't the positions that Ms. George and Director Baker took offered to any of the BOCG members? Clerk Yamamoto said staff is uniquely qualified to do this and it's a situation where we can be the best help, most efficient, with the least amount of cost. Director Baker said it was her understanding there may not have been any interest by anyone else on the Board that wanted to take on the position of board manager.

Who is getting the BOCG's mail and the concern that board members are not getting the mail for their wards? Director Baker said it is part of the assistance staff is offering to Ms. Roper, and they are making sure the mail is being addressed and if there is any mail that needs to go to the guardians, staff will mail it out. Staff is in communication with Ms. Roper to make sure it gets to whomever it should.

Who is going to have checkbooks for paying the board mileage at their meeting? This question was previously asked by Dottie Neher, and it could be addressed at the next BOCG meeting if a treasurer is elected.

Would the BOCG ever have a small unit or office where wards' files could be stored so the volunteers do not have to store them at their own home? Additionally, volunteers should not have personal items of the wards, but sometimes it happens. Director Baker said staff has storage capacity for the files and they can be kept onsite at the County and staff can coordinate the destruction of the files when appropriate. The files will be available during business hours if needed. Staff will work with IT to develop a program for storing files in OnBase, the County's digital file system; however, it will not be accessible to the guardians unless they request it and then staff can make copies. . Staff currently has a paper file for each of the wards and eventually that information will be scanned and stored electronically.

Who will decide which wards the volunteers take at this point? The BOCG has always made the decision who they will take and who they will not. Director Baker said those are things that will be brought to the board; staff will take in the referral applications and do the investigation (access to information from H&W, Medicaid eligibility, social security, and search assets in preparation of bring that application to the board for the board to make a decision.

There was discussion regarding the need for more volunteers. Clerk Yamamoto said time is of the essence, and we should move forward with a resolution. Chairman Holton said the BOCC is in favor of the resolution and will set a date for consideration and a copy will be sent to the BOCG for review. Clerk Yamamoto said it would be prudent for board members to reapply for their position, the sooner the better. Deputy PA Alex Klempel said there should be a scheduled action item with 48-hours' notice to reappoint members. She doesn't think it's necessary to have a full application where it's just a reappointment, and the BOCC can get verbal commitment today on if the members want to continue serving and that way they won't have to come back for the reappointment action.

Current members are: Clair Roper, Mary Jo Campbell, Joan Columbo, Dottie Neher, Mary Confer, Marilyn Freeman, Eva Gohr, Susan Puga and Jean Udesen. Resignations came from Mary Kay, Gordon Bruner, and Carol Foster. Director Baker said we do not have a formal resignation from Kathy Aulbach although her son has confirmed that she has resigned. Currently there are 9 members, and the bylaws indicate a minimum of 7 members and a maximum of 11 members. The County is hoping the current members will want to be reappointed. There is no cap on the amount of volunteer guardians. They serve two separate roles: a board member and a guardian.

Mary Jo Campbell has served for 10 years and she wants to retire; she plans to stay on the BOCG until May, 2023.

Susan Puga said she will continue on the BOCG and go through the transition.

Dottie Neher has served for 24 years and she will stay on the BOCG for a while longer but she doesn't know how much longer she can serve.

Clair Roper said she will continue to serve in support of Marilyn Freeman. Deputy PA Klempel said they have spoken with Janet Caufield about the matter and nobody in the Prosecuting Attorney's Office or in the Courts think Ms. Freeman did anything wrong nor do they believe there are any issues. There are five more BOCG members who were not present today, so Director Baker will see if she can get a verbal declaration on if they are interested in being reappointed. The BOCC will schedule another meeting with an action item in the next week. Director Baker said she and Ms. George would like to attend the next BOCG meeting to present some referral applications that have been received. The meeting concluded at 3:55 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW:

ACTION ITEM: CONSIDER RESOLUTION DESIGNATING POLLING LOCATIONS FOR THE MARCH 14, 2023 ELECTION (RESOLUTION NO. 23-014).

FEBRUARY 2023 TERM
CALDWELL, IDAHO FEBRUARY 9, 2023

PRESENT: Commissioner Brad Holton, Chair
 Commissioner Leslie Van Beek, Co-Vice Chair
 Commissioner Zach Brooks, Co-Vice Chair
 Deputy Clerks Monica Reeves/Jenen Ross

Detailed minutes to follow:

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

ACTION ITEM: CONSIDER RESOLUTION AUTHORIZING TRANSFER OF EXCESS SALE PROCEEDS TO PARTIES IN INTEREST AND STATE TREASURER ACTION ITEM: CONSIDER RELEASE AGREEMENT FOR PUBLIC DEFENDER'S DEPARTMENT

PUBLIC HEARING: PRELIMINARY PLAT AND FINAL PLAT FOR RED COW FOLD SUBDIVISION, CASE NO. SD2021-0040

ACTION ITEMS:

CONSIDER A RESOLUTION APPOINTING REPRESENTATIVES TO THE VALLEY REGIONAL TRANSIT BOARD CONSIDER APPOINTING REPRESENTATIVES TO THE COMPASS BOARD, AND EXECUTIVE AND FINANCE COMMITTEES

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

The Board met today at 2:05 p.m. for a meeting with the Director of Development Services Department to discuss general issues, set policy, and give direction. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, DSD Office Manager Jennifer Almeida, Deputy PA Zach Wesley, Keri Smith, and Deputy Clerk Monica Reeves. COO Greg Rast arrived at 2:25 p.m. Director Minshall gave a PowerPoint presentation titled Workshop #3 Comprehensive Plan.

TOPICS:

- Elevations of Planning
- 2030 Comprehensive Plan
- Goals (what staff heard)
 - Honor the public engagement and input received during 2019-2022
 - Appreciate the staff, partner agencies, and interest groups that worked on the 2030 update
 - Embrace the need to have a future-focused plan that can be implemented
 - Recognize the need to have a Plan with a horizon year 10-20 years in the future and that acknowledges incremental changes are necessary to achieve the vision
 - Support having updated data and projections to inform the long-range future policies, actions, and maps
 - Desire more predictability, consistency, and balance for developers, farmers and the public, specifically in the land use map and subsequent zoning actions
- Concerns (what staff heard)
 - While the 2030 Comprehensive Plan public involvement was robust, the resulting document, including goals, policy, actions, and land use map, does not reflect the spectrum of that input.
 - The 2030 Comprehensive Plan document reflects the unfortunate positional nature of how the process unfolded. Goals, policies, actions, and land use map have contradictions not aligned between the required elements, and/or is inconsistent with past development patterns and data.

- The resulting Land Use Map does not adequately recognize past land use decisions, provide for buffering of existing and desired uses, or consider cities' plans and timelines for providing services. Where conflicts of vision or future zoning actions exist, we need to strive for compatibility and collaborative decision making.
 - Adopted actions do not set realistic expectations for implementation. There are XXX actions adopted into the plan. They are not prioritized, may not be the role of the government, or the role of Canyon County.
 - The Plan horizon is only 7 years in the future. The Plan should be 10-20 years.
- Process & timeline for Repeal-Reinstate the 2020 Comprehensive Plan
 - Feb 14- Notice P & Z Commission meeting for public hearing and subsequent recommendation to repeal/reinstate. Requires 30-day notice to cities (AOI agreements), 15-day notice to public, commenting agencies
 - March 2nd- BOCC/P & Z joint meeting
 - March 16th- P & Z hearing/recommendation
 - March 20th- 15-day Notice for BOCC hearing
 - April 6th- BOCC hearing/action
 - If intended BOCC action is significantly different than P & Z recommendation, 2nd noticing and hearing is required
 - April 10th-Noticing for 2nd BOCC Hearing
 - April 26th-2nd BOCC hearing/action
- Proposed scope & schedule for 2040 update
 - **Context/Input Elements:**
 - Glance back, look around, look forward: data and evidence based
 - 85% of chapters are this
 - Most context chapters are 80-95% golden
 - **Proposed:**
 - Staff update evidence and content
 - March
 - Pull out Goals, Policies, and Actions (GPA) for staff/BOCC workshops (in groups of elements) Keep, modify, or delete
 - April- May (6-8 sessions)
 - Topics align with many of "workshop" topics already planned
 - **Context/Input Elements:**
 - National Interest Electric Transmission Corridors: 100%
 - Prop. Rights: 95%
 - Recreation: 95%
 - Special Areas: 95%
 - Agriculture: 90%

- Schools: 85%
- Population: 75%
- Economic Development: 60%
- Natural Resources/Hazardous Areas: 60%
- Public Services, Facilities, Utilities: 60%
- Housing: 50%

- **Decision Element:**
- Land Use and Community Design: 40%
- **Result Element:**
 - Transportation: 70%

- **Decision Element: Land use and Community Design**
- **Proposed: (consultant assistance)**
 - June-early July
 - Appoint an advisory group- engage with P &Z, and the BOCC in a series of facilitated, deep dive workshops
 - Limit the deep dives to alignment of **updated GPAs to Land Use GPA and to Land Use Map**
 - Workshop 1: June-Understand and align GPA of elements. **Discuss or recommend modifications for consistency**
 - Workshop 2: June- Using the GPA of all elements, apply to the Land Use Map
 - Review both the 2020 and 2030 maps under this lens
 - **Make recommendation for MAP changes**
 - Workshop 3: must be by mid-July
 - Review outcomes of GPA and Land Use Map
 - Is the result aligned

- **Advisory Committee:**
- Limit scope to review and internal alignment of GPA and Land Use element/map
- Approve a charter with intent, expectations and timeframe
- 13-15 members
- Diverse stakeholders focused on constructive and civil dialog, not positions
- Representative, expectation of 2-way communication with stakeholders
 - 2 large, 1 small city
 - Ag: winery, large farm, small farm
 - Housing/Development: realtor, developer, builder
 - Youth voice
 - Other?

- Staff update transportation chapter GPA to align with Land Use GPA and Map
 - Confirm outcomes with the BOCC
 - Late July
- Produce Draft Plan for adoption
 - July-early August
 - Mid-August-Board workshop on draft plan
- Hearing process for adoption
 - For late November adoption, first notice of hearing: (PLAN READY) has to be by **early August**.
 - This assumes possibility of 2nd BOCC hearing to be required IF action is different than P&Z recommendation.
- Follow up Planning for 2024-2025
 - Area of Impact Agreements revised
 - Zoning level actions- ex: overlays, land use matrix and allowed densities
 - Code Revisions to support adopted goals and policies
 - Every 3 years – limited review of plan for updates and monitor trends and results of actions
 - By 2030 – full plan update and extend horizon year
- BOCC Direction & additional information desired
 - Repeal/Reinstate process and schedule
 - Joint meeting with P&Z
 - Approach, timeline, and schedule for 2040 update
 - External communication of intent

Follow-up Actions:

Staff bring back detailed scope and schedule for BOCC approval
 Staff draft charter for advisory group for BOCC approval
 Advisory Group membership appointed by BOCC
 Staff begin work on Phase 1
 Schedule BOCC workshops for GPA review and approval
 RFP/Q for consulting assistance for Phase II

Discussion followed Director Minshall’s presentation regarding the applications in process; the scope; realignment; proposed overlays; and establishing an advisory committee.

Keri Smith asked how many applications would be affected if the plan is repealed? Staff said 20 applications could be affected. Whatever plan is in place at the time of their application is accepted and complete is the plan that they are under.

The reality of executing the plan? A 15 to 18-month process.

Commissioner Holton doesn't see the November adoption date being met and feels it more likely be in February. The applications we are getting between the approval date and whenever the Board is going to rescind this is as problematic as anything else, personally speaking. We are taking the GPA's and getting them succinct so that when the Board ends up with a final product is well vetted and thought through. Commissioner Van Beek wants more time to think about it because of the implications on either side of significant. Director Minshall asked the Board to think about the two actions staff needs direction on: the BOCC wants a revision, and it wants time to look through and do a deep dive into land use. Getting that scope right and schedule is one part, and the first part is what do you want to do in the meantime until the next one is in place? Do you want to stay with what we have and the one that comes in the meantime becomes your replacement? Or do you want to go back to the 2020 plan until we get the revision? Commissioner Van Beek said there is confusion, and she wants to look at the impacts. The change on the maps did not reflect the zoning and she felt like it wasn't transparent, and she needs to evaluate that with an informed user of information to make sure she understands what she is agreeing to. She doesn't have enough information to give direction today. Commissioner Holton is looking at a schedule where the goal would be January or February.

Commissioner Holton wants to be sure we talk to the different groups and get opposing opinions so the different voices are represented so we can try to get the best compromise for Canyon County. Deputy PA Wesley agrees with Commissioner Holton's suggestion to get all the stakeholders in a room and try to get them to tell us what they could agree on. It's an additional step, but it's not required so whatever phase you feel comfortable bringing it in we can do it.

Commissioner Holton said a tremendous amount of work has been done and we just need to polish up on some of areas, we don't need a deep dive on every one of them. Commissioner Brooks agrees. Director Minshall will come back next week with a spread-out scope.

The meeting concluded at 3:43 p.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEMS: CONSIDER A RESOLUTION APPOINTING REPRESENTATIVES TO THE VALLEY REGIONAL TRANSIT BOARD; AND CONSIDER APPOINTING REPRESENTATIVES TO THE COMPASS BOARD, AND EXECUTIVE AND FINANCE COMMITTEES

The Board met today at 3:50 p.m. to consider a resolution appointing representatives to the Valley Regional Transit Board; and to consider appointing representatives to the COMPASS Board, and the COMPASS Executive and Finance Committees. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Sabrina Minshall, COO Greg Rast, Landfill Manager David Loper, Keri Smith, and Deputy Clerk Monica Reeves. The appointments were considered as follows:

Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to appoint Commissioner Zach Brooks to serve on the COMPASS Finance Committee.

Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to appoint Commissioner Brad Holton to serve on the COMPASS Executive Committee.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to appoint Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, and to appoint Greg Rast and Sabrina Minshall to serve as alternates on the COMPASS Board.

Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to appoint Sabrina Minshall as a primary member, and Brad Holton and Greg Rast as alternates to the Valley Regional Transit Board. (Resolution No. 23-016)

Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to adjourn the meeting. The meeting concluded at 4:00 p.m. An audio recording is on file in the Commissioners' Office.

FEbruary 2023 TERM
CALDWELL, IDAHO FEBRUARY 10, 2023

PRESENT: Commissioner Brad Holton, Chair
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

The Board approved the following claims:

- 592075-592116 in the amount of \$69,070.10
- 592024-592074 in the amount of \$408,867.74
- 592071 in the amount of \$25,565.80
- 01.02-02.01 in the amount of \$12,054.63

BOCC STAFF WORKSHOP

The Board met today at 9:05 a.m. for a BOCC staff workshop. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy Clerk Monica Reeves, COO Greg Rast and Deputy Clerk Jenen Ross.

Board review of the following:

- Mr. Rast provided a handout which is on file with this day's minutes; discussion regarding the county org. chart and linked documents for the County Agent- the Board is supportive of this.
- A press-release was prepared by PIO Joe Decker regarding a land use hearing for an agritourism oriented special events facility originally scheduled to be heard on February 16th, Commissioner Van Beek did not like the grammar or sentence structure so a brief break was taken from 9:09 a.m. to 9:18 a.m. for the press-release to be revised.
- Mr. Rast will meet with Janet Caufield regarding an MOU and will update the Board after he's met with her. Commissioner Holton feels like the county is in a good place with the Board of Community Guardians and doesn't want to do anything to upset that relationship. Mr. Rast will also work with Indigent Services regarding the resolution and addendum regarding the Board of Community Guardians.
- Mr. Rast will send an email to Board Directors letting them know that any employee communication to the Board needs to go thru him or HR; the Board would like to avoid direct communication with employees in an effort to avoid any kind of conflict.
- Mr. Rast informed the Board that Director Britton is working with CCSO on a remote office at Lake Lowell in order to keep deputies out in the field. Director Schwend is supportive of this. A modular building will be brought in which could house up to three deputies. This will be a FY24 project and the Board is supportive of this continuing forward. Commissioner Holton thinks this may also qualify for ARPA monies and wants to see the planning happen sooner rather than later.
- ARPA monies will be added to the talking points for the meeting with the Controller on Monday.
- Secondary employment application discussion.
- Discussion regarding off-site meetings and how minutes will be handled.
- Commissioner Holton and Mr. Rast will have a 'meet and greet' with Sheriff and the Chief Deputy on the 23rd.
- Quarterly meetings with department administrators will start in March.
- An outline of the FY24 budget scheduled was provided within the handout. The Board wants to see all original budget requests and to meet privately with the Clerk and Controller prior to the suggested budget being presented to the public. Based on the Board discussion and input, Mr. Rast will speak more with the Clerk and Controller regarding the budget schedule. Meetings with outside agencies will be scheduled for May.
- Core value TRUST definitions were reviewed; the Board is supportive of the definitions as presented.
- Commissioner Van Beek wants to make sure Director Minshall is in receipt of Mr. Lakey's comments so that she has a chance to review them.

- Commissioner Van Beek met with District 10 last night, the City of Star does not have a comprehensive plan map, additionally she said the county needs to provide a map of the final committee of 9 process and the election that took place. DSD needs to send that out and the Board needs to adopt.
- Commissioner Van Beek will find the HC documents as requested by the chairman and the Ada County budget document was provided.

Commissioner Holton made a motion to adjourn the meeting. The motion was seconded by Commissioner Van Beek.

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

FEBRUARY 2023 TERM
CALDWELL, IDAHO FEBRUARY 13, 2023

PRESENT: Commissioner Brad Holton, Chair
 Commissioner Leslie Van Beek, Co-Vice Chair
 Commissioner Zach Brooks, Co-Vice Chair
 Deputy Clerks Monica Reeves/Jenen Ross

BOCC STAFF WORKSHOP AND ACTION ITEM

The Board met today at 9:02 a.m. for a BOCC staff workshop and action item. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy Clerk Monica Reeves, COO Greg Rast and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider a resolution granting an alcohol beverage license to Jacksons #241: Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution granting an alcohol beverage license to Jacksons #241 (see resolution no. 23-017).

Commissioner Van Beek spoke about a copy of a proposed agenda for The Center; asked about the reconsideration request for Peckham Rd. Trust; a pre-auction statement was shared with Commissioner Holton; JoDee Arnold would like to prepare a checklist of items for election canvassing, Commissioner Holton wants to make sure that is reviewed by legal; an ESIS fee schedule and executive session with Sandi Moser this Friday; Ada County budget presentation materials.

A joint meeting with P&Z is coming up on March 2nd from 4:30 to 6:00, Mr. Rast will contact the Sheriff's Office in regard to making sure the courthouse remains open for that meeting. The public

hearing scheduled for Wednesday afternoon will not go past 5:00 or it will need to be continued to another date.

COO Rast asked the Board to review the talking points he's outlined for the meeting with the Clerk and Controller later today.

The meeting concluded at 9:17 a.m. and was for informational purposes only. An audio recording is on file in the Commissioners' Office.

BUDGET STATUS UPDATE

The Board met today at 2:02 p.m. for a budget status update. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Chris Yamamoto, Controller Zach Wagoner, CCSO Financial Manager David Ivers, COO Greg Rast and Deputy Clerk Jenen Ross.

Discussion topics included:

- ARPA Funding
- FY2024 Budget schedule
- Question about dissolving a department and moving it under the BOCC – from an accounting standpoint it is a very straightforward process.
- Graphs showing Canyon County actual revenues, expenditures for 2018-2022; year-over-year revenues – A copy of the PowerPoint presentation is on file with this day's minutes.

The meeting concluded at 3:17 p.m. and was for informational purposes only; no motions were made. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2023 TERM
CALDWELL, IDAHO FEBRUARY 14, 2023

PRESENT: Commissioner Brad Holton, Chair
 Commissioner Leslie Van Beek, Co-Vice Chair
 Commissioner Zach Brooks, Co-Vice Chair
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Samantha Hammond, Planner I; Madelyn Vander Veen, Planner I; and Sage Huggins, Planner I.

APPLICATION FOR APPROVAL TO ACCEPT OUTSIDE EMPLOYMENT

The Board approved an application for outside employment for Devin Krasowski.

DETAILED MINUTES TO FOLLOW:

ACTION ITEM: OPEN STATEMENTS OF QUALIFICATION FOR THE REQUEST FOR QUALIFICATIONS FOR WAREHOUSE AND SHELTER PROJECT

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE

GAS COLLECTION SYSTEM IMPROVEMENTS AND FLARE STATION PRESENTATION

PUBLIC HEARING – CONSIDER PRELIMINARY PLAT FOR HIDDEN LEGENDS ESTATES, CASE NO. SD2022-0003

The Board met today at 10:09 a.m. to consider a request by Kent Bradshaw for approval of a Preliminary Plat (with irrigation and drainage plan) for Hidden Legends Estates, Case No. SD2022-0003. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, Kent Bradshaw, Allison Bradshaw, Jesse Christensen, Keith Bradshaw, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she had a conversation with planning official and had asked for clarification on the short plat being changed to a preliminary plat application, and would also like clarification on the road section in the staff report. Dan Lister gave the oral staff report. The development consists of 19.59 acres and will have 8 residential lots and 1 private road lot. The subject property, Parcel No. R34502013, is located SW of Willis Road and adjacent to I-84, Caldwell, in the NE ¼ of Section 4, T4N, R3W, BM, Canyon County, Idaho. The applicant's engineer submitted a letter dated March 8, 2022 stating the current road construction does not meet County standards. The road needs to be constructed with a structural road section that provides 22 inches of gravel equivalence. Due to construction requirements that are required at the final plat stage, the applicant amended their application to look at the preliminary plat only. A final application will come later. On December 15, 2022, the P&Z Commission recommended approval of the preliminary plat subject to conditions. Staff prepared FCO's based on the P&Z Commission's recommendation. Following his report, Mr. Lister responded to questions from the Board. Jesse Christensen with HECO Engineers testified on behalf of the applicant. When they found out the road did not meet County standards they looked at different wants for the road to meet standards, one of them was limiting traffic but it just did not work for what they needed for the subdivision so they milled off the top portion of the road and overlaying an asphalt section thick enough to meet County standards. The road construction will be bonded. They will install stormwater infiltration swales on both sides of the road to capture the road run off, and the onsite lot runoff will be captured in their own individual swale on the backside of the lots. He gave testimony regarding the pressurized irrigation system and the applicant's communication with Black Canyon Irrigation District. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the

second by Commissioner Brooks, the Board voted unanimously to approve the preliminary plat for Hidden Legends Estates as presented and with the conditions of approval. The hearing concluded at 10:32 a.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2023 TERM

CALDWELL, IDAHO FEBRUARY 15, 2023

PRESENT: Commissioner Brad Holton, Chair
 Commissioner Leslie Van Beek, Co-Vice Chair
 Commissioner Zach Brooks, Co-Vice Chair
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claim 592117 ADV in the amount of \$3,099.99

NEW ELECTIONS BUILDING WORKSHOP

The Board met today at 10:03 a.m. for a new elections building workshop. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Rick Britton, COO Greg Rast and Deputy Clerk Jenen Ross.

The topics of discussion included a review of possible building size (12,000 sq. ft vs. 15,000 sq. ft.); site locations; longevity of being able to serve the community; possible amenities such as a drive-up window, loading dock and storage and training space; meeting the city of Caldwell requirements. Other discussion items included timelines and requirements for use of the ARAP funds; potential lease or purchase of ground adjacent to the county parcel.

Director Britton provided preliminary drawings of the site plan and elections floor. Copies of these drawings are on file with this day's minutes.

Commissioner Van Beek made a motion giving direction to Director Britton on the contemplated election building and authorize him to spend additional funds for sketches to look at a 15,000 sq. ft. building on property already owned by the county using ARPA funds and for the Clerk to stay involved. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 10:40 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner Holton made a motion to go into Executive Session at 11:01 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 Van Beek. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Fair Director Diana Sinner and COO Greg Rast. The Executive Session concluded at 11:29 a.m. with no decision being called for in open session.

The Board gave direction for Director Sinner to consult with legal and if there are any decisions that need to be made for her to contact staff in order to get that scheduled for a public meeting with the Board.

The meeting concluded at 11:30 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

Commissioner Holton made a motion to go into Executive Session at 11:32 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 Van Beek. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, HR Director Kate Rice, COO Greg Rast and Interim IT Director Eric Jensen (Mr. Jensen left the meeting at 11:54 a.m.). The Executive Session concluded at 12:01 p.m. with no decision being called for in open session.

PUBLIC HEARING - REQUEST BY GREGORY AND ANN OBENDORF FOR A CONDITIONAL REZONE FROM AN AGRICULTURAL ZONE TO A SERVICE COMMERCIAL ZONE, CASE NO. RZ2022-0007

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Gregory and Ann Obendorf, represented by BRS Architects, for a conditional rezone of a 12.6-acre portion of parcel R32686 from an "A" (Agricultural) zone to a "C-2" (Service Commercial) zone. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planning Official Dan Lister, Todd Lakey, Pat Colwell, Alan Mills, Curtis Crystal, Mark Wendelsdorf, Bud Bowman, Lisa Bowman, Jim Thompson, Heather Scott, other interested persons, and Deputy Clerk Monica Reeves.

Dan Lister gave the oral staff report (mark 4:00 to 27:52). The request is for a conditional rezone of a 12.6-acre portion of a 40.4-acre parcel from an "A" (Agricultural) zone to a "C-2" (Service Commercial) zone. The property is located on the northeast corner of Farmway Road and Karcher Road in Caldwell. The request includes a development agreement. The 12.6-acre portion will be developed in three phases:

Phase 1: Gas station with a convenience store at the corner of Farmway Road and Karcher Road on a 3-acre lot; and

Phase 2: A seasonal farmers market on a one-acre lot; and

Phase 3: A carwash accessory to the gas station and some commercial lots along Karcher Road. As part of the development agreement, Phase 3 would not occur until city services are available.

The 2020 comprehensive plan designates the future land use of the parcel as commercial. The parcel is located within the Caldwell impact area and is designated as highway corridor on their comprehensive plan and that designation would only apply if the property was annexed into the City of Caldwell. The majority of properties in the area are zoned agricultural with an average lot size of 10.37 acres. The area is in transition; several fields are still in ag production but there are also subdivisions and commercial uses in the area. The property is considered prime farmland if irrigated, and the property does have surface irrigation rights. Mr. Lister reviewed the zoning designations and uses in the area. The development agreement requires: a traffic impact study at the time of final platting; internal public roads approved by Canyon Highway District; maintain a 1.35-average residential density; and a wastewater treatment system is required. Per County code, this decision shall not be presumptive proof that the zoning of other property adjacent to, or in the vicinity of the conditional rezone properties should be zoned the same. City services are not available to the property at this time, therefore the gas station, convenience store, and seasonal farmers market would be required to meet IDWR, SWDH and DEQ requirements. Wells in the immediate area show low levels of nitrates. DEQ will require a public drinking water system if the use serves 25 or more people for 60 days or more a year. Future development will be required to provide irrigation water to all landscaping and retain stormwater on site. The applicant commissioned a traffic impact study by T-O Engineers which was completed in November of 2021 and updated in March of 2022. The proposed development is expected to generate a total of 1,770 net new daily trips. There was a review of access requirements; a northbound right turn lane should be constructed concurrently with Driveway "A" to provide access with no turning restrictions. At Highway 55 and Driveway "B" a westbound turn land should be constructed concurrently to provide right in/right out access only. Canyon Highway District does not oppose the request subject to conditions of approval. ITD provided comment and stated their conditions with the approach must be relocated to the east and that the developer shall provide funding for ITD to design and construct a right turn lane and raised median to be included in ITD's project which is the improvements from Indiana Avenue to Pear Lane. The developer shall provide dedication of right-of-way from the access location to the easterly property boundary to accommodate the future right turn lane. ITD is not opposed subject to the conditions and funding improvements. Mr. Lister reviewed the agency comments. Six letters of opposition were received with the following concerns: city services and Karcher Road improvements should be completed

prior to development; the current conditions of Karcher Road and Highway 55 are congested with inadequate highway capacity; promotes incremental removal of valuable farmland the commercial use is not needed in the area; environmental risk concerns from fuel storage tanks; the proposal does not address noise or exterior lighting impacts; infrastructure expansions are a burden on taxpayers; and the developer should work with the city to bring services to the property. Staff also received 43 letters of support. On August 4, 2022, the P&Z Commission recommended denial of the request because they found the request is premature and should wait until Karcher Road is improved and city services are available; the majority of the properties in the immediate area are still zoned as agriculture which currently lack city services and infrastructure. The P&Z Commission did not see the comment letter and information from ITD, and they felt input was critical for this type of decision. They found the request to be inconsistent with the agricultural preservation protection policies of the comprehensive plan. Staff's recommended FCO's are based on the recommendation of denial by the P&Z Commission. Following his report, Mr. Lister responded to questions from the Board.

Commissioner Van Beek disclosed ex parte communication she had with the manager of Lakeview Fruit, additionally, the Dowens have leased her property for farming in the past. Ms. Dowen's point was that the widening of Karcher Road would take out the fruit stand they are currently operating and she said they want to locate at the southeast corner of Karcher Road and Highway 55.

The following people testified in support of the request:

The applicant's representative, Todd Lakey, (mark 28:40 to 49:40) gave testimony regarding the project design and site plan; zoning designations in the area; road improvement plans, and access. The applicants are only rezoning the frontage being the 12 acres of the 40-acre parcel and they do not believe the proposal will negatively impact the area. The development will consist of three phases: a convenience store will be first; the farmers market located on Riverside and Highway will be relocated and this will significantly improve the access, parking, and the building itself; and the carwash and the other commercial use will be on the remainder of the 12 acres after city services are there which will likely be in 5+ years. The comprehensive plan and zoning ordinance strongly support the application. The City of Caldwell's plan supports this proposal which is a highway-oriented commercial use. According to Mr. Lakey, the P&Z Commission had a split decision of 3-to-2 and they utilized four or five goals/policies that focused on making the landowner continue to farm the 12 acres. He spoke about balancing growth and said ag and commercial uses can co-exist; the County has designated commercial areas along this corridor; and the property is on a major transportation corridor on a signalized intersection. There are 726 lots within one mile of the subject property; and two subdivisions in platting for 387 lots as well as additional residential. The water system will probably be a public water system that will be engineered and designed in accordance with the agency requirements. There is a strong aquifer that can support the well on the site. Regarding fuel storage, it is highly regulated as far as the design of the tanks, retention areas, and installation. ITD will be widening to Farmway Road, and the traffic impact study shows we have high levels of service and capability, and they will install

the turn lanes on Farmway and Highway 55. Following his testimony, Mr. Lakey responded to questions from the Board.

Patrick Colwell (mark 49:51 to 55:20) provided testimony regarding the technical aspects of the project. They have coordinated with SWDH on the permit approval process for the septic systems and drain fields, and have obtained approval from the Department of Water Resources for the future public well. Storm drainage will be retained on site and will not be discharged to any irrigation or drainage facilities. Traffic impact studies have been completed and approved by Canyon Highway District and ITD, and they have conditionally approved access permits and they expect final approval after this hearing. There are plans for Highway 55 to be improved to five lanes through that section. Following his testimony, Mr. Colwell responded to questions from the Board.

Alan Mills (mark 55:29 to 1:02:52) testified the property has had a future commercial zoning designation for many years. He spoke about how competition is good for the consumer and he noted that the operator is going to sell ethanol-free fuel which will help the vicinity be able to handle small engines. He believes the project will be a benefit to the community and to the tax base of Canyon County. According to Mr. Mills, the owner of the Karcher Farms property supports this application. Following his testimony, Mr. Mills responded to questions from the Board.

Curtis Crystal (mark 1:03:14 to 1:06:57) testified about the architectural features of the project. There will be fueling stations for regular vehicles and diesel; good wide circulation for the site to avoid congestion between the different types of vehicles using the site; ample parking; areas around building for outdoor dining areas; landscaping to meet city requirements; and a 20-foot landscape buffer on both sides; an area for pets; and EV charging stations.

Heather Scott (mark 1:07:30 to 1:11:06) is the manager of the Lake Storage, the facility directly across the street from the subject property and she supports the project with conditions. The storage facility opened in the spring of 2020 and since that time they estimate there have been 10-15 car accidents at the intersection near their property. Due to traffic safety concerns Ms. Scott said developers should make sure there is no way to make a left turn off Karcher Road. In 2020 there was a different proposal and the storage facility manager suggested the speed limit on Farmway Road be reduced and it was, from 50 mph to 40 mph. They believe the segment in front of the subject property on Farmway Road should be reduced as well. Ms. Scott said after their storage facility was built they learned about the highway expansion and now they have to move a security fence, a fire hydrant, and 500 feet of subgrade seepage beds so it needs to be made very clear that there will be a full five-lane expansion and the right turn lane so the applicants know what they need for their project. She further testified that the storage facility had to drill down to 550 feet to hit the aquifer.

Jim Thompson (mark 1:13:26 to 1:14:40) is a realtor who testified in support of the request. He is one of the owners of 24 acres north of the subject property and he said the properties in the area have been commercial for several comprehensive plans, and the proposed use fits within that zoning designation.

Rebuttal testimony was offered by Todd Lakey (mark 1:14:58 to 1:19:30) who provided additional comments regarding traffic. There will be a right in/right out as approved by ITD; the right-of-way dedication is incorporated into the design; the traffic analysis looks at the current status of the site, existing traffic volumes, and it looks at it at build-out and that chart shows the levels of service still being high levels of service of B and C ranges. They do not need the widening project to be completed in order to comply with the conditions of requirements for ITD and the highway district, but it will be designed with that in mind. The proposal conforms with the comprehensive plan and this is the exact location where this kind of proposal should occur.

Dan Lister (mark 1:19:51 to 1:21:00) stated the commercial designation is in line with the future land use plan of the 2030 comprehensive plan designation but staff did not do an analysis of the goals and policies for this because the application came in under the 2020 comprehensive plan. The P&Z Commission was not necessarily opposed to the phase 3 connection to city services, they were opposed to the entire project not being connected to city services due to the letter from the City of Caldwell stating they want the development connected to city services. The design by Curtis Crystal is not part of our development agreement, and if the Board wants that design to be in substantial compliance to what was shown then that conceptual plan will need to be added to the development agreement and added as a condition. Currently we do not have any design criteria. Commissioner Van Beek likes that and said at times it is used as enticement to sway a Board to approve.

Todd Lakey (mark 1:21:47 to 1:22:21) said he has no problem including the site plan and requiring substantial compliance. They want to pursue phase 1 and 2, but phase 3 will not proceed until there are services from the City of Caldwell. There is a requirement for a pre-annexation with the City of Caldwell regarding that.

Mr. Lister identified the late exhibits which were entered into the record. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. The Board deliberated as follows (mark 1:24:35 to 1:33:16): Commissioner Van Beek is in favor of the request with some of the conditions that have been presented, notably that no left-hand turn onto Highway 55, including Exhibit No. 11 from Mr. Crystal on the substantial compliance and adding that to the development agreement. The findings need to be amended. This was presented to the P&Z Commission with a recommendation of approval so the Board would be in compliance with staff's recommendation. She understands the concerns but said there was testimony that this has been a part of the comprehensive plan all along. The County has to put commercial development somewhere; there is an argument for access and fueling services and support of agritourism in that Lakeview Fruit Stand, so the buildout of that supports agriculture. If you venture out onto Karcher Road off Riverside Road there is a slope, and a righthand turn would be easier than trying to make a left turn onto Farmway and then going west on Karcher Road. There is good support but we need to amend the conclusions of law for the conditional rezone - it is consistent with the comprehensive plan. She referenced Condition B (staff notes it is in Exhibit No. 10 in the staff report) and said that is the basis of her support for staff's recommendation. Mr. Lister said the only condition we don't need to change is Condition

No. 2c because it includes the letters from Canyon Highway District and ITD which already spell out they need to have a right in and right out, and the left-hand turn; it's already part of that condition. He can add Condition No. 2d to have the conceptual design plan to be in substantial compliance. The only findings we need to change are the ones shown by the P&Z Commission to be A, B, and G. What he is hearing is that based on conditions the Board believes it will not be injurious and traffic impacts for the existing and future finding can be made. It sounds like the Board agrees with some of the policies provided by Alan Mills and also Exhibit No. 10. Finding B of Exhibit No. 10 goes into why it's more appropriate so staff can make those changes, and if the Board agrees with some of the findings on Exhibit No. 10 staff can transfer those over. This is a material change therefore a second hearing will be required to consider the approval and at that time the conditions, and the revised findings of fact would come back and after the second hearing the Board could sign it. The P&Z Commission recommended denial and some of the information provided in this staff report is different from what they saw: a letter from ITD and a design they never saw. A second hearing will be noticed for a second hearing by the Board. Commissioner Van Beek said based on the testimony by Ms. Scott and Commissioner Brooks' concerns on the width, is there any need to have that validated again? Mr. Lister said they have to meet the standards as part of the design of the development, and we already have Condition No. 2c that requires review prior to any development of the site. They have to have the final traffic study reviewed and meet the conditions of the letters provided by ITD and Canyon Highway District. Any improvements will be required through funding or through actual improvements. Commissioner Van Beek said it looks like a big oversight to not take that into consideration when that storage unit was put in. Commissioner Holton concurs that it is a change and that the P&Z Commission did not have the information to review. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to provide conditional approval on Case No. RZ2022-0007 for Greg and Ann Obendorf, and have staff amend the FCO's for items A, B, and G and to also amend the development agreement. As soon as reasonably possible a second public hearing will be scheduled. The hearing concluded at 3:05 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2023 TERM
CALDWELL, IDAHO FEBRUARY 16, 2023

PRESENT: Commissioner Brad Holton, Chair
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Donald Prenesti – Deputy Judicial Marshal; Glenn Rodriguez – Deputy Judicial Marshal; and Michael Bruce Mauldin – Deputy Judicial Marshal.

VACATE PUBLIC HEARING REGARDING THE APPEAL BY EW REAL ESTATE, LLC, FOR A C.U.P. TO ALLOW AN AGRITOURISM ORIENTED SPECIAL EVENTS FACILITY USE WITHIN AN "A" (AGRICULTURAL) ZONING DISTRICT, CASE NO. CU2022-0034-APL

The Board went on the record today at 9:00 a.m. to announce the vacation of a public hearing regarding the appeal by EW Real Estate, LLC, for a conditional use permit to allow an agritourism oriented special events facility use within in an agricultural zoning district, Case No. CU2022-0034-APL. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, and Deputy Clerk Monica Reeves. Commissioner Holton said the case has been vacated per the request of the applicant and at this time we do not have a future date certain so there will be no opening of public hearing. 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 ACTION ITEMS

The Board met today at 10:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker (left at 10:10 a.m.), Indigent Service Case Manager Kellie George (left at 10:10 a.m.), Clerk Chris Yamamoto (left at 10:10 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider resolution setting forth the authority of the County Coordinators to act on behalf of the Canyon County Board of Community Guardians: The Board is satisfied with the document as presented and upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution setting forth the authority of the County Coordinators to act on behalf of the Canyon County Board of Community Guardians (see resolution no. 23-018)

Consider resolutions reappointing the following members to the Board of Community Guardians: Clair Roper, Mary Jo Campbell, Dottie Neher, Susan Puga, Joan Columbo, Marilyn Freeman, Mary Confer, Eva Gohr, and Jean Udesen: It was noted that Ms. Gohr was recently appointed to a 2-year term so there is no resolution for her today. Terms have been set at 3-years and 4-years and based on the recommendation from Director Baker, Ms. Roper, Ms. Neher and Ms. Campbell will be appointed to the 3-year terms and Ms. Puga, Ms. Columbo, Ms. Freeman, Ms. Confer and Ms. Udesen will be appointed to 4-year terms. Commissioner Van Beek made a motion to sign resolutions appointing members to the Board of Community Guardians. The motion was seconded by Commissioner Brooks and carried unanimously (see resolutions 23-019 thru 23-026).

Consider City County Narcotics Unit Mutual Assistance Compact: This is an agreement that is updated periodically and has been signed by the Prosecutor, Sheriff, Mayor Wagoner and Police Chief Rex Ingram. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the City County Narcotics Unit Mutual Assistance Compact (see agreement no. 23-023).

Discussion ensued regarding the policy governing the written minutes. Mr. Wesley said he and the administrative staff in his office are working to get language in the resolution updated and that current statutes are referenced. Mr. Rast provided an overview of the new agenda that will be live in the next couple of weeks which will provide more visibility to the public on Board action items, voting records and attendance.

The meeting concluded at 10:28 a.m. and an audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW:

CONSIDER REQUEST FOR RECONSIDERATION FOR CASE NO. CU2022-0007-APL

CONSIDER RELEASE OF CERTIFICATES OF NON-COMPLIANCE

The Board met today at 11:00 a.m. to consider release of certificates of non-compliance. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, DSD Director Sabrina Minshall, DSD Office Manager Jennifer Almeida, Code Enforcement Supervisor Eric Arthur and Deputy Clerk Jenen Ross. Mr. Arthur provided details of the cases and the actions that have been taken on each property.

26300 Sand Road, Parma, Idaho: Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the release of certificate of non-compliance.

1508 S. Powerline Road, Nampa, Idaho: Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the release of certificate of non-compliance.

Copies of the recorded documents are on file with this day's minutes. The meeting concluded at 11:08 a.m. and an audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:31 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, DSD Director Sabrina Minshall, DSD Office Manager Jennifer Almeida, GIS Analyst Tony Almeida, DSD Planning Official Dan Lister, Deputy P.A. Zach Wesley, COO Greg Rast, Other members of the community and Deputy Clerk Jenen Ross.

Ms. Almeida gave a presentation to the Board on the revised land use hearing page they've been working on for the website. The Board is supportive of the direction DSD is headed on this project.

Mr. Almeida spoke about the application he's created for the website that is interactive mapping to show overlay comparisons of different zones and areas.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 1:52 p.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 Brooks. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Sabrina Minshall, DSD Office Manager Jennifer Almeida, DSD Planning Official Dan Lister and COO Greg Rast. The Executive Session concluded at 2:29 p.m. with no decision being called for in open session.

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

DETAILED MINUTES TO FOLLOW:

BOARD OF EQUALIZATION: MEETING WITH COUNTY ASSESSOR REGARDING MISSED SUPPLEMENTAL AND OCCUPANCY ROLLS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:30 p.m. with the County Assessor regarding missed supplemental and occupancy rolls. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Assessor Brian Stender, Admin Property Appraisal Supervisor Greg Himes, and Deputy Clerk Monica Reeves. COO Greg Rast arrived at 3:40 p.m. Assessor Stender and Supervisor Himes presented the Board with information in the following categories:

- 2022 Abstract by Category – Missed Supplemental
- 2022 Occupancy Assessed Value by Taxing District
- 2022 Abstract by Category - Occupancy
- PM203 – Supplemental Cadastre Detail Report - Supplemental Gross & Net Values

The Board was asked to equalize the missed supplemental and occupancy rolls.
Motions to follow....

FEBRUARY 2023 TERM

CALDWELL, IDAHO FEBRUARY 17, 2023

PRESENT: Commissioner Brad Holton, Chair
 Commissioner Leslie Van Beek, Co-Vice Chair
 Commissioner Zach Brooks, Co-Vice Chair
 Deputy Clerks Monica Reeves/Jenen Ross

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

Commissioner Van Beek made a motion to go into Executive Session at 10:00 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), and (f) regarding named personnel, records exempt from public disclosure, and communicate regarding pending/imminently likely litigation. The motion was seconded by Commissioner Holton and carried unanimously. The Executive Session was held at the ICRMP Office located at 3100 Vista Avenue in Boise, Idaho. Present were: Commissioners Brad Holton, Leslie Van Beek, and Zach Brooks, Chief Operating Officer Greg Rast, Tim Osborne, Kelly Paananen, Sandy Moser, and Scott Oldham from ICRMP. Carl Ericson arrived at 11:08 a.m. Ms. Paananen left at 11:18 a.m. The Executive Session concluded at 11:52 a.m. with no decision being called for in open session. An audio recording of the open portion of this meeting is on file in the Commissioners' Office.

TOUR OF PICKLES BUTTE SANITARY LANDFILL

The Board toured the Pickles Butte Sanitary Landfill this afternoon. There were no motions, action items or Board direction entertained or given.

FEBRUARY 2023 TERM

CALDWELL, IDAHO FEBRUARY 21, 2023

PRESENT: Commissioner Brad Holton, Chair
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 592248 to 592294 in the amount of \$72,905.51
- The Board has approved claims 592295 to 592329 in the amount of \$175,331.09
- The Board has approved claims 592406 to 592421 in the amount of \$5,910.25

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Evangelina Oregon, Sr. Admin. Specialist; Charlotte Martyn, Legal Support Specialist I; Shane Sears, Temp. Elections; Trina Harrell, Temp. Elections; Bonnie Wood, Temp. Elections; Garrett Hilsabeck, Deputy Sheriff – Inmate Control; Brian Richard, Deputy Sheriff – Inmate Control; Lucas Martin, Deputy Sheriff – Inmate Control; Cody Roeder, Deputy Sheriff – Courts & Transports.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Poly Seal in the amount of \$9500.00 for the Facilities department
- WBS in the amount of \$1445.08 for the Facilities department
- Southern Idaho Electric in the amount of \$10,878.00 for the Facilities department
- Interstate Electric in the amount of \$1606.26 for the Facilities department
- Idaho Power in the amount of \$3000.00 for the Facilities department
- Cardio Partners in the amount of \$2726.00 for the Facilities department
- Carbon Network LLC in the amount of \$23,450.00 for the Information Technology Department

APPROVED JULY 2022 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of July 2022 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.

APPROVED AUGUST 2022 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of August 2022 were read and approved and found to be a proper record of the proceedings of the Board of 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 9:31 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, Director of Juvenile Detention Sean Brown (left at 9:34 a.m.), Treasurer Tracie Lloyd (left at 9:38 a.m.), Chief Deputy Treasurer Jennifer Mercado (left at 9:38 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider Juvenile Detention Housing Agreement with Gem County: This is the standard agreement that has been used for many years for jurisdictions within the state of Idaho. There are no changes to the agreement and the daily rate is \$210. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the juvenile detention housing agreement with Gem County (see agreement no. 23-024).

File in minutes:

- Treasurer's Monthly Report for November, 2022
- Treasurer's Monthly Report for December, 2022
- Treasurer's Quarterly Report for October 1, 2022 through December 31, 2022

Treasurer Lloyd gave a brief overview detailing the information within the reports. This is not an action item but for informational purposes only.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:39 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 Brooks. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Sabrina Minshall and COO Greg Rast. The Executive Session concluded at 10:29 a.m. with no decision being called for in open session. At the conclusion, Commissioner Van Beek made a motion to continue the executive session to 2:00 p.m. The motion was seconded by Commissioner Brooks and carried unanimously.

Consider the request for reconsideration for Case No. CU2022-0022-APL: Commissioner Van Beek made a motion to approve the amended FCOs and affirming the original decision made by the Board. The motion was seconded by Commissioner Brooks and carried unanimously.

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

CONTINUE THE PUBLIC HEARING REGARDING A PRELIMINARY PLAT AND FINAL PLAT FOR RED COW FOLD SUBDIVISION, CASE NO. SD2021-0040

The Board met today at 10:30 a.m. for the public hearing regarding a preliminary plat and final plat for Red Cow Fold Subdivision, Case no. SD2021-0040. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, DSD Director Sabrina Minshall, COO Greg Rast, Other community members and Deputy Clerk Jenen Ross.

Commissioner Holton stated that there has been a request from legal in order to finish the documentation for this case. Commission Brooks made a motion to continue this hearing to 2:00 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

CANYON COUNTY SOLID WASTE ADVISORY COMMITTEE UPDATE

The Board met today at 1:34 p.m. for an update on the Canyon County Solid Waste Advisory Committee (SWAC). Present were: Commissioners Brad Holton and Zach Brooks, Solid Waste Director David Loper, Chief Operating Officer Greg Rast, and Deputy Clerk Monica Reeves. The purpose of today's meeting was for Director Loper to provide an update to the new Board on the formation of the SWAC. In August of 2022 the previous Board adopted an ordinance to create a SWAC, and in September of 2022 they adopted bylaws in how the advisory committee will operate. In 2022 the County explored the concepts of transfer stations for the following reasons: convenience to citizens; reduce traffic and hauling on the roads; reduce litter that gets scattered, and reduce traffic and volume at the landfill itself. Businesses in the industry became aware and wanted input and to talk about pricing, recycling, and the control of waste flow. In general, the County needs to be careful in not competing with private industry. Industry wants to own and operate the transfer station but they want assurances that the County will take a step back and not install or operate the transfer station. The Board wanted community input so the idea of a SWAC was developed so we could have more robust discussions. The SWAC will consist of seven voting members (one from each Commissioner district, and one each from the Nampa, Caldwell, Middleton and Parma areas), as well as non-voting members from the industry. There was discussion regarding the potential names of appointees but no decision was made. Director Loper is hoping to have the names within the next 2-3 weeks. The meeting concluded at 1:51 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT AND FINAL PLAT FOR RED COW FOLD SUBDIVISION, CASE NO. SD2021-0040 (CONTINUED FROM THIS MORNING)

The Board met today at 2:05 p.m. to conduct the continuation towards the conclusion of the public hearing regarding the preliminary plat and final plat for Red Cow Fold Subdivision, Case NO. SD2021-0040. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, COO Greg Rast, Hans Bruijn, Connie Hill Bruijn, other interested citizens, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley reviewed the draft conditions of approval that were prepared by staff as directed at the previous hearing which was held on February 9, 2023:

The Board will grant that request and allow the private road to be built according to the County standards. The only exception to that is the City of Nampa is going to retain jurisdiction to assign the street name. This did not get into the debate about whether litigation was pending or not. That is a question for the City of Nampa to resolve on their own.

There was a statement about the availability of irrigation to this property but it was not resolved. The property is large enough that it can probably be irrigated by a domestic well which is only allowed a ½ acre so if they are going to have the whole thing in production or grass they will have to rely on that irrigation right. That needs to be decided by the applicant before they complete their final plat. This has been conditioned so that either way they have that resolved in time for the final plat; either they have the issue with the irrigation district worked out so they have that right available, or they are doing something else to condition the property so that it's not left unirrigated.

This parcel was split off from a parcel that continues to be owned by the parents and they plan to share a domestic well but that was not clear on the preliminary plat that was submitted and we also didn't have an agreement governing the shared use of that well and so those are requirements that will be in place for the final plat.

P&Z Commission Condition #7 required the applicant to go through a private road variance, but that condition is no longer applicable by the time they got to the Board because they had on the preliminary plat a private roadway with a width that met the County's ordinance.

P&Z Commission Condition #8 stated that prior to preliminary plat being approved by the Board, a property boundary adjustment would be completed; however, staff indicated that would not be the correct procedure to resolve this and so the conclusion was the Board would approve the preliminary plat without that condition and the applicant would have to resolve that matter independently of this process on their own, likely through a rezone.

The remainder of the conditions that are outstanding from the P&Z Commission's recommendation are still in place along with conditions for those new requirements and those will

have to be completed before the final plat is approved. The Board reviewed the proposed FCO's. Commissioner Van Beek made a motion to approve the preliminary plat for Red Cow Fold Subdivision, Case No. SD2021-0040, subject to the conditions of approval enumerated in the FCO's. The motion was seconded by Commissioner Brooks and carried unanimously. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn. The hearing concluded at 2:15 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:16 p.m. for a continuation of this morning's 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 litigation. The Executive Session was held as follows:

Commissioner Van Beek made a motion to go into Executive Session at 2:16 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). The motion was seconded by Commissioner Holton. A vote was taken on the motion with Commissioners Holton, Van Beek, and Brooks voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Sabrina Minshall, and COO Greg Rast. DSD Planning Official Dan Lister arrived at 2:26 p.m. The Executive Session concluded at 2:31 p.m. with no decision being called for in open session.

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

The Board met today at 2:31 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, Director of DSD Sabrina Minshall, DSD Planning Official Dan Lister, COO Greg Rast, Keri Smith and George Crookham and Deputy Clerk Jenen Ross.

Discussion topics included the following:

- Economic Development
 - Commissioner Holton would like to see someone on the county side when business incentive tax exemptions are applied for and considered.
 - Engagement with BVEP and WAED - the Board will take this under advisement for the time being.

- Comprehensive Plan
 - The Board is supportive of moving forward as outlined by Director Minshall and working on some of the more attainable goals. Commissioner Holton also requested that workshops with the ag community take place during their less busy season.
- Next steps
 - Prepping the goals, policies and objectives, informal engagement with cities and Board direction on workshops/subjects.

Copies of the PowerPoint presentation and hand-outs are on file with this day's minutes. The meeting concluded at 3:22 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2023 TERM
CALDWELL, IDAHO FEBRUARY 22, 2023

PRESENT: Commissioner Brad Holton, Chair
 Commissioner Leslie Van Beek, Co-Vice Chair
 Commissioner Zach Brooks, Co-Vice Chair
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Merri Melde, P/T Interpretive Specialist; and Colton Oswald, P/T Interpretive Specialist.

CONSIDER FINAL PLAT FOR HORIZON RIDGE SUBDIVISION, CASE NO. SD2021-0069

The Board met today at 10:01 a.m. to consider the final plat for Horizon Ridge Subdivision, Case No. SD2021-0069. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Engineering Coordinator Stephanie Hailey, County Engineer Devin Krasowski, Blake Wolfe, and Deputy Clerk Monica Reeves. Stephanie Hailey gave a brief summary of the final plat, a copy of which is on file with this day's minute entry. Staff noted that all conditions of approval have been met. Blake Wolfe offered comments in support of the plat. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the final plat for Horizon Ridge Subdivision, Case No. SD2021-0069, as presented by staff. The meeting concluded at 10:07 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER AN APPEAL BY MATT AND CHRISTY PERRY OF THE HEARING EXAMINER'S APPROVAL OF CASE NO. CU2022-0029

The Board met today at 1:34 p.m. to conduct a public hearing in the matter of an appeal by Matt and Christy Perry appealing the Hearing Examiner's approval of a conditional use permit to install a wireless telecommunications facility on Parcel R29681122B, Case No. CU2022-0029-APL. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planner I Maddy Vander Veen, DSD Planner III Michelle Barron, Deputy PA Zach Wesley, Christy Perry, Matt Perry, William Packard, Mary Packard, Jon Liljegren, Brook Collins, Kirk Bowman, Jon Stewart, David Loper, Sara Upson, Renata Prozapas, Kenny McGaugh, Jr., Jason Evans, Jenelle Humphrey, other interested citizens, and Deputy Clerk Monica Reeves.

DSD Planner I Maddy Vander Veen gave the oral staff report. On June 1, 2022, Jenelle Humphrey with AT&T Mobility, representing Kevin and Robert Dinius, submitted a conditional use permit application (CU2022-0029) for a telecommunications facility located at 8455 Lonesome Dove Lane in Nampa, in the southwest corner of the parcel. The appellants, Matt and Christy Perry, are appealing the Hearing Examiner's decision to approve the CUP for a telecommunications facility. The original application proposed to install a 50' x 50' fenced compound around a 150' monopole telecommunications tower and ground equipment. The applicant is also requesting to install a 20'x12' concrete pad with a 30kw diesel generator and a 10'x10' walk-in cabinet that will house all of the equipment. The appellants are concerned with the danger of the tower falling over onto adjacent structures, disruption to the current drainage system and potential flooding issues, danger to crop dusting pilots, the only access to the tower is through a narrow subdivision road, and harm to the landscape and character of the area as well as property values. The property is designated agricultural on the future land use map and the request is substantially consistent with the comprehensive plan. Staff could not access the property so the site photos were taken at the entrance of the adjacent parcel almost 1,500 feet east of the property. The area is predominately agriculture. All essential services were notified of the proposed use and no comments were received. Staff recommends the Board deny the appeal and uphold the Hearing Examiner's approval of Case No. CU2022-0022. Following the report, Ms. Vander Veen and DSD Planner III Michelle Barron responded to questions from the Board.

Testimony in favor of the appeal (opposed to the cell tower) was as follows:

Christy Perry testified she has lived in the area for 22 years and the tower is proposed to be 30 feet from her property. She stated the Hearing Examiner was torn on this decision and in deliberation stated he was concerned with the impact on the neighborhood and the wastewater flooding that has occurred and he was not convinced this is the best site/best use of the property. He believes there are better locations for the tower. Originally, AT&T preferred a location on Track Road but that owner backed out and AT&T tried to get other locations. The neighborhood is inundated with telecommunication towers and major transmission lines that run through Star Pass Ridge, and this will be the fourth tower in a very small footprint. The density needs to be spread out in a much larger area and not condensed to burden the neighborhood. Traffic for the construction of the tower has to come through Star Pass Ridge which is a very elegant

neighborhood that has small roads and they maintain their own roads. Drainage is an issue; there was a massive mudslide on the Perry property and they met with Mr. Dinius about keeping his dirt on his property and so he put in a ditch, but they continue to have major water problems. There is also a cornfield that floods the Perry property and that owner put in sediment ponds but the water continues to still run right where the tower will be placed. It's not a viable location for a tower.

William Packard lives ½ mile from the proposed location of the cell tower and he is opposed to the proposal because this neighborhood is not the correct location for an unsightly 150-foot cell tower. He stated people paid for good views and the County is getting more tax revenue because of it. According to Mr. Packard, other neighbors are opposed due to the health effects of electromagnetic radiation and AT&T needs to find a suitable location for their towers.

Kenny McGaugh lives 350 yards from the site and testified there are two towers behind his property, and he believes it's ridiculous and unfair to place a 150-foot tower at this location. Mr. McGaugh has handicapped children and health problems and he doesn't want the tower placed near his home. He is also concerned about the wear on the tear on the road that will be caused by the construction traffic.

Brook Collins is a neighbor to the Perrys and has lived in the area for six years and last year he removed 40 yards of mudslide from an un-watered pasture. He is opposed to the request to place a cell tower at this location.

Curt Bowman has lived in the area for 50 years, and he used to farm all the way to Bennett Road. His concerns include: impacts to property value, the lack of access and the concern about how they will get equipment to the site, and wastewater runoff. He said AT&T said a reason Mr. Dinius didn't want the tower on top of the hill was due to his concern of it falling on his house, and that concern should also be considered at this location. There are other places such as the gravel pit or the gun range were not contacted.

Commissioner Van Beek disclosed that she has been friends with the Bowmans for many years. Testimony in opposition to the appeal (in favor of the cell tower) was as follows:

Jenelle Humphrey and Jason Evans from AT&T testified in support of their application, and in opposition to the appeal.

Jason Evans testified that AT&T partners with First Net, an emergency services group, and they found a location that meets all setbacks, guidelines, and regulations for this service need of a 150-foot monopole. There are no plans to place lighting on the tower structure. The Idaho Dept. of Transportation and the FAA will do an independent analysis based on the location to determine if it needs to be lit or if there is any registration required for pilots. Commissioner Van Beek noted there are already three towers in the area and she had questions regarding alternative sites or placing the tower in a different location. Mr. Evans stated the proposed tower will not have any type of interference or interaction with the other towers in the area. In response to Commissioner

Van Beek's question about drainage, Jenelle Humphrey testified it is not considered a drainage area. She contacted the County and asked if it was considered a floodplain area or drainage area and the County said no. The Board had follow-up questions regarding flooding with runoff, and why the gravel pit site was not considered as a location for the tower. Mr. Evans said when they go into the civil design and permitting phase those issues will be taken into the consideration. If it goes forward they will meet with staff and go through their recommendations to accommodate any drainage concerns, but at this point in the process they were not required to do that. Ms. Humphrey said gravel pit sites are not viable sites for cell towers because the tower has to go into the ground and if there's continual digging around it, it's not viable. Commissioner Van Beek said the gravel pit is not being used. Ms. Humphrey said if the pit is not being used they would have to look into it further. Commissioner Holton asked if AT&T provided documentation that this is the only site that's feasible for the tower. Ms. Humphrey said the coverage map showed the different candidates that were viable and this site was the best suited one after the primary choice fell out. There are other sites but they would not cover a large enough area and another tower would be needed. Mr. Evans said the sole purpose of this site is to clear a significant gap in coverage and this site provides the best location to close that gap of coverage. Commissioner Holton said it was alluded to that the owner of the property didn't want the tower by his house because he didn't want it to fall on his house. He asked if Mr. Dinius's property, which is further up in elevation, is a better site than what they offered to AT&T. Ms. Humphrey said she did not hear Mr. Dinius say that nor did he tell her the location had anything to do with the tower falling or affecting his view. The location being considered today is the spot he requested because it worked with AT&T's coverage plan. It sounds like Mr. Dinius may have other plans for his property and this site works the best for him. Commissioner Holton asked if anywhere on the Dinius property be as prime as the bottom corner that's right against a neighbor. Ms. Humphrey said she cannot speak to that because she's not a radio frequency engineer, but a property should be able to do what they want with their land in her opinion. Commissioner Brooks asked Ms. Humphrey to expound on the letter of intent from AT&T which states the tower will not be injurious to the properties in the immediate vicinity and/or negatively change the essential character of the area (Exhibit #7E). Ms. Humphrey said in her response letter she showed that even in the rare case of a fall, the fall zone would not be 150 feet, but just to appease she did put the radius at 150 feet and it barely goes over the property lines. The tower does not affect adjacent properties, and as far as aesthetics, there are other towers and power lines within the area.

Rebuttal testimony was offered by Christy Perry. When they attended the neighborhood meeting they spoke with the AT&T engineer about how it makes better sense to place a tower at the top of the hill for wider coverage, and the engineer agreed; however, it requires working with the homeowner and if the homeowner says they only want it in a specific location then that is what AT&T does. The tower could be moved. AT&T mentioned the gun range in their letter, but said they couldn't get a hold of the range; today Ms. Perry offered to help facilitate the contact between the parties. She stands to lose a quarter of a million dollars in property value by placing that tower so close to her property and that's a big burden to expect one person to absorb without any sort of compensation. Additional concerns include: the property owner not appearing at the public hearings to discuss the proposal, and the loss of views. Following her testimony, Ms. Perry responded to additional questions from the Board.

The late exhibits were entered into the record. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Commissioner Van Beek said there is room to change the findings given the trepidation by the Hearing Examiner. There is a lot of opposition that is indicating injury to other properties, and in another case the Board made findings that cell towers do impact property values. She is in favor of the appeal by the Perrys for the following reasons: impacts to crop dusting, although she recognizes that's not an argument she can make because of the FAA regulations; stormwater drainage issues and the lack of a drainage study; and the fact that there appear to be other suitable locations, such as the Agenbroad gravel pit. Commissioner Brooks said Ms. Humphrey's testimony about the property owner being able to do what he wants speaks volumes to him because a person's property rights and ability to do things ends when it injures a neighbor's property. He referenced AT&T's response letter (Exhibit #7E, No. 6) which addressed the claim that there will be a loss in property value(s) due to the proposed monopole is a proxy for radio frequency (RF) concerns. He personally has no concerns about the RF and it cannot be used as cited here, but what is not substantiated is the claim that this will not affect the integrity or harm the value of the surrounding properties. The response in the letter states studies show that cell towers greatly enhance the surrounding area, but none of those are cited in the letter, there are no references for him to read. Commissioner Brooks understands the tower greatly enhances the usefulness of devices, but he disagrees that it enhances the area where these people live. The property owner has not attended the public hearings to state his case nor respond to questions and it seems a lot of the discussion is centered around the concern of the tower falling over, and in this location, it could potentially land on other properties so why wouldn't the property owner move it? Commissioner Holton is in agreement with the points brought up and it bothers him that the applicant owns a large parcel but has chosen to place the tower where it will impact his neighbors. This is prime agricultural ground and there could have been other choices made. There is no submittal about what it would do for the performance of the tower so he goes back to the question of *what is injurious to the neighborhood* and it appears the property owner has many other options to consider that would not impact the adjoining neighbors. Commissioner Van Beek is in favor of upholding the appeal by Matt and Christy Perry and overturning the Hearing Examiner's decision, and giving staff and Legal time to prepare amended FCO's. She said there was testimony from Mr. Packard and Mr. McGaugh that the height of this tower is significantly different than what's in the area. It would be injurious and would negatively change the essential character of the area. This is a nice area and to put that kind of infrastructure out there diminishes the quality of life for people around it and the views they purchased. The property values will change, and it will change from prime agricultural farm ground with an economic return to Canyon County because of the investment on the part of those homeowners. Commissioner Brooks said in reading the Hearing Examiner's deliberation it sounds like he could have just as easily denied the request because he was conflicted with many of the same concerns the Board has expressed today. Commissioner Van Beek said the applicants could investigate the alternative sites that were mentioned including the gravel pit and gun range. Commissioner Holton said it appears that even moving it back inside the property could mitigate the Board's concerns. Commissioner Van Beek made a motion to overturn the Hearing Examiner's decision to approve the CUP, and uphold the appeal by Matt and Christy Perry, Case No. CU2022-0029-APL, and to direct staff and Legal to amend the conclusions

of law and bring the FCO's back for the Board's review and final determination at a continued hearing to be held on March 8, 2023 at 1:30 p.m. The motion was seconded by Commissioner Brooks and carried unanimously. The public testimony portion of the hearing was closed. The hearing concluded at 3:08 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2023 TERM

CALDWELL, IDAHO FEBRUARY 23, 2023

PRESENT: Commissioner Brad Holton, Chair
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PAYROLL FEBRUARY 24, 2023

The Board approved the February 24, 2023 payroll in the amount of \$2,157,541.35.

APPROVED CLAIMS

- The Board has approved claims 592118 to 592151 in the amount of \$52,906.72
- The Board has approved claims 592152 to 592201 in the amount of \$152,579.17
- The Board has approved claims 592202 to 592247 in the amount of \$139,775.02
- The Board has approved claims 592330 to 592376 in the amount of \$56,812.52
- The Board has approved claims 592377 to 592405 in the amount of \$20,981.44
- The Board has approved claims 592422 to 592470 in the amount of \$323,608.64
- The Board has approved claims 592471 to 592503 in the amount of \$92,588.15
- The Board has approved claims 592505 to 592526 in the amount of 18,778.52
- The Board has approved claim 592531 in the amount of \$1,454,085.00

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
- Barking Dog Exhibits in the amount of \$4,936.64 for the Parks Department
- Boise Rigging Supply in the amount of \$5,219.20 for the Parks Department
- Property Dispatch in the amount of \$2,690.00 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved employee status change forms for Cadence Etheridge, Intern.

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 3/3/23, 3/14/23, 3/18/23, 3/19/23, and 3/25/23.

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

The Board met today at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Doug Hart, Controller Zach Wagoner, Cpt. Chuck Gentry and other CCSO personnel, Landfill Director David Loper, and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Signing Resolution Authorizing the Retirement of CCSO K9 "Apollo": Apollo has been with CCSO for 7 years and a brief overview of the work Apollo has done was provided. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution authorizing the retirement of CCSO K9 "Apollo" (see resolution no. 23-027).

Consider Invitation for Bid and legal notice for the Installation of Gas Collection System and Flare Station Components Project at the Pickles Butte Landfill: Director Loper gave an overview of the project. Mr. Laugheed said that legal has worked with Director Loper for many months on this project and sees no legal reason not to move forward. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the Invitation for Bid and legal notice for the Installation of Gas Collection System and Flare Station Components Project at the Pickles Butte Landfill.

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

EXECUTIVE SESSION – ACQUISITION OF AN INTEREST IN REAL PROPERTY AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 9:42 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. The motion was seconded by Commissioner Holton. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Controller Zach Wagoner, Landfill Director David Loper and COO Greg

Rast. The Executive Session concluded at 10:18 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 MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 10:33 a.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Case Manager Kellie George, COO Greg Rast and Deputy Clerk Jenen Ross.

Case no. 2023-54 meets the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the case as outlined by Indigent Services.

The meeting concluded at 10:35 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:49 a.m. to consider action items. Present were: Commissioners Brad Holton and Zach Brooks, HR Generalist Jennifer Allen, Compensation and Benefits Manager Bosco Baldwin, COO Greg Rast, Facilities Director Rick Britton, Controller Zach Wagoner, and Deputy Clerk Jenen Ross.

Consider resolution appointing members to the Valley Regional Transit Board: This is a revised resolution to assign primary and alternate members. Upon the motion of Commissioner Holton and second by Commissioner Brooks the Board voted unanimously to sign the resolution appointing members to the Valley Regional Transit Board (see resolution no. 23-029).

Consider a resolution changing the job title, job description and salary range of two (2) positions in the Maintenance Department: Director Britton provided explanation of the need for this change in order to be competitive in hiring a Journeyman HVAC technician. He also spoke about how this will benefit both his department and the county. Mr. Baldwin addressed how comparable wages were determined. Upon the motion of Commissioner Brooks and second by Commissioner Holton the Board voted unanimously to sign the resolution changing the job title, job description and salary range of two (2) positions in the Maintenance Department (see resolution no. 23-028)

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

MEETING WITH SHERIFF'S OFFICE TO DISCUSS RECLASSIFICATION OF A POSITION

The Board met today at 3:30 p.m. with the Sheriff's Office to discuss the reclassification of a position. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Oscar Klaas, Sheriff Kieran Donahue, Chief Deputy Sheriff Doug Hart, Cpt. Chuck Gentry, COO Greg Rast, HR Director Kate Rice, HR Generalist Cindy Lorta and Deputy Clerk Jenen Ross.

Consider request to reclassify a position control number from a sergeant position to a captain position: A document providing details of this proposal was provided to the Board yesterday. Chief Hart provided an explanation for this reclassification and how he feels this change will be beneficial to the Sheriff's Office, the county and the taxpayers. The resolution will be effective upon Board approval and implementation will be coordinated between the Sheriff's Office and HR. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution reclassifying PCN 003 410 104 (see resolution no. 23-030).

The meeting concluded at 3:43 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2023 TERM

CALDWELL, IDAHO FEBRUARY 24, 2023

PRESENT: Commissioner Brad Holton, Chair
 Commissioner Leslie Van Beek, Co-Vice Chair
 Commissioner Zach Brooks, Co-Vice Chair
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Craft Lounge to be used 3/11/23; and 1918 Lounge to be used on 3/2/23.

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HC Company in the amount of \$14,300.23 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Becky Siino, Customer Service Specialist – Records 41004; Candy Giambruno, Customer Service Specialist – Records 41004; Shawn Weigelt, Sergeant – Patrol 41006; Kevin Maniord, Deputy Sheriff – Courts and Transports 51002; Julia Clark, Call Taker – Dispatch 41012.

TOUR OF JUVENILE DETENTION CENTER

The Board toured the Juvenile Detention Center this afternoon. There were no motions, action items or Board direction entertained or given.

FEBRUARY 2023 TERM

CALDWELL, IDAHO FEBRUARY 27, 2023

PRESENT: Commissioner Brad Holton, Chair - **Out of office**
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 592533 to 592534 in the amount of \$652.13

TOUR OF JUVENILE PROBATION DEPARTMENT

The Board toured the Juvenile Probation Department this afternoon. There were no motions, action items or Board direction entertained or given.

FEBRUARY 2023 TERM

CALDWELL, IDAHO FEBRUARY 28, 2023

PRESENT: Commissioner Brad Holton, Chair – out of the office
Commissioner Leslie Van Beek, Co-Vice Chair
Commissioner Zach Brooks, Co-Vice Chair
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Jenna Raino, P/T Interpretive Specialist; Ruby Wilkins, Imaging Specialist; Lora Strange, P/T Interpretive Specialist; Joshua Preminger, P/T Interpretive Specialist; Kathy Martinez, Clerk I; Julieann Holm, Clerk II.

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Craft Lounge to be used 8/16/23.

CONSIDER SIGNING AWARD RECOMMENDATION FOR REQUEST FOR QUALIFICATIONS FOR WAREHOUSE AND SHELTER PROJECT

The Board met today at 9:05 a.m. to consider signing award recommendation for the request for qualifications for the warehouse and shelter project. Present were: Commissioners Leslie Van Beek and Zach Brooks, Deputy P.A. Oscar Klaas, Facilities Director Rick Britton, COO Greg Rast and Deputy Clerk Jenen Ross. Director Britton explained there were two great proposals received both of which were equally qualified, however, Beniton Construction had a more descriptive approach which ended up being the deciding factor. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the award recommendation letter to Beniton Construction which will allow for negotiations to begin. A copy of the letter is file with this day's minutes. The meeting concluded at 9:10 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 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Chief Deputy Sheriff Doug Hart (left at 9:34 a.m.), Sgt. Jason Roberts (left at 9:34 a.m.), Solid Waste Director Loper (left at 9:41 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross.

Consider Agreement with Idaho Department of Parks and Recreation – Boating Safety Grant: Sgt. Roberts explained that by accepting the grant the county commits to providing boater safety education and outreach programs – both of which have already been happening. Allocation of the funds may be used for salaries. Commissioner Brooks made a motion to sign and approve the agreement with Idaho Department of Parks and Recreation – Boating Safety Grant. The motion was seconded by Commissioner Van Beek and carried unanimously (see agreement no. 23-025).

Consider FY2023 Pickles Butte Sanitary Landfill Gas Collection System and Flare Station Component Electrical Installation Project Solicitation of Bids: Director Loper said that three contractors have seen the specifications of this project and are qualified to perform the work; the solicitation will be sent directly to those three contractors. Additionally, explanation was provided as to why this portion was split out from the larger project noting there are some long lead-time items that need

to be ordered and the process needs to be started ahead of other portions of the project. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the FY2023 Pickles Butte Sanitary Landfill Gas Collection System and Flare Station Component Electrical Installation Project Solicitation of Bids.

Commissioner Van Beek asked about a request she received from the Caldwell Gun Club to use the Pond Ln. property for parking during two events in early June. Mr. Laugheed said his only concern would be with insurance but noted that there could be an agreement between the county and the gun club to formalize use of the property. Additionally, Director Britton will be asked to evaluate the property to make sure no damage would occur by allowing parking and an insurance binder will be requested from the gun club.

The meeting concluded at 9:44 a.m. and an audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SITE IMPROVEMENT EXEMPTION APPLICATIONS FOR HERON RIDGE NO. 2 AND BRITTANY HEIGHTS NO. 3

The Board met today at 1:36 p.m. to consider site improvement exemption applications for Heron Ridge No. 2 and Brittany Heights No. 3. Present were: Commissioners Leslie Van Beek and Zach Brooks, Assessor Brian Stender, COO Greg Rast, and Deputy Clerk Monica Reeves. Assessor Stender explained that Idaho Code Section 63-602W(4) allows for the exemption which came about during the economic downturn and allowed developers, who didn't have to relinquish their lots to the bank or sell them for cheap and who put in the subdivision infrastructure, to qualify for an exemption. Applicants provide documentation showing the costs they have spent on infrastructure and they are able to qualify for a 75% exemption on the lot. Assessor Stender believes both Heron Ridge No. 2 and Brittany Heights No. 3 qualify for the exemption. Once the lots are built on and the house is sold the developer will lose the site improvement exemption. He anticipates there will be more applications filed in the coming months. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to approve the site improvement exemption applications for Heron Ridge No. 2 and Brittany Heights No. 3. The meeting concluded at 1:40 p.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF FEBRUARY 2023 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 _____, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek

Commissioner Brad Holton

Commissioner Zach Brooks

ATTEST: CHRIS YAMAMOTO, CLERK

By: _____, Deputy Clerk

DRAFT